

Town of Thomaston

ZONING REGULATIONS



First Adopted May 8, 1971

Revised Through June 8, 2020

INTRODUCTION

The Planning and Zoning Commission is an eight (8) member Commission consisting of five (5) regular members and three (3) alternate members.

The Zoning Commission was established by an Ordinance adopted at a Town Meeting on February 9, 1970. The Planning and Zoning Commission was established by an Ordinance adopted at a Town Meeting on December 12, 1979.

The Zoning Regulations for the Town of Thomaston were adopted on April 28, 1971 by the Zoning Commission. The Zoning Regulations became effective May 8, 1971.

The Regulations were revised in 1982 and became effective April 2, 1982. The Commission adopted comprehensive amendments to the Zoning Regulations and the Zoning Map in 2002, 2007, and 2012.

Planning and Zoning Commission Members

Ralph Celone, Chairman

Tom Mueller, Vice-Chairman

Joe Hartz, Secretary

William Guerrero

Elizabeth Jamieson

Alternates

Brian Davis

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Staff

Land Use Administrator – Stacey Sefcik

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Article 1 – General Zoning Provisions

1.1 Basic Requirements

No land or building shall be utilized or designated for use and no building shall be constructed, reconstructed, altered, enlarged, extended, or moved except in conformity with these Regulations.

Land shall not be subdivided, encumbered, conveyed, or sold so as to make the property nonconforming or more nonconforming to the Regulations. The use of any building shall not result in making it nonconforming or more nonconforming, reducing any setback, landscaping, open space, or off-street parking/loading spaces to less than what is required by the Regulations.

1.2 Permit Required

No building shall be enlarged, extended, constructed, reconstructed, altered, or moved without obtaining a Zoning Permit. No land or other building shall be used, occupied, or changed in use until a Zoning Permit has been approved by the Zoning Enforcement Officer.

Article 2 – Definitions

Words used shall have the meanings commonly attributed to them. Doubts as to their meaning shall be resolved in accordance with the purpose and intent of these Regulations. Words are defined, explained, and interpreted as follows:

2.1 Accessory Structure or Use

A use or structure which is customarily subordinate and incidental to the principal use or structure on the same lot.

2.2 Adult Oriented Business Establishments

A business related to adult oriented entertainment, which includes but is not limited to bookstores, mini-motion pictures or motion picture theaters, cabaret, novelty businesses, or other person service businesses.

2.3 Agriculture (also Farming)

The cultivation of the soil, dairying, forestry, raising, or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, including horses, bees, poultry, fur bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; (2) The operation, management conservation, improvement, or maintenance of a farm and its buildings, tools, and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; (3) The production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; (4) Handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

2.4 Aquifer

A geological unit capable of yielding usable amounts of water commonly referred to as an underground water reservoir.

2.5 Aquifer Protection District

Primary and secondary recharge areas. The Aquifer Protection Map is on file in the Town Clerk and the Land Use Offices.

2.6 Boulevard

Two (2) one-way traffic lanes constructed to Town standards and separated by a grassed or suitably landscaped media area.

2.7 Building

Any structure containing a room primarily intended for storage or shelter, housing, or for the enclosure of person, animals, or materials.

2.8 Cellar

The basement area of a Building. At least half of its unobstructed height must be below the finished grade of the land adjacent to the Building.

2.9 Certification

Sediment and erosion control plan, which complies with all requirements and is approved by the Commission.

2.10 Commission

The Thomaston Planning and Zoning Commission, unless otherwise noted.

- 2.11 Convalescent Home**
A home for the aged, rest home, nursing home with supervision or a home which cares for adults or children suffering from harmless chronic mental problems.
- 2.12 Disturbed Area**
An area in which the existing ground cover has been removed, destroyed, or disturbed.
- 2.13 Dwelling**
Building containing one (1) or more dwelling units and used for residential purposes.
- 2.14 Dwelling Unit**
A building attached to a permanent foundation and occupied by a single-family unit. Lodging in a single room occupancy, hotel or motel shall not be considered a dwelling unit.
- 2.15 Earth-Sheltered Building**
Building used for dwelling purposes having most of its floor-to-ceiling height below the finished level of the adjoining ground, provided that one of its longest sides is completely above the finished level of the ground and its windows equal to at least ten percent (10%) of its floor area.
- 2.16 Erosion**
The movement of soil or rock by ice, water, wind, or gravity.
- 2.17 Family**
One (1) or more related individuals, but not more than five (5) unrelated individuals, living as a housekeeping unit.
- 2.18 Farm**
Land of not less than two (2) acres used partly or wholly for agricultural or farming purposes including: farm buildings and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures, other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. Such uses shall follow standard farming practices and regulations as outlined by the Connecticut Department of Agriculture, the Connecticut Department of Energy and Environmental Protection, and the Connecticut Department of Public Health.
- 2.19 Firing Range**
A place where one (1) or more persons gather to discharge firearms from a designated firing point to a target area.
- 2.20 Floor Area**
The heated interior accessible from the ground floor. Cellar space is not included.
- 2.21 Floor Area, Maximum**
To compute the floor area, measurements shall be taken from the outside surfaces of exterior walls enclosing the floor area.
- 2.22 Free Split**
A first division of a piece or parcel of land, or a lot of record after May 21, 1956 into no more than two (2) lots that comply with existing zoning regulations at the time of filing of a survey map and a duly recorded deed in the office of the Town Clerk. Free splits shall require a mylar map signature from the Zoning Enforcement Officer or Planning and Zoning Commission Chairman prior to filing to ensure compliance with Regulations, but shall not require subdivision approval from the Planning and Zoning Commission.
- 2.23 Freight and Materials Trucking Facility/Freight and Trucking Terminal**
Establishment primarily engaged in the trans-shipment of goods from shippers to receivers for a charge, covering the entire transportation route and in turn, making use of the services of other transportation establishments in effecting deliveries. Terminals with the capability of handling a large variety of goods

involving various forms of transportation and providing multi-modal shipping capabilities, such as rail-to-truck and truck-to-air. Such facilities may have onsite storage of materials and containers. Any site which generates more than three (3) trips within a twenty-four (24) hour period is considered a Freight and Materials Trucking Facility a.k.a. a Freight and Trucking Terminal.

2.24 Hotel/Motel

A building which has a common entrance and/or a main office with several common entrances and contains living and sleeping accommodations for rent for ten (10) or more persons.

2.25 Height

Vertical distance measured from the average elevation of the finished grade to the highest point of the building.

2.26 Inspection

Onsite inspection of sediment and erosion control measures as shown on the record plans to determine if the facilities are properly functioning and maintained.

2.27 Junk Yard

Includes motor vehicle junk businesses and junk yards as defined in the Statutes. Also included are places of storage, whether or not connected with a business, for two (2) or more unregistered vehicles which are no longer in condition for legal use on the public highways. Storage of motor vehicle parts, metal, glass, paper, and waste materials, which have an aggregate bulk equal to one (1) automobile.

2.28 Kennel

Any property on which six (6) or more dogs, cats, or similar animals over six (6) months old are kept. Licensed and permitted veterinary facilities or animal rehabilitation facilities shall not be defined as a kennel.

2.29 Live Entertainment

Any one (1) or more of the following, performed live by one (1) or more persons, whether or not performed for compensation and whether or not admission is charged: musical act (including karaoke), theatrical act (including stand-up comedy), play, revue, dance, magic act, disc jockey, or similar activity. Live adult entertainment shall conform to the definitions and regulations of Article 21.6.

2.30 Livestock, Large

Any camelid or hooved animal over six (6) months old raised for domestic or commercial use having a typical adult weight of greater than two hundred fifty (250) pounds. This includes, but is not limited to, cattle and horses.

2.31 Livestock, Small

Any camelid or hooved animal over six (6) months old raised for domestic or commercial use having a typical adult weight of less than two hundred fifty (250) pounds. This includes, but is not limited to, sheep and goats.

2.32 Lot-Related Definitions:

A. Lot

A single, undivided piece or parcel of land which is to be used, developed, or built upon as a unit. The terms "piece", "parcel", or "lot" shall have the same meaning for the purpose of these Regulations.

B. Lot of Record

A contiguous piece or parcel of land described by survey, subdivision plan, or duly recorded deed in the land records of the Town Clerk's Office. The lot can be used, developed, sold, or rented as a single piece in conformity with these Regulations.

C. Lot Area

The total area within the lot lines of a Lot of Record, excluding any street rights-of-way.

D. Lot Frontage

The length measured along that side of a lot abutting on a public street.

- E. Lot Line**
A line bounding the area of a Lot of Record.
- F. Front Lot Line**
The lot line separating a lot from a street right-of-way. The term “street line” shall have the same meaning for the purpose of these Regulations.
- G. Lot Width**
The horizontal distance between the side lot lines of a lot, measured in a straight line at but not in front of the required front yard setback line.
- H. Corner Lot**
A lot situated at the intersection of two (2) or more streets, or which abuts two parts of the same street forming an interior angle of less than 135 degrees.
- I. Interior Lot**
A lot which abuts only one street.
- J. Rear Lot**
A lot that lacks the required frontage on an accepted street as required in Schedule B and as further described in §5.4 of these Regulations.
- K. Through Lot**
A lot having both front and rear yards abutting on a street.

2.33 Modular Dwelling Unit

A dwelling assembled in sections on a permanent foundation. The unit shall not be equipped with axles, wheels, or a trailer hitch. This includes units transported with or without a wheeled chassis and which was constructed after June 15, 1976.

2.34 Outdoor Wood-Fired Boiler

An accessory structure also known as an outdoor wood-fired furnace, outdoor wood-burning appliance, outdoor hydronic heater, water stove, or another such similar device. A fuel burning device that is: (1) designed to burn clean wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; (3) which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

2.35 Poultry

Any species of domestic fowl, including but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds raised for food production, breeding, exhibition, or sale.

2.36 Primary Recharge Area

The area directly overlaying the stratified-drift aquifer.

2.37 Public Building

A building typically open to the general public for routine public business and assembly and owned by the Town, State, or federal government. Typical examples include, but are not limited to, public schools, the Town Hall and public library, but do not include limited access buildings such as, but not limited to, Fire Department buildings, Ambulance Corps, or Highway Department buildings.

2.38 Public Park

Public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trail, swimming pool, athletic field, golf course, basketball or tennis court, pedestrian or bicycle path, open space, or similar public land within the Town that is under the control, operation, or management of the Town, State, or federal government.

2.39 Recreational Vehicle

A self-driven vehicle which is intended primarily for office work, temporary living quarters, or recreational purposes and which is not fixed to a permanent foundation.

2.40 Rooming House/Tourist Home

A residential unit in which sleeping accommodations for more than three (3) individuals and less than ten (10) persons are rented per diem, weekly, monthly, or for extended periods of time.

2.41 School

Any public, private, or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges, and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.

2.42 Secondary Recharge Area

Land immediately adjacent to the primary recharge area from which groundwater moves down gradient into the aquifer.

2.43 Seasonal Vendors

Farm stands permitted in residential zones. In business zones the following applies: Accessory uses may include seasonal or special sales events provided that the special sales events occur not more than twice in a six (6) month period, but not within less than thirty (30) days of each event. Each sales event shall not exceed a period of fourteen (14) consecutive calendar days. Such sales events are characterized as "sidewalk sales", "Christmas tree sales", "holiday plant sales", "grand opening", "tent sales", and similar. Tent sales are limited to not-for-profit and community groups.

Such accessory uses may be conducted provided that:

1. It is conducted by the owner(s) of the premises on which the principal use(s) or business(es) are located.
2. It is conducted on the premises on which the principal use(s) or business(s) are located.
3. It is conducted during normal and reasonable business hours.
4. The accessory use may use the street yard area, but shall in no way encroach on any other yard requirement or on any road right-of-way.
5. The accessory use and/or temporary shelter or display fixtures shall be placed in such a manner as not to obstruct any vehicular or pedestrian access or egress, or any parking or loading space required by these Regulations. The use shall be subject to review and direction of the Zoning Enforcement Officer to assure that the aforesaid provisions are met.

2.44 Sediment

Mineral or organic material which is in suspension or in the process of moving by means of erosion.

2.45 Self-Service Storage Facility

A Building or group of Buildings divided into separate compartments which are leased or rented individually to meet the temporary storage needs of small businesses or residential Uses, and may include refrigerated facilities.

2.46 Signs

An attachment to a building which display letters, insignia, flags, or other representations which can be used as an advertisement for commercial purposes. Signs shall include billboards, neon tube/lights, strings or light or similar devices hung upon or attached to any part of a building.

2.47 Small Water Company

Any person, company, or corporation owning, operating, leasing, or controlling a water distribution system designed to provide service to fifteen (15) to two hundred fifty (250) service connections or twenty-five (25) to one thousand (1,000) persons on a regular basis.

2.48 Soil

Any unconsolidated mineral or organic material of any origin.

2.49 Soil Erosion and Sediment Control Plan

A plan containing a map and a narrative designed to minimize erosion and sedimentation. A plan shall be submitted when the disturbed area is cumulatively more than half (1/2) an acre. Dwellings not part of a subdivision shall be exempt.

2.50 Stable, Commercial

A Building or property for the shelter and feeding of horses, including associated riding rings, in which horses owned and used by someone other than the occupant or owner of the property are used for boarding, shows, lessons, clinics, and similar activities.

2.51 Street

An approved street shown on a subdivision map recorded in the Town Clerk's Office prior to May 21, 1956. Streets must be built to specifications and approved by the Board of Selectmen.

2.52 Street Right-of-Way

The area of property between opposing street lines that is owned and maintained by the Town and also includes rights-of-way shown on a map of an approved subdivision, whether or not the streets within such subdivision have yet been accepted by the Town. The right-of-way includes both the portion of the street as well as the area outside the pavement as is required for traffic signs, sidewalks, etc.

2.53 Structure

Anything constructed or erected including, but not limited to, the use of which requires:

1. location on, in, or underground or water, or
2. attachments to something having location on the ground or water

Including, but not limited to: buildings, swimming pools, tennis courts, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicapped ramps, signs, permanent awnings, a gas or liquid storage tank that is principally above ground, ground mounted antennas, ground mounted solar panels and satellite dishes, and fences or walls more than six (6) feet high, other than retaining walls.

2.54 Structure, Attached

A structure which is connected to the principal structure by a covered passageway or having a wall or part of a wall in common with the principal building shall be considered an integral part of the principal building and be governed by the requirements in Schedule B. A covered passageway shall: (1) have a similar appearance to the primary structure and (2) be entirely enclosed and capable of human passage and (3) shall not exceed one fifth the longest side of the principal structure nor exceed the longest side of the accessory structure to be connected, whichever is less.

2.55 Structure, Detached

A structure which does not share a common wall with a principal structure or has a covered passageway which does not meet the requirements herein as an Attached Structure.

2.56 Swine

Any artiodactyl mammal of the family *Suidae*, particularly *Sus scrofa* (domestic pig), typically having a long head with a movable snout and raised for food production, breeding, exhibition, or sale.

2.57 Trailer

A vehicle designed to be transported by motor power, which is not permanently secured to a foundation, which may be used for human habitation or recreational purposes. Also includes mobile homes not secured to a permanent foundation, camping and utility trailers, boats, and recreational vehicles.

2.58 Wind Energy Conversion System

A device which converts wind energy to mechanical or electrical energy. Tower height shall not exceed one hundred (100) feet provided the distance between the ground and the lower point of any blade shall be fifteen (15) feet. Setback from property lines or public easements shall be equal to one point five (1.5) times the height of the unit.

2.59 Yard-Related Definitions

A. Yard

An open space between a lot line and the nearest facing wall of a building on the same lot, unoccupied and unobstructed from the ground to the sky by buildings or structures, except as specifically permitted by these Regulations.

B. Front Yard

An open space extending across the full width of a lot and lying between the street line of the lot and the nearest facing wall of a principal building on the same lot. A front yard abuts the street on which the property is addressed according to the Town of Thomaston Assessor's Office.

C. Side Yard

An open space parallel to a side lot line, extending from the front yard setback line to the rear yard setback line and lying between the side line of the lot and the nearest facing wall of a principal building on the same lot.

D. Rear Yard

An open space extending across the full width of a lot and lying between the rear lot line of the lot and the nearest facing wall of a principal building on the same lot.

E. Required Yard (also Setback Area)

An open space between a lot line and the permitted buildable area within which no structure shall be located except as specifically permitted by these Regulations.

Article 3 – Districts and Zones

3.1 Classification of Zoning Districts

Thomaston is comprised of the following zoning districts. The symbol, title, and square footage for each zone is as following:

<u>Zone/Symbol</u>	<u>Title</u>	<u>Minimum Square Footage</u>
RA-80A	Residential	80,000
RA-80	Residential	80,000
RA-40	Residential	40,000
RA-15	Residential	15,000
GC	General Commercial	15,000
M-1	Manufacturing Light	15,000
M-2	Manufacturing Heavy	15,000
APZ	Aquifer “Level B” Mapping	
APA	Aquifer “Level A” Mapping	

3.2 Flood Plain District

District overlaps other zones. Boundaries and other equipment are specified in Article 7.

3.3 Aquifer Protection District

District overlaps other zones. Boundaries and other requirements are specified in Article 11.

3.4 Zoning Map

The boundaries for all zones are shown on the Zoning Map. The map is on file with the Town Clerk and in the Zoning Office.

3.5 Zone Boundaries Along Right-of-Way

If a zone boundary follows a railroad, street, or right-of-way, the boundary shall be considered the center line of the street, right-of-way or midway between the railroad tracks.

3.6 Map Dimensions

If no linear dimension is indicated on the Zoning Map, the Commission shall determine the location of the boundary using the map scale.

3.7 Physical Markers

If a boundary is determined by a street, highway, railroad, or other physical monument, which varies from what is shown on the Zoning Map, the physical monument/marker shall control.

3.8 Sewer and Public Water Supply Requirements

Property located in an RA-15 residential zone shall be served by public sewer and water supplies; however, property in excel of one (1) acre in an RA-15 zone may be served by well and septic providing such use is authorized by the Health District.

3.9 Scope of Controls

After the effective date of these Regulations, all new construction, development, change, enlargement, relocation, use, structural alteration of a building, use or change in bulk shall conform to Schedule B. Non-conforming uses and bulk may continue pursuant to other requirements in Schedule B.

3.10 General Zone and District Definitions

A. General Commercial (GC)

Provides for commercial activities in the central business district and along the major arterials. Uses may require Commission review regarding their impact on parking, vehicular traffic patterns, and pedestrian traffic.

B. Manufacturing Light Zone (M-1)

Provides for transportation, distribution, wholesale and warehouse facilities in a low-density park-like atmosphere. Uses shall be located near major arterials capable of accepting an increase in

vehicular traffic. Manufacturing uses may be developed near mixed use residential areas provided they are adequately screen and noise buffered.

Uses include those which create minimal levels of noise, air and water pollution, and are generally involved in secondary or tertiary manufacturing, processing, assemblies, packaging, fabrication, and treatment of goods or merchandise.

C. Manufacturing Heavy Zone (M-2)

Provides suitable locations for heavy industrial uses and open storage of goods, materials, earth excavation and mining operations. Heavy traffic generating commercial activities are permitted. Sites shall be located near Route 8, major arterials, or mixed-use areas and away from high-density residential neighborhoods.

D. Downtown Development District

As the "Town Center" of the Town of Thomaston, the Downtown Development District overlay zone (DDD) is identified as the commercial, governmental, historic, and cultural center of the Town, and as such has been determined by the Town's Planning and Zoning and Economic Development Commissions as having distinct characteristics in contrast with the General Commercial Zone, meriting an independent plan and regulations for its future design and development. It is the intent of the Commission to preserve and promote commercial, governmental, historic, and cultural assets and business growth by reviewing significant developments and changes in use including, but not limited to, renovation, alteration, construction, and to determine compliance with the Regulations, the Plan of Conservation and Development, and the Town Center Plan. Some of the permitted uses listed in Article 4 may be appropriate in other commercial areas in the community, but they may not complement existing uses within the DDD. Therefore, the Commission encourages building designs and plans in the DDD which will be pedestrian friendly, enhance visual integrity, municipal character, and promote community development and historic identity.

E. Residential Zones

Residential property shall be capable of accommodating the buildable square as required in Schedule B. The square shall not contain any wetlands or watercourses or the required fifty (50) foot setback or predevelopment slopes in excess of twenty five percent (25%). Developments in the RA-80A zone shall not be required to double the square footage for interior lots.

Article 4 – Permitted Uses by Zone/District

4.1 Permitted Uses, Schedule A

The following uses are permitted or prohibited in accordance with the following procedures:

- Y - Use PERMITTED as a matter of right
- N - Use which is NOT PERMITTED
- S - Use PERMITTED SUBJECT TO SITE PLAN APPROVAL
- P - Use PERMITTED SUBJECT TO SPECIAL PERMIT APPROVAL

4.2 Table of Bulk Regulations – Schedule B

This table details the minimum lot size, setbacks, height, and floor area requirements for all buildings.

4.3 Prohibited Uses

Any use not included in Schedule A is prohibited in the zone. To assist in interpreting permitted uses, the following list, which is not intended to be exhaustive, is specifically prohibited by the Regulations.

- A. Amusement parks, race tracks, and junk yards excepting those operated by the Town.
- B. The production of ammonia, chlorine, bleach powder manufacturing, creosote treatment, carbon/bone black, caustic soda, industrial alcohol, carbide, cellulose, dyes, potash, explosive nitrates, pyroxylin, hydrochloric, nitric, phosphoric, picric or sulfuric acid, coal or coke, tar products, explosives, and gelatin.
- C. Stockyard and slaughter houses, slag piles, the keeping, breeding, keeping or raising of foxes, mink, pigs or primates for laboratory or commercial purposes.
- D. Primary production of charcoal/briquettes, oil cloth, linoleum, paint, varnish, turpentine, soap/starch, matches, rubber, reduction of flour/grain or food, refining petroleum products such as naphtha, kerosene or lubricating oil, and the distillation of wood or bones.

4.4 Outdoor Accumulations

The outdoor accumulation of material is expressly prohibited if it is generally visible from the street or adjacent property or if the material changes the character of the surrounding property. Materials include, but are not limited to, debris, trash, rubbish, inoperable motor vehicles or parts thereof, and building or construction equipment. Also prohibited is the outdoor storage of more than one (1) unregistered motor vehicle in a residential zone.

**Table of Permitted Uses
Residential and Farming Use**

Section 4.5 – Schedule A, Part A		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
A1.	Single Family Dwelling Units	Y	Y	Y	Y	N	N	N
A2.	Two (2) Family Dwelling Units Units shall be served by city sewer and water, have minimum floor area of seven hundred fifty (750) square feet, and meet the requirements of Schedule B.	N	N	N	Y	N	N	N
A3.	Three (3) Family Dwelling Units Lots shall contain a minimum of twenty-four thousand (24,000) square feet and be served by city sewer and water. Frontage shall not be less than one hundred (100) feet, and coverage shall not exceed fifty percent (50%). Buildings with four (4) units or more shall conform to the requirements of Article 19. Height of units shall not exceed forty (40) feet and driveways shall be located a minimum of five (5) feet from the property line.	N	N	N	Y	N	N	N
A4.	Residential Modular Developments ** *RA-80A Zone adopted December 7, 2005, effective December 14, 2005 **A-4 deleted May 3, 2006, effective May 30, 2006							
A5.	Accessory Apartments These uses shall be permitted by Special Permit Pursuant to the provisions of Article 21.10 The unit shall contain no more than one (1) bedroom. The unit shall not exceed seven hundred (700) square feet of habitable area. The unit may have a kitchen, bathroom, and a front room. Access to the unit shall be from the side or rear. Access from the front shall not be permitted except through the main entrance of the primary unit. No additional doors in the front shall be permitted. The unit shall not have a separate utility box. Individuals residing in the apartment shall be related by blood, marriage, or adoption. The owner of the primary unit shall reside onsite. The permit shall be active for a period of five (5) years. The permit may be renewed by the Zoning Enforcement Officer upon inspection and determining that the conditions of the original approval has not been violated. All permits shall be recorded in the Thomaston Land Records. The permit shall be voided upon sale or transfer of ownership or if the principal owner no longer resides onsite.	P	P	P	P	N	N	N

Section 4.5 – Schedule A, Part A <i>Continued</i>		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
A.6	<p>Roadside Farm Stands Seasonal or permanent stand for the display and sale of farm produce, substantially all of which has been grown on premises or supplemented from Connecticut farms. Stands shall be a maximum of 250 square feet and shall be a minimum of 10 feet from any property line. A minimum of one off-street parking space consisting of a dustless (stone, gravel, paved, or similar) surface shall be provided for each 50 square feet of farm stand floor area. Entrances/exits requiring new curb cuts shall conform to the Town Driveway Ordinance. A permanent farm stand may be established within a farm barn or other similar building designed and used for farm purposes upon site plan approval from the Commission.</p>	S	S	S	S	S	S	S
A.7	<p>Agricultural Buildings and Accessory Structures Buildings for housing of livestock as well as greenhouses and nursery buildings intended for commercial farming uses shall be a minimum of 50 feet from any property line. Non-livestock structures less than 250 square feet shall follow guidelines for accessory structures.</p>	Y	Y	Y	Y	Y	Y	Y
A.8	<p>Large Livestock The first head of large livestock requires two (2) acres. Another half (1/2) acre is required for each additional animal, up to five (5) acres. Properties of over five (5) acres shall be exempt from livestock density restrictions. Acreage where the livestock roam shall be usable land, free from slopes over twenty five percent (25%), significant bedrock outcrops and other natural and physical features. Fencing shall be required on the perimeter of all livestock grazing and roaming areas.</p>	S	S	S	S	S	S	S
A.9	<p>Small Livestock The first head of small livestock requires one (1) acre. Another half (1/2) acre is required for each additional animal, up to five (5) acres. Properties of over five (5) acres shall be exempt from livestock density restrictions. Acreage where the livestock roam shall be usable land, free from slopes over twenty five percent (25%), significant bedrock outcrops, and other natural and physical features. Fencing shall be required on the perimeter of all livestock grazing and roaming areas.</p>	S	S	S	S	S	S	S

Section 4.5 – Schedule A, Part A <i>Continued</i>		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
A.10	<p>Poultry and Small Animals Poultry shall be contained within the subject property by a suitable enclosure or barrier and to the rear of the primary dwelling. Roosters shall not be allowed on any property less than two (2) acres in size, and must be kept a minimum of 50 feet from any property line. No more than ten (10) such animals shall be kept on any property less than two (2) acres in size.</p>	S	S	S	S	S	S	S
A.11	<p>Swine Swine shall be contained in an enclosure or “pigsty” and such enclosure shall be 300 feet from any adjacent residential dwelling, with the exception of the dwelling of the applicant.</p>	S	S	S	S	S	S	S
A.12	<p>Beekeeping Apiaries shall be maintained in moveable frame hives or boxes a minimum of 25 feet from any property line, at a density of no more than 2 colonies for each ¼ acre of property.</p>	S	S	S	S	S	S	S
A.13	<p>Kennels Properties require a minimum of two (2) acres and shall conform to the regulations of the Connecticut Department of Agriculture and the Connecticut Department of Public Health. Kennel buildings or enclosures shall be no less than 50 feet from any property line.</p>	P	P	P	P	P	P	P
A.14	<p>Commercial Stables/Riding Academies A minimum of five (5) acres is required. Land, buildings, and other structures may be permitted by the Planning & Zoning Commission for commercial use involving riding academies, livery and boarding stables, animal and convalescent stables, rental and hacking stables, and private club riding stables providing the following standards or conditions are met: (1) Sufficient off-street parking facilities should be provided to accommodate all users and visitors to the property; (2) Roads for entering and leaving the property shall not be located or placed in a manner to create pedestrian or vehicular traffic hazard on the public street or highway; (3) Sanitary facilities shall be provided in accordance with local health requirements for normal operations; (4) Adequate perimeter fencing shall be installed and maintained to reasonably contain the horses within the property; (5) Fire control facilities for the barns, buildings, and other facilities used for normal operations shall be acceptable to the Fire Marshal; (6) Riding rings and corrals shall follow the setback requirements in Schedule B, and shall be a minimum of fifty (50) feet from any property line in residential zones; and (7) Buildings and structures shall comply with the requirements of Section A.6.</p>	P	P	P	P	P	P	P

Section 4.5 – Schedule A, Part A <i>Continued</i>		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
A.15	<p>Commercial Nurseries/Greenhouses</p> <p>The minimum lot size shall be two (2) acres. All greenhouses, hoop houses, sheds, and other buildings or covered structures related to the growing and selling business shall be used in the calculation of permitted lot coverage. All greenhouses and nursery buildings shall follow the setback requirements in Schedule B and shall be a minimum of fifty (50) feet from any property line in residential zones. The Commission may require screening of display, sales, or parking areas from abutting properties. Parking spaces shall be required based on floor area of all designated display areas and commercial greenhouse space as a retail use.</p>	P	P	P	P	S	S	S
	<p>Caretaker's Residence</p> <p>The unit shall conform to Schedule B and its use shall be clearly an accessory to a permitted use for the site.</p>	P	P	P	P	P	P	P
	<p>Mixed Use Residential Units</p> <p>Shall comply with regulations set forth in Article 21.9. Additional approvals from the fire marshal are required for all proposals to ensure compliance with state and local fire codes.</p>	N	N	N	N	P	N	N

**Table of Permitted Uses
Community Facilities and Service Uses**

Section 4.5 – Schedule A, Part B		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
B1.	Municipal Facilities Includes all buildings, land, and recreational facilities owned and operated by the Town of Thomaston.	S	S	S	S	S	S	S
B2.	Meeting Facilities Places of worship, libraries, community centers, and charitable institutions.	P	P	P	P	P	P	P
B3.	Reservoirs and Water Tower Units	P	P	P	P	N	N	N
B4.	Cemeteries	P	P	P	P	N	N	N
B5.	Veterinary Hospitals Hospitals shall not be open for business, except in the event of an emergency, before 8:00AM or after 8:00PM. Outside kennels or runs shall not be permitted. Overnight boarding shall only be permitted in an enclosed building. No more than fifty (50) animals may be kept overnight. Buildings must be located at least two hundred fifty (250) feet from any offsite dwellings. Structures shall be designed to minimize noises. Commercial uses shall be <i>clearly</i> accessory to the primary use as a veterinary hospital. Hospitals located within a flood hazard area shall file an evacuation plan with the Fire Department.	N	N	N	N	P	P	P
B.6	Recreation Facilities Includes all non-municipal recreational facilities.	P	P	P	P	P	P	P
B.7	Convalescent Hospitals Minimum lot size shall be one (1) acre in the GC or M Zones and ten (10) acres in the RA Zones. Vegetative buffers shall be provided along the rear and side lines. Hospitals shall be located a minimum of two hundred (200) feet from any property line in the RA Zones.	P	P	P	P	P	N	N
B.8	Public Utilities Public utility and railroad rights-of-way shall be designed to be in character with the surrounding neighborhood.	S	S	S	S	S	S	S
B.9	Small Water Companies Companies which provide service to less than two hundred fifty (250) connections or one thousand (1,000) persons shall submit a water supply construction or expansion plan as required by the General Statutes. A Certificate of Public Convenience shall also be submitted.	S	S	S	S	S	S	S

Section 4.5 – Schedule A, Part B <i>Continued</i>		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
B.10	Day Care Providers/Independent Schools Service is provided to twelve (12) or more children by a provider licensed by the State.	N	N	N	N	P	P	P
	Group Day Care Home Service is provided to seven (7) or more, but less than twelve (12) children by a provider licensed by the State.	S	S	S	S	N	N	N
	Family Day Care Home Service is provided for six (6) or fewer children, including the provider's, between three (3) and twelve (12) hours a day.	S	S	S	S	N	N	N
B.11	Communication Towers	P	P	P	P	P	P	P
	Radio/Television Towers The base shall be located one point five (1.5) times the height of the tower away from any property line or Town accepted street or associated street rights-of-way. Wires supporting the tower shall be placed at least one hundred (100) feet from any property line, easement, or street line.							
	Amateur Communication Towers Towers shall be located in rear yards or directly attached to the primary structure. Freestanding towers are exempt if the height of the mast does not exceed forty-five (45) feet. Towers in excess of forty-five (45) feet shall conform to the requirements of Radio/Television Towers.							

**Table of Permitted Uses
Commercial and Manufacturing Uses**

Section 4.5 – Schedule A, Part C		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
C1.	Buildings and Additions Minor accessory buildings and new construction that are five hundred (500) square feet or less shall be exempted from obtaining site plan approval but shall conform to requirements in Schedule B, C, and Article 5 and shall obtain administrative zoning approval.	N	N	N	N	S	S	S
C2.	Service Providers Buildings where goods are sold or services provided, primarily at retail. Temporary sidewalk sales are exempted.	N	N	N	N	S	S	S
C3.	Business/Professional Office	N	N	N	N	P	P	P
C4.	Banks/Financial Institutes	N	N	N	N	S	S	S
C5.	Funeral Parlors	N	N	N	N	S	S	S
C.6	Dry Cleaning and Laundromats	N	N	N	N	P	P	P
C.7	Hotels and Motels Property shall contain a minimum of eighty thousand (80,000) square feet and two thousand (2,000) square feet per building. Each unit shall be no less than two hundred seventy-five (275) square feet. The facility shall be served by city sewer and water. Front and rear yard setbacks shall be seventy-five (75) feet; side yard setbacks shall be fifty (50) feet. Cooking facilities shall be permitted in twenty percent (20%) of the units.	N	N	N	N	P	P	P
C.8	Restaurants, With Drive-Thru **Not permitted in the Downtown Development District	N	N	N	N	**P	P	P
C.9	Restaurants, Without Drive-Thru	N	N	N	N	P	P	P
C.10	Cafés and Taverns	N	N	N	N	P	N	N
C.11	Breweries and Brew Pubs Brewpub hours of operation shall be no earlier than 10:00AM and no later than 6:00PM on Sundays, and no earlier than 10:00AM and no later than 10:00PM on any other day, in addition to holiday restrictions or other restrictions imposed by Section 30 of the Connecticut General Statutes and provisions of Connecticut Liquor Control Regulations.	N	N	N	N	N	P	P
C.12	Live Entertainment Buildings shall be two hundred fifty (250) feet from any residentially zoned parcel.	N	N	N	N	P	P	P
C.13	Commercial Printing Establishments	N	N	N	N	P	P	P
C.14	Indoor Theaters/Playhouse	N	N	N	N	P	P	P
C.15	Bed and Breakfast/Tourist Homes	P	P	P	P	N	N	N
C.16	Public and Private Parking Facilities	N	N	N	N	P	P	P

Section 4.5 – Schedule A, Part C <i>Continued</i>		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
C.17	<p>Motor Vehicle Repair, Service Stations, and Automobile Sales The site shall have a minimum of two hundred (200) feet of frontage and one hundred fifty (150) feet in depth. Buildings and pumps shall be fifty (50) feet from any property line. If required, buffers or fencing shall be used. Forms of illumination shall not cause excessive glare on adjacent properties. Facilities designed to serve trucks larger than five (5) tons shall contain a lot width of three hundred (300) feet. Curb cuts shall be a minimum of twenty-five (25) feet from any street intersection, side or rear property line.</p>	N	N	N	N	P	P	P
C.18	Manufacturing/Processing of Goods	N	N	N	N	P	P	P
C.19	Freight & Materials Trucking, Freight Terminals, Railroad Yards, and Bus Storage Yards	N	N	N	N	N	S	S
C.20	Public Utility Transformer Stations	N	N	N	N	N	S	S
C.22	<p>Palliative Marijuana Production Facilities New production facilities may be permitted as a special permit use under the provisions of Article 21.10.</p>	N	N	N	N	N	P	P
C.23	<p>Palliative Marijuana Dispensaries Dispensaries may be permitted as a special permit use under the provisions of Article 21.11. <i>**Dispensaries shall not be allowed in the Downtown Development District**</i></p>	N	N	N	N	**P	P	P
C.24	<p>Open Storage Yards and Building Contractor's Businesses Facilities shall be screened by fencing, buffering, or by vegetative cover from adjacent properties and the street.</p>	N	N	N	N	P	S	S
C.25	<p>Earth Excavation and Mining Operations are subject to the requirements of Article 18.</p>	N	N	N	N	N	P	P
C.26	<p>Earth Processing Operations All operations require a permit. Stockpiled materials and the area of operations shall be stipulated on the permit and the site plan. Processing machinery shall not be operated within two hundred (200) feet of any property line or street. Activities shall not be permitted on holidays or Sundays. The Commission shall have the authority to establish operational hours. Measures shall be taken to minimize noise, vibration, and dust. Access roads shall be maintained in good working order. Explosives shall not be permitted onsite. Vehicles shall secure their loads to prevent spillage. Construction materials shall be removed and the property restored to its original condition with the topography and the neighborhood. Permits shall be valid for one (1) year. The site shall be open at all times to the Commission and/or agent to determine compliance. The applicant may be required to submit periodic reports detailing the status of the project.</p>	N	N	N	N	N	P	P

Section 4.5 – Schedule A, Part C <i>Continued</i>		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
	The applicant shall file a survey bond in an amount the Commission and/or their agent deems necessary to insure completion of the work. A liability insurance policy shall be submitted. Town Counsel shall approve all polices and bonds. Upon restorations, the applicant may apply for release of the bond, otherwise it shall remain in full force and effect.							
C.27	Recreation Camps Camps shall contain at least ten (10) acres and no more than nine (9) sites per acre. Interior roads shall be capable of handling large recreational vehicles in a safe and efficient manner. All parking shall be off-street. Recreational vehicles, camp sites, and structures, other than the unit occupied by the owner/caretaker, may not be situated any closer than two hundred (200) feet from the front property line or one hundred (100) feet from the side or rear property lines. Campgrounds shall conform to any applicable health codes from the State of Connecticut or the Torrington Area Health District. Roadways within the site shall be dustless, graded, and well-drained. Minimum road width shall be twelve (12) feet for one-way and twenty two (22) feet for two-way traffic.	P	P	P	P	N	N	N
C.28	Firing Ranges Prior to any decision, the Commission shall receive a letter of approval from the Thomaston Police Department and the Thomaston Fire Department.	N	N	N	N	P	P	P
	Exterior Operating Ranges: There shall be no elevated discharge of firearms. Applicants shall take appropriate measures to baffle noise. Target and impact areas shall be bermed. The Commission shall establish reasonable hours of operation. Operations shall not be permitted on legal holidays or Sundays without the written authorization from the Thomaston Police Department.							
	Interior Operating Ranges: Operations shall only be permitted during normal business hours.							
	Exemptions: Established Fish & Game as well as Rod & Gun Clubs are exempted from the above.							
C.29	Adult-Oriented Establishments These uses shall be permitted by Special Permit pursuant to the provisions of Article 10 and subject to compliance with the special requirements and standards of Article 21.6 and Town Ordinances.	N	N	N	N	N	P	P
C.30	Massage Parlors These uses shall be permitted by Special Permit pursuant to the provisions of Article 10 and subject to compliance with Town Ordinances.	N	N	N	N	P	P	N
C.31	Portable Food Vending/Trailers/Trucks/Carts All uses shall conform to the requirements of Article 27. **Not permitted in the Downtown Development District**	N	N	N	N	**S	S	S

**Table of Permitted Uses
Accessory Uses**

Section 4.5 – Schedule A, Part D		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
D1.	<p>Accessory Production/Manufacturing Accessory production of goods or merchandise shall be sold on the premises. Floor areas used for production and servicing shall be limited to ten percent (10%) of the building or three thousand (3,000) square feet, whichever is greater. Parking shall be provided off-street for employees.</p>	N	N	N	N	P	N	N
D2.	<p>Accessory Storage Merchandise may be stored onsite for those uses which are clearly accessory to uses in the zone.</p>	N	N	N	N	P	N	N
D3.	<p>Residential Accessory Uses Accessory uses are usually associated with or incidental to a permitted use in a residential zone. Uses shall not significantly change or alter the characteristics of the neighborhood. Accessory uses may consist of, but are not limited to, such uses as greenhouses, swimming pools, tool and storage sheds, garages, tennis courts, and barns. Accessory uses may include the exterior storage of trailers, boats, or recreational vehicles in rear yards. Accessory uses are permitted in the GC, M1, and M2 Zones providing the primary use of the dwelling is for residential purposes</p>	Y	Y	Y	Y	N	N	N

**Table of Permitted Uses
Temporary Uses**

Section 4.5 – Schedule A, Part E		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
E1.	Building and Structures Permits are valid for one (1) year. They may be extended for period(s) of one (1) year after inspection by the Zoning Enforcement Officer.	Y	Y	Y	Y	Y	Y	Y
E2.	Political Signs Signs are permitted for a period of sixty (60) days prior to and for seven (7) days after an election. Signs are exempted from any fees.	Y	Y	Y	Y	Y	Y	Y
E3.	Trailers, Motor/Mobile Homes One (1) trailer, motor or mobile home is permitted per lot whenever construction of a residential single-family dwelling is underway and a zoning and building permit has been issued. Occupants must be the owners of the property or related by blood, marriage, or adoption. Approval is limited to one (1) year and is not renewable.	Y	Y	Y	Y	Y	Y	Y
E4.	Christmas Tree Sales Maximum length of sales and display shall not exceed forty-five (45) days.	Y	Y	Y	Y	Y	Y	Y
E5.	Auction Sales The Thomaston Police Dept. shall issue the applicable permits. The Thomaston Fire Marshal and Building Inspector shall inspect all tents per code requirements.	Y	Y	Y	Y	Y	Y	Y
E.6	Temporary Events Permits shall be valid for up to 30 days in a calendar year at the discretion of the Commission or its agent for carnivals, fairs, bazaars, antique shows, tent sales, auctions, fundraisers, and similar activities. The applicant must demonstrate a sufficient and safe traffic circulation, off-street parking and pedestrian access plan. On-street parking is strictly prohibited unless specifically approved as part of a site plan. Placement of temporary tents or structures shall not result in the reduction of required parking spaces. Specific dates and times for any event must be approved by the Commission or its agent. The applicant must obtain any additional required approvals from the Police Dept., Building Official, Torrington Area Health District, Fire Marshal, Board of Selectmen, or Recreation Dept. A certificate of insurance and/or posting of a bond may be required for events held on Town of Thomaston property.	P	P	P	P	S	S	S

Section 4.5 – Schedule A, Part E <i>Continued</i>		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
	The duration of temporary permits shall be at the discretion of the Commission, but may not exceed 30 (thirty) days per calendar year per property. Permits may be administratively renewed for yearly or seasonal events by the authorized agent of the Commission if: (a) there is no substantial change in Use or event dates; (b) the original permit was approved by the Commission within 5 (five) years of the renewal application date; (c) the Commission did not condition an original approval prohibiting such renewal.							
E.7	<p>Temporary Liquor Permits</p> <p>The Planning and Zoning Commission may approve applications for single event or seasonal permits for the sale or service of beer, wine, or liquor subject to appropriate conditions and safeguards deemed necessary by the Commission, notwithstanding the provisions of Article 4, Section 4.5, Schedule A, Part F.1 of these Regulations and provisions of the State Liquor Control Act. Separation distances in Part F.1 of these Regulations may be waived for the purposes of temporary permits at the discretion of the Commission.</p> <p>The duration of temporary permits shall be at the discretion of the Commission, but shall not exceed thirty (30) days per calendar year per property. Permits may be administratively renewed for yearly or seasonal events by the authorized agent of the Commission if: (a) there is no substantial change in use or event dates; (b) the original permit was approved by the Commission within five (5) years of the renewal application date; (c) the Commission did not condition an original approval prohibiting such renewal.</p>	P	P	P	P	P	P	P
E.8	<p>Temporary Outdoor Food and Beverage Service Post COVID-19 (May 20, 2020 through October 15, 2020 ONLY)</p> <p>Shall conform to the standards of Section 17.14.C</p>	N	N	N	N	ZP	ZP	ZP

**Table of Permitted Uses
Alcoholic Beverages**

Section 4.5 – Schedule A, Part F		ZONING DISTRICTS						
		Residential (RA)				Comm.	Mfg.	
		*80A	80	40	15	GC	M1	M2
F1.	Alcoholic Beverages Shall conform to the standards of Article 10 – Special Permits and Article 21.5 – Alcoholic Beverages	N	N	N	N	P	P	P
F2.	Temporary Outdoor Alcoholic Beverage Service Post COVID-19 (May 20, 2020 through October 15, 2020 ONLY) Shall conform to the standards of Article 21.5.C.5	N	N	N	N	ZP	ZP	ZP

SCHEDULE B

ZONING DISTRICTS

STANDARDS	RA80/RA80A	RA40A	RA15	GC	M1/M2
Lot Area/Size in Square Feet	80,000	40,000	15,000	15,000	15,000
Lot Frontage	200 FT	150 FT	80 FT	100 FT	100 FT
Front Yard Setback	50 FT	50 FT	40 FT	30 FT	30 FT
Side Yard Setback	15 FT	15 FT	15 FT	10 FT	10 FT
Rear Yard Setback	50 FT	50 FT	40 FT	30 FT	30 FT
Residential Zone Setback				40 FT	50 FT
Maximum Height	30 FT	30 FT	30 FT	40 FT	50 FT
Residential Area Square Footage	1,250	1,250	1,000		
Non-Residential Square Footage				750	750
Buildable Square*	200	150	80	100	100
Maximum % of Ground Coverage of Buildable Lot Area	15	15	15	30	50

Except as noted above, all dimension area expressed as minimum requirements and are in linear footage.

***Excludes all wetland and watercourses and their setback areas, as well as significant redevelopment slope areas over 25%.**

****Interior lot size in the RA80A Zone does not have to be twice the size of the zone.**

Article 5 – Area, Location, and Bulk Standards

5.1 General Provisions

The following regulations and Schedule B shall be applicable to the area, shape, frontage of lots, and buildings for each zone.

5.2 Lot, Area, Shape, and Frontage

Property shall conform to the requirements of Schedule B and, for lots created after November 15, 1982, shall be capable of containing a buildable square. The square may extend to the property line. However, it shall not extend into easements or rights-of-way with the exception of those directly servicing the site.

Predevelopment slopes in excess of twenty five percent (25%) shall not be present within the buildable square. A maximum of 5% of the area of the buildable square on any lot and 25% of the total area of non-sewered lots shall contain Wetlands or Watercourses. The applicant shall provide information necessary to satisfy the requirements of Schedule B and this section. Plans shall bear the seal of a licensed engineer.

5.3 Exceptions

The requirements contained in Schedule B shall not prohibit the common interest ownership of any building on a lot which conforms to the requirements of the zone.

5.4 Rear Lots

A. General Considerations

Rear lots lack the frontage required in Schedule B. When determining if a lot meets the criteria for construction approval, the Commission shall take into consideration the drainage patterns, shape of the property, accessibility, vehicle safety, topography, public utilities, and right of access to the property. Each rear lot shall be used for no more than one dwelling unit.

B. Rights-of-Way

Rear lots shall be parallel to and behind an existing lot. A private unobstructed accessway of twenty five (25) feet in width and contiguous with the rear lot shall be provided for each rear lot. Access for more than two abutting rear lots shall require street standards set forth under the Subdivision Regulations of the Town of Thomaston. A gravel or paved driveway must be provided to the satisfaction of the Fire and Police Departments and in accordance with the Town driveway ordinance and “Specifications for Driveways” on file with the Town Clerk, First Selectman’s Office, and Building and Land Use Office. If two (2) abutting access strips are created, they shall be separated from any other access on the same side of the street by one and a half (1-1/2) times the minimum frontage required for the zone.

C. Public Safety

Subject to approval of the Thomaston Fire and Police Departments, driveways shall be designed to provide proper stormwater drainage and to accommodate fire and other emergency vehicles. To provide directions for emergency vehicles, the address of each interior lot shall be identified by a numbered post or mailbox located on the connecting road.

D. Ownership of Lots

The owner of a rear lot must own any accessway in fee simple, and all accessways shall contiguous with rear lots and be shown on filed plans and described in a duly recorded deed.

E. Filing of Deeds

For newly created lots, lot line revisions, or free splits, the deed shall be filed with the Town Clerk along with signed and approved maps and drawings.

F. Lot Sizes and Setbacks

The square footage of an interior lot shall be no less than twice what is required in the zone, except for those in the RA-80A zone. The lot line which is parallel and closest to the street shall be considered the frontage line for the purpose of determining setback requirements.

5.5 Heights

The height requirements in Schedule B shall not apply to church spires, ornamental cupolas, flagpoles, silos, towers, wind to energy conversion systems, solar energy systems, air condition, and other similar equipment provided these structures do not occupy more than twenty five percent (25%) of the roof.

5.6 Setback Height

Unless permitted elsewhere, no structure shall be constructed or extended into any setback area.

5.7 Setback for Fences, Walls, and Terraces

No hedge, fence, or wall over two (2) feet high shall be built in the front yard of a corner lot within fifty (50) feet of the corner. Standard style stockade fences shall be located as close to the property line as possible or in at least six (6) inches. The smooth side of the fence shall face the abutting property. These provisions shall not apply to fences or walls six (6) feet or less in height or to retaining walls or unroofed terraces providing that none of the above shall be located within the right-of-way of any street. Fences shall be measured from the natural property grade. Any artificial berms or fill used to enhance the height of fences shall be included in any height measurements.

5.8 Setbacks for Unattached Accessory Buildings and Swimming Pools in Residential Zones

All buildings and structures shall be governed by the height and yard requirements applicable to a principal building or structure except minor accessory buildings and structures as follows:

- A.** Minor accessory buildings and structures up to two hundred fifty (250) square feet in area and one (1) story up to eighteen (18) feet in height must be located a minimum of five (5) feet from the side and rear yard property lines and must meet the front yard property line setbacks applicable to a principal building or structure in the zone.
- B.** Minor accessory buildings and structures up five hundred (500) square feet in area and one (1) story up to eighteen (18) feet in height must be located a minimum of fifteen (15) feet from the side and rear yard property lines and must meet the front yard property line setback applicable to a principal building or structure in the zone.
- C.** Swimming pools, pool decks, diving boards, ladders, cabanas, and other similar structures shall conform to the requirements of Schedule B applicable to a principal building or structure, except that the rear yard setback requirement shall be reduced to fifteen (15) feet for swimming pools and attached structures totaling less than 500 square feet in area.
- D.** All other accessory buildings and structures shall meet the dimensional requirements i.e. property line setbacks, heights, percent of ground coverage requirements applicable to a principal building or structure in the zone.

5.9 Corner Lots

The frontage line of a corner lot shall be the line which fronts upon that part of the dwelling containing the primary entrance. The remaining corner yard shall be at least twenty-five (25) feet in depth. The owner shall designate on the plot plan which of the two (2) remaining yards shall be the side and rear yard.

5.9 Corner Lots

The frontage line of a corner lot shall be the line which fronts upon that part of the dwelling containing the primary entrance. The remaining corner yard shall be at least twenty-five (25) feet in depth. The owner shall designate on the plot plan which of the two (2) remaining yards shall be the side and rear yard.

5.10 Lots in Two (2) Zones

If a zoning district divides a lot which has road frontage in another zone, the regulations for the less restrictive zone shall extend not more than thirty (30) feet into the more restrictive zone.

5.11 Building Orientation

When the length of a dwelling unit is three (3) times greater than its width, the length shall be parallel to the street. Orientation of the longer side shall apply to units constructed after the date of adoption of these regulations and shall not govern additions made to existing units nor shall it govern accessory additions or other buildings located on the lot.

5.12 Permanent Foundations

Residential dwellings shall have permanent foundations.

Article 6 – Performance Standards

6.1 Dust, Dirt, Fly Ash, and Smoke

No dust, dirt, fly ash, or smoke shall be emitted into the air so as to endanger public health, safety, impair the value and enjoyment of other property or constitute a source of air pollution.

6.2 Odors, Gases, and Fumes

No offensive odors or noxious, toxic, carcinogenic, or corrosive fumes or gases shall be emitted into the air except for those connected with the spreading of fertilizer or manure.

6.3 Vibration

Except for vibrations normally associated with construction or demolition of buildings or those normally associated with the operation of heavy equipment where permitted, no extreme or excessive vibrations shall be transmitted outside the property where it originates.

6.4 Noise

With the exception of farming operations, police, fire, time signals, ambulance sirens, and noise customarily involved in the use of home implements and in the construction/demolition of buildings, no noise which is objectionable due to volume, beat frequency, intermittence, or shrillness shall be transmitted outside the property where it originates.

6.5 Liquid or Solid Waste

Waste products shall not be discharged into any sewer, stream, or storm drainage system.

6.6 Danger

Materials which are dangerous due to explosion, fire, hazard, radioactivity, or carcinogenic shall be manufactured, stored, used, or disposed of except in accordance with regulations and codes of the Town, State, or Federal Government.

6.7 Outdoor Lighting

All business, residential, and community roadways, sidewalks, and Town property luminaries should be planned and installed with the idea of avoiding light intrusion on neighboring properties and abutting properties or roadways, both public and private. All exterior lights shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at (and glare across) property lines. The horizontal illuminance recommendations set by the Illumination Engineering Society of North American (IES) shall be observed unless alternative standards are approved by the Commission.

Article 7 – Flood Plain District

7.1 Boundaries and Elevations

The Flood Plain District shall consist of the areas identified as “Flood Hazard Areas” delineated on a map titled “FIRM Flood Insurance Rate Map Town of Thomaston, CT, Community Panel No. 090055-001-0006” comprising six (6) parts effective June 25, 1981, prepared by the Dept. of Housing and Urban Development, Federal Insurance Administration.

Designated flood hazard areas have a one percent (1%) chance of flooding in any given year. The maps also identify base flood elevations above mean sea level. Maps are on file in the Town Clerk’s Office and in the Zoning Office.

7.2 Requirements

Buildings shall not be constructed, substantially improved, or moved unless a Flood Hazard Permit is obtained from the Building Official in accordance with the “Flood Plain Management Ordinance, Thomaston, CT.”

Substantial improvement means any repair, reconstruction, or improvement to a building in which the cost equals or exceeds fifty percent (50%) of the current market value of the building. Substantial improvement is considered to have occurred when alteration of any wall, ceiling, floor, or other structural part of the building starts whether or not it affects the external dimensions of the building.

Buildings must comply with health codes, sanitary, and safety code regulations. Any alteration of a building listed on the National Register of Historic Places or on the State Inventory of Historic Places shall not be construed as requiring substantial improvement.

7.3 Maps and Plans

Site plans shall contain the boundary of the Zoning District, Flood Hazard Area, base flood elevations, and the lowest elevation about sea level including the basement for any proposed or existing structure.

Outside storage areas shall not be sited in manufacturing or commercial zones unless measures are taken to prevent the flotation of materials and other equipment and to minimize flood damage within the district. Any building that is constructed, moved, or substantially improved shall have the basement as its lowest floor elevation.

Article 8 - Signs

8.1 Purpose

The purpose of this article is to promote public safety and welfare by providing adequate standards to control the number, height, size, location, illumination and design of signs. The provisions of this section have been added to preserve the rights of free speech and expression while protecting against traffic distractions and hazards, to provide reasonable standards by which permitted uses within various zones may relate their function to the public and aid in preserving and enhancing the aesthetic and historical values of the community.

8.2 General Provisions

Except in conformance with these Regulations, no signs shall be constructed, enlarged, extended, structurally altered, or moved. Zoning permits are required for all signs except for those specified in Article 8.3 of these Regulations. Signs may not be placed within the right-of-way of any street or be located in such a way to be hazardous to traffic circulation or pedestrian use, obstruct any window, door, ventilation system, fire escape or exit. Unless specified on a permit, signs shall not be animated, rotating, or flashing and may be permitted to be illuminated and directed so as not to cause glare onto any street or adjacent property. Signs shall not be located on a roof and no sign shall project above the top wall of any structure. Signs attached to a building may project into the setback area provided the sign does not project more than one (1) foot from the building or into or over a street line.

8.3 Signs Exempt from Zoning Permit Requirements

A. Real Estate

Any signs pertaining to the sale, lease, or rental of land or buildings. Signs shall not exceed 6 (six) square feet in area and must be removed within 30 (thirty) days of sale, lease, or rental.

B. Political/Election Signs

Provided they comply with Section 8.2 of these Regulations.

C. Identification of Residential Dwelling Units

Includes name and/or street number. Maximum sign area of 2 (two) square feet allowed.

D. Flags

Provided that they do not pose an obstruction as conveyed in Article 8.2. Flags advertising a business must conform to the requirements of Section 8.4 of these Regulations as a detached sign.

8.4 Permit Required Signs, Number, and Size

A. Permanent Signs in Residential Zones (RA-15, RA-40, RA-80, RA-80A)

Type of Sign	Maximum Sign Area (Sq. Feet)	Maximum # of Signs	Special Conditions
Freestanding/Detached Signs (by P&Z Special Permit Only) for Permitted Home Occupation	6 Square Feet	1 Per Lot	Shall not exceed 6 feet in height; shall not be internally or externally lighted.
Attached Signs Related to Permitted Home Occupation	6 Square Feet	1 Per Lot	May not be internally lighted; external lighting must be incidental to normal home lighting.
Signs for Civic, Municipal, and Non-Profit Organizations on the Premises	16 Square Feet	1 Per Lot	Shall not exceed 6 feet in height if detached.

B. Permanent Signs in Commercial/Manufacturing Zones (GC, M1, M2)

All permanent signs within the General Commercial Zone must be approved by site plan approval. Signs exceeding any of the requirements in the table below in the General Commercial Zone may be approved by special permit. Such special permits are valid for three (3) years and must be renewed by the Planning and Zoning Commission.

Type of Sign	Maximum Sign Area (Sq. Feet)	Maximum # of Signs	Special Conditions
Wall/Entrance Signs	1 Sq. Ft. per Linear Foot of Building Frontage	1 Per Business	
Freestanding/Detached Signs	32 Square Feet	1 Per Lot	Shall not exceed 16 feet in height
Signs for Civic, Municipal, and Non-Profit Organizations on the Premises	32 Square Feet	1 Per Lot	Shall not exceed 16 feet in height if detached.

C. Temporary Signs (All Zones)

Type of Sign	Maximum Sign Area (Sq. Feet)	Maximum # of Signs	Duration
Business Advertisement	32 Square Feet	1 Per Lot, Per Business	60 Days
Contractors/Construction	5 Square Feet	1 Per Lot for Each Contractor	60 Days
Temporary Sales	32 Square Feet	1 Per Lot, Per Business	60 Days
Signs for Civic, Municipal, and Non-Profit Organizations and Special Events	16 Square Feet May Be Increased by Special Permit	1 Per Lot May Be Increased by Special Permit	60 Days May Be Increased by Special Permit, Not to Exceed 180 Days in a Calendar Year
Garage/Tag Sales	4 Square Feet Each	2 (two) on the premises of the sale and 2 (two) offsite directional signs with property owner permission	3 Days (Fri-Sat-Sun) Maximum. May be placed up to 48 hours before sale and shall be removed promptly at sale conclusion. No more than 2 permits per calendar year per property.

Article 9 – Off-Street Parking and Loading

9.1 **Applicable to All Uses**

Parking spaces shall be provided for all lots.

9.2 **Areas Counted as Parking Spaces**

Areas which may be counted for off-street parking include any private carport, garage, or other area available for parking. The front yard of any single-family residence may be counted as one (1) parking space. This does not apply to corner lots.

9.3 **Location of Required Accessory Parking**

Accessory parking spaces may be provided on the same lot as the primary use or within three hundred (300) feet of such lot.

9.4 **Size of Automobile Parking Spaces**

Spaces shall be ten (10) feet by twenty (20) feet. Handicapped parking shall be a minimum of twelve (12) feet by twenty (20) feet. Spaces shall be designed to provide safe access, entering, exiting, and maneuvering.

9.5 **Access**

Access shall be provided to all streets. Access shall consist of one ten (10) foot lane that contains five (5) to twenty (20) spaces and two (2) ten (10) foot lanes for parking containing over twenty (20) parking spaces.

9.6 **Drainage and Surfacing**

Spaces shall be drained and provided with a dustless surface.

9.7 **Joint Parking Facilities**

Facilities may be provided in areas designed to serve two (2) or more businesses. The number of spaces shall not be less than the number required for each business.

9.8 **Off-Street Loading Space**

Accessory loading spaces may be provided for manufacturing or commercial operations. Each space shall be twelve (12) feet wide and sixty (60) feet long. Loading spaces may be located within a building, but not within the off-street parking spaces or accessory drives. Unobstructed access at least ten (10) feet wide to and from streets shall be provided. The access may be combined with the parking lot. Spaces may be designed to serve two (2) or more facilities. The number of spaces shall not be less than the amount required for each establishment.

Buildings having a ground floor in excess of eight thousand (8,000) square feet shall have two (2) spaces for the first twenty-five thousand (25,000) square feet of floor area or fraction thereof.

9.9 **Additional Parking Provisions**

The entrance/exit for off-street parking which contains more than ten (10) parking spaces or a loading space shall not be located within fifty (50) feet of the intersection of any street.

Off-street parking areas containing at least ten (10) spaces or any loading space located within fifty (50) of a residential zone shall have a screened or buffered area between itself and all adjacent lots, including those locate across the street. If floodlighting used, it shall be arranged in a way to eliminate glare toward residential lots.

9.10 **Handicapped Parking Spaces**

The number of handicapped parking spaces shall be determined at the review process.

9.11 Parking Space Standards

Schedule C shall be used to calculate the minimum number of parking spaces that will be required.

Schedule C Table of Required Minimum Parking Standards	
Use of Facility	Parking Spaces Required
Residential Dwelling Units	Two (2) spaces for each dwelling unit
In-Law Apartment	One (1) space
Churches, Assembly Halls, and Theaters	One (1) space for every five (5) seats
Convalescent Hospitals	One (1) space for every three (3) beds
Retail and Business Office, Banks, Veterinary Hospitals, and Service Establishments	One (1) space for every three hundred (300) feet of gross floor area, excluding storage area
Motor Vehicle Service and Repair Stations	Ten (10) spaces or five (5) spaces for each bay, whichever is greater
Hotels and Motels	One (1) space for every guest room and one (1) space for every employee
Restaurants and Taverns	One (1) space for every five (5) seats
Manufacturing Building and Offices	One (1) space for every seven hundred fifty (750) square feet of floor area, whichever is greater, and (1) space for every three (3) employees
Tennis Courts and Other Similar Uses	Five (5) spaces for each court
Educational Institutions	One (1) space for every twelve (12) students
Other Uses Not Listed	Spaces shall be provided for uses not listed above sufficient to maintain the purpose and intent of Article 8

Article 10 – Special Permits

10.1 General Provisions

The Commission may approve a permit for the establishment of one (1) or more uses pursuant to Schedule A. The following requirements are in addition to any other that may be applicable in the zone in which the use is proposed.

10.2 Intent of Regulations

Special Permits provide for unusual uses that under favorable circumstance would be appropriate, harmonious, and desirable. These uses possess special characteristics. Each use should be considered on an individual basis.

10.3 Application

A. Statement of Use

The applicant shall submit four (4) copies of a statement describing the proposed use in sufficient detail to determine compliance.

B. Site Plan Map

Four (4) copies of a map at a scale of one hundred (100) feet to the inch shall be submitted. It shall contain existing and proposed buildings, contours, property lines, off-street parking, loading spaces, outside storage areas, watercourses, wetlands, storm drainage, sewage disposal, water supply facilities, landscaping, and all non-disturbed natural terrain areas and features.

C. Architectural Plans

The applicant shall submit four (4) copies of the plan. All buildings, elevations, signage, perspective drawings, and floor plans shall be shown.

D. Sediment and Erosion Control Plan

The applicant shall submit four (4) copies of the plan at a scale of one hundred (100) feet to the inch. The plan shall contain provisions to control sedimentation and erosion and reduce danger from stormwater runoff. The plan shall contain existing and proposed contours, graded and cleared areas, proposed alterations, and the location of control measures. The narrative shall describe the project, schedule of major construction activity, detail grading and design criteria, conservation practices, and maintenance program.

E. Determination/Review Procedure

The Commission may determine that all or part of the requirements under Section 10.3 (B), (C), and (D) are not necessary to make a reasonable and sound decision on the application.

F. Application Fee

A fee shall be submitted with the application.

10.4 Procedure

Applications shall be filed with the Land Use Office at least seven (7) days prior to the next regular meeting. Within sixty-five (65) days after the receipt of a complete application, the Commission shall hold a public hearing.

Notice of the time and place of the hearing shall be published in a newspaper with a substantial circulation in the Town. Publication of the notice shall be at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before the date of the hearing.

A decision shall be rendered within sixty-five (65) days after the hearing is closed. The Commission may approve, approve with modification, or disapprove the application. The applicant may consent in writing to an extension of time for the hearing or decision.

10.5 General Considerations

The Commission shall consider the size and intensity of the proposed use, conformity with the Plan of Development, capacity of local arterials to accommodate traffic, and any hazards that may be created along with the number, location, and arrangement of off-street parking, loading spaces, and vehicular access. The effect upon property values, placement of buildings, topography, and landscaping, along with police, fire, ambulance, and safety considerations shall be reviewed.

The Commission shall review water supply and sewage facilities, drainage, sedimentation and erosion problems, and the available of recreational facilities. The Commission may require addition information and documentation to complete its review of the application.

10.6 Decision

The Commission shall approve, approve with modification, or disapprove the application. The Commission shall state that the use will be harmony with the purpose and intent of the Regulations. If disapproved, the Commission shall state for the record the specific sections of the Regulations.

10.7 General Standards

A. Neighborhood

Plans shall be designed to enhance neighborhood character and accomplish a transition between dissimilar areas. They shall be designed to preserve and enhance property values and the general appearance of the community.

The Commission may require recommendations and goals from the Plan of Development be incorporated into the applicant's plan to complement the proposed use of the property. Provisions for improvements to streets terminating at the proposed use shall be made in the plans.

B. Endorsement and Filing of Bond

The Commission may authorize the endorsement of the map to permit filing with the Town Clerk. The endorsement shall not be executed until all conditions have been completed. Prior to endorsement, the applicant shall file a bond and execute an agreement to guarantee completion within two (2) years. The bond shall be in a form and amount that is acceptable to the Town Counsel and the Commission.

C. Release of Bond

Prior to the release or before authorizing any map to be filed when no bond has been posted, the Commission's agent shall inspect the premises and notify the Commission that all work has been completed according to the approved plans.

D. Conditional Approval

Approval is conditioned upon the satisfactory completion of the project. Approval shall become null and void if the project is not complete within two (2) years. The Commission may grant a one (1) year extension after holding a hearing. The applicant must demonstrate good cause. Permits may be granted subject to certain conditions and safeguards necessary to protect public health, safety, convenience, welfare, and property values in the neighborhood.

E. Sedimentation and Erosion Control Plan

The project shall not commence unless the control measures have been installed and are operating. Controls shall be maintained in effective working order to ensure compliance.

10.8 Conditions and Safeguards

Conditions may be attached to protect local characteristics. This may include providing additional setback greater than required by the Regulations, screening of parking areas or other uses from adjoining premises by walls, fences, plantings, or other devices.

The Commission may also limit the number of occupants, regulate the number, type, location, and design of traffic controls including pedestrian walkways, off-street parking, other special features,

regulate outdoor lighting, require approval in phases, and determine the orientation and spacing of buildings.

If necessary, a Certificate of Public Convenience from the Dept. of Health Services and Public Utility Control will be submitted whenever water will be supplied from a small water company. The Commission may review the homeowner association or condominium association legal documents.

10.9 Inland Wetlands

Projects containing a regulated activity, pursuant to Sections 22a-36 to 22a-45 of the Statutes or PA 87-533 shall be submitted to the Planning and Zoning Commission. The applicant shall indicate the presence of any watercourses or wetlands and the extent within the subject property.

If the time for a decision would lapse prior to thirty-five (35) days after a decision by the Wetlands Commission, the period for a decision by the Planning and Zoning Commission shall be extended for an additional thirty (30) days. The Wetlands Commission shall submit a final report to the Planning and Zoning Commission.

10.10 Sanitation Report

The Water Pollution Control Authority shall submit a report regarding the availability of sanitary sewers or a report shall be submitted from the Torrington Area Health District regarding the siting of septic systems, leach fields, and bedrock wells.

10.11 Channel Encroachment Areas

A report from the Dept. of Environmental Protection and/or Corps of Engineers as to the types of activities that may be permitted shall be submitted with the application.

10.12 Inspection by Town Engineer

The applicant shall be responsible for any and all inspection and review costs incurred by the Town Engineer during the review process. If additional site inspections or reviews are required after approval is granted and prior to completion of the project, the applicant shall be responsible for costs incurred by the Engineer as per a fee schedule assessed to the Town in a year by the Town Engineer.

Article 11 – Aquifer Protection District

11.1 Purpose

To preserve the quality and quantity of groundwater resources and to insure a safe and healthy public water supply by regulating land uses which may contribute to the degradation of aquifers needed for present and future public water supplies.

11.2 General Provisions

These Regulations shall apply to the land designated on a map recorded in the Town Clerk's Office as the "Town of Thomaston Aquifer Protect Protection District Map."

11.3 Use Limitations

Discharges to septic systems shall not average more than three hundred fifty (350) gallons per acre per day in the direct recharge area of the aquifer. Road salt storage and loading sites are not permitted. The disposal of solid waste in landfills, dumps, and septage disposal is prohibited.

Commercial and industrial storage, production, or disposal of any hazardous wastes as defined by State or Federal laws is prohibited. Underground tanks are generally prohibited; however, the applicant may demonstrate a special need case. The applicant shall contact the CT Water Company and obtain a letter or approval regarding the proposed use.

11.4 Aquifer Impact Assessment

Commercial, industrial, or institutional uses are not allowed unless the applicant can identify the type and quantities of liquid, solid, and gaseous materials to be land filled, stored, deposited, or discharged on the site. The applicant must demonstrate that the material and its use will not adversely affect present or future water quality within the district.

11.5 Public Act 98-115

This act provides that any applicant who proposes any type of activity with the Aquifer Protection District must provide written notification to the affected water company. The Land Use Officer shall provide the reporting forms.

Article 12 – Planned Industrial District

12.1 Purpose

To permit land to be used for the construction of buildings and other facilities for research and development, light industry, offices of technological and scientific research organizations. The purpose of this district is to consider land as a single unit of development for the purpose of planning so that there is a coordinated development plan while maintaining individual ownership of lots.

12.2 Qualifying Standards

The Commission may establish a District on its own motion or upon application of the owner or owners of contiguous property totaling at least ten (10) acres. A District may be established in an area containing less than ten (10) acres if the Commission finds the public interest will be served and the tract is contiguous to land zoned for manufacturing or commercial use.

Prior to establishing a District, the Commission shall consider the desirability of the proposal for economic and physical development of the community, preserving the value and character of adjacent property, direct access to a major state highway and provisions for public utilities. The Commission may require other restriction to protect public health, safety, and the general welfare of the community.

12.3 Permitted Uses

Uses are limited to office buildings, research and development laboratories, storage and wholesale use, distribution, light industry, and earth excavation. Uses which are clearly accessory to the principal use of the property are permitted.

A maximum of twenty percent (20%) of the District may be used for commercial activities as long as accessory goods or services are compatible with other principal uses. Commercial uses shall be limited to those uses allowed in the GC zone which would not generate substantial vehicular traffic.

12.4 Design Standards

Design standards are limited to provide flexibility while ensuring the applicant adheres to performance standards for parking signs, residential buffers, architectural design, and open space. Building shall not exceed a height of fifty (50) feet. Property shall not contain less than fifteen thousand (15,000) square feet nor have a frontage less than eighty (80) feet. Side and rear yard setbacks shall be ten (10) feet and front yard setbacks shall be forty (40) feet.

Total ground coverage excluding parking facilities shall not exceed fifty percent (50%) of the lot. Developments shall be designed to ensure maximum safety to the user. Parking spaces shall not exceed seventy-five (75) vehicles and must meet the requirements of Article 9 if more parking is required, a second facility may be established. Parking facilities shall not be located in setback areas which abut residential zones. Spaces shall be landscaped from residential zones. Loading areas shall be screened and not visible from the street. Spaces shall meet the requirements of Article 9.

Signs shall conform to Article 8 and be located thirty (30) feet from any property line and be designed to coordinate with the principal building. Ground-mounted signs shall be landscaped.

Buildings shall be at least fifty (50) feet from a residential zone. A landscaped buffer shall be planted at least eight (8) feet in height. The applicant shall submit architectural designs for building facades. A list of materials and textures for all buildings and other facilities shall be submitted.

12.5 Application Procedure

If a District is established, it shall be governed by the site plan and architectural review requirements and, if applicable, by the Subdivision Regulations. The applicant shall submit four (4) copies of each plan map.

Plans shall show grading, landscaping, drainage, and buffer profiles that will be used for visual screening. Sedimentation and erosion control measures, existing and proposed streets, parking and loading areas, driveways, and maneuvering and turning radii areas for vehicles shall also be shown. The applicant will illustrate the orientation of buildings, undisturbed vegetation areas, open spaces, watercourses, signs, architectural plans, elevation drawings, floor plans, and all public utilities and easements.

12.6 Open Space

The Commission may require a minimum of ten percent (10%) of the land in a District to be dedicated as open space.

Article 13 – Non-Conforming Uses

13.1 Applicability

This article is applicable only to those uses in existence on the effective date of the Regulations, except as may be provided elsewhere. The lawful use of any premises existing on this date may be continued even if the use, area, height, or bulk requirements of that use do not conform to the Regulations. The date shall include the effective date of any subsequent amendments which may cause any use to become non-conforming.

13.2 Buildings/Structures with Non-Conforming Bulk

Normal maintenance, enlargement, reconstruction, alterations, repair, or moving of a structure with non-conforming bulk is permitted if the same does not expand a non-conformity or create any new non-conforming bulk in such building or structure.

13.3 Repair and Alteration

Normal maintenance, repair, or incidental alteration in a building occupied by a use which is non-conforming is permitted if no new non-conformity or expansion of a non-conformity is created.

13.4 Changes in Non-Conforming Uses

The Zoning Enforcement Officer shall review any proposed change in a non-conforming use and determine if the proposed change constitutes: (a) a reduction in non-conformity; (b) a legal intensification of an existing non-conforming use; or (c) an expansion of a non-conformity.

In the case of a reduction of a non-conformity resulting from a change of use, the requirements for permitting a new use under these regulations shall apply. The resulting approved change in use shall be considered a legal abandonment of the previous non-conformity. In the case of a legal intensification, no action is necessary by the ZEO, although a Certificate of Zoning Compliance may be requested by the property owner. In the case of a proposed expansion of a non-conforming use that does not qualify under the provisions of Article 13.8, a variance from the Zoning Board of Appeals shall be required.

13.5 Termination

Once a non-conforming use has been terminated or changed its characteristics, the non-conforming use shall not be resumed or restored.

13.6 Cessation

No non-conforming use which shall have been discontinued shall be resumed or replaced by any other non-conforming use providing that there is clear evidence of the property owner's intent to abandon and discontinue such use.

13.7 Abandonment

If a non-conforming use is abandoned, it shall imply intent by the owner to permanently cease the non-conforming use.

13.8 Extension and Enlargement

One expansion of up to 10% of either a building footprint or interior area of a space containing a non-conforming use is allowed, provided: (1) All of the bulk requirements of Schedule B of these Regulations are met, including building height, property line setbacks and lot coverage requirements, and (2) required parking provisions are met for the expanded use or structure.

Such expansions shall be by approved by special permit and may only be granted for one expansion from the adoption of zoning (May 8, 1971). For expansions requiring a site plan, such plans shall be filed in the land records of the Town Clerk after signature by the Chairman of the Planning and Zoning Commission.

13.9 Damage and Destruction

A non-conforming structure, which is destroyed or damaged by fire or casualty, may be structurally altered or reconstructed provided the degree of non-conformity is not increased.

13.10 Existing Uses

Existing uses are not required to rearrange their building to comply with the Regulations unless the reconstruction is required by other Regulations.

13.11 Signs

Any unpermitted increase in size, illumination, or flashing of non-conforming advertising signage or billboards shall be deemed an unlawful expansion of a non-conformity.

13.12 Change in Plans

Nothing herein nor changes in regulation shall be deemed to require a change in plans, construction, or use of any structure for which a zoning permit has been approved has not yet reached a five-year expiration from the date of approval. Zoning permits for which construction has not commenced within five years from the date of approval shall be deemed expired.

13.13 Combining of Non-Conforming Lots

If two or more lots, combinations of lots, or portions of lots adjacent to other parcels or lots under common ownership are of record as of the effective date of adoption or amendment of these Regulations, and if all or part of the lots do not meet the lot width and/or lot area requirements of Schedule B in the zones in which such lots are located, the land involved shall be considered to be an undivided parcel for the purposes of these Regulations and no portion of said parcel shall be used or conveyed in a manner which would diminish compliance with the lot width and lot area requirements established by these Regulations, provided that the resulting undivided parcel contains no more than one primary building.

13.14 Construction on Non-Conforming Lots

Lots which lack a primary building or which fail to comply with the requirements of Schedule B may be used and a building constructed as long as the lot has a minimum frontage of twenty-five (25) feet on an approved street. The proposed use shall conform to the Regulations and not require Special Permit approval.

Any lot of record as of May 8, 1971 or any other lot which a part of a subdivision was and granted final approval prior to the above date and has a square footage or frontage less than what is required in Schedule B shall be used only for a single family detached residential dwelling providing the lot conforms to the other requirements in Schedule B.

13.15 Non-Conforming Frontage and Side Yard Requirements

If an undersized lot is unable to be developed as required in Schedule B, the following shall apply:

Frontage of less than fifty (50) feet: five (5) feet – however, the sum of both side yards shall not be less than thirty six percent (36%) of the lot frontage.

Between fifty (50), but less than sixty (60) feet: eight (8) feet – however, the sum of both side yards shall not be less than thirty eight percent (38%) of the lot frontage.

Between sixty (60) feet and eighty (80) feet: ten (10) feet – however, the sum of both side yards shall not be less than thirty eight percent (38%) of the lot frontage.

Article 14 – Administration and Enforcement

14.1 Interpretation of Regulations

These Regulations shall be held to the minimum requirements for the promotion of public safety and convenience. If the requirements of the Regulation conflict with other regulations, ordinances, covenants, deeds, or restriction the more restrictive shall govern.

14.2 Enforcement

The Commission may employ the services of a Zoning Officer. The Officer shall be responsible for and authorized to enforce the Zoning Regulations, subject to the supervision by the Commission. The Officer may inspect any building or premise, order the immediate termination of any condition found to be in violation of these Regulations, examine any action which is disputed, and submit reports to the Commission on all zoning violations.

14.3 Zoning Permits Required

No land, building, or structure shall be erected, used, enlarged, extended, constructed, renovated, altered, or moved until a permit has been obtained from the Zoning Enforcement Officer.

14.4 Zoning Permits on Public Highways

Permits shall not be issued unless the frontage meets the requirements of Schedule B and, if an interior lot, parallel to a State highway or accepted or proposed street on a subdivision map and filed with the Town Clerk.

Streets shall be constructed and approved by the Road Superintendent and Town Engineer under Construction and Acceptance of Public Streets/Highway Ordinance or they may be partially constructed to meet the requirements except for the final course of bituminous binder, sidewalk, and curbing.

All public improvements shall be subject to a Performance Bond guaranteeing completion. Bonds shall be in a form satisfactory to the Commission and Town Counsel. Permits may be issued for farming uses and other buildings including necessary uses not capable of or intended for human habitation and for additions to existing buildings or to residential dwelling units.

14.5 Permit Application Procedure

Applications shall be submitted prior to the extension, enlargement, moving, construction, or reconstruction of any building or structure.

14.6 Certification of Zoning Compliance

The Zoning Officer may issue a Compliance Certificate for the use or occupancy of any land or building after determining that all requirements have been satisfied. Buildings shall not be used until a Certificate of Zoning Compliance has been issued stating that the use is in accordance with the Regulations.

14.7 Records

The Zoning Officer shall keep a record of all applications, certificates, fees, and identifiable complaints of any zoning violations, including all inspections made pursuant to the Regulations, and violation notices and actions taken.

14.8 Foundation Verification – “As Built”

A certified “As Built” plot plan shall be submitted to the Enforcement Officer within fourteen (14) days after the completion of footings, piers, or walls to verify setback requirements. The plot plan shall be required for structures involving close proximity to property lines, watercourses or wetlands, or other similar building restriction lines.

If the certified "As Built" is not received with the required time frame, the Building Official will not issue any additional construction permits.

14.9 Sedimentation and Erosion Control Measures

The Enforcement Officer shall inspect all control facilities to ensure they are in compliance with approved plans, properly installed, functioning, and maintained by the applicant.

Article 15 – Amendments

15.1 Authority

These Regulations, including the Zoning Map, may be amended or repealed in accordance with the provisions of the Connecticut General Statutes by either the initiative of the Commission or by petition. Any person may petition the Commission requesting a change in these Regulations or the boundaries of the Zoning Districts as shown on the Official Zoning Map for the Town of Thomaston.

15.2 Application Requirements

A. Requirements for All Petitions

1. Completed and signed petition application form.
2. Required petition filing fee.
3. Complete and comprehensive written statement detailing the reasons for any proposed amendment to either the Official Zoning Map or the Zoning Regulations, including any special interest the petitioner may have in such change.

B. Additional Requirements Specific to Petitions for Changes to the Official Zoning Map

1. Map which clearly shows existing and proposed zoning districts with dimensions and distances of all zone boundary lines and existing property lines.
2. Complete and precise written description by metes and bounds or courses and descriptions of the location of the new boundary proposed to be established.
3. List of the names and addresses of the record owners of land within and within five hundred (500) feet surrounding the area to be affected by such zoning boundary change. This list shall be keyed to the map provided as per Section 15.2.A.1 above.

C. Additional Requirements Specific to Petitions for Text Amendments to the Zoning Regulations

1. Full text of any proposed change to the Zoning Regulations, clearly indicating existing provisions to be repealed and new provisions to be enacted.

D. A complete petition shall consist of the petition application form and filing fee prescribed by the Commission and all documents and statements required to accompany the form. Failure to provide the information required in Sections A, B, and/or C above shall deem the petitioner's application incomplete and shall be grounds for denial of the petition.

15.3 Public Hearing Required

The Commission shall hold a public hearing on all proposed amendments to these Regulations or to the Official Zoning Map.

15.4 Notifications and Referrals

- A. Any proposed amendment to the Official Zoning Map or the Zoning Regulations affecting the use of a parcel, property, or zoning district any portion of which is within 500 feet of the Town line shall be referred by the Commission to the appropriate regional planning agency and to the adjoining municipality, as required by the Connecticut General Statutes.
- B. A copy of the proposed amendment shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
- C. To assist with its consideration of any petition to amend these Regulations or the Official Zoning Map, the Commission may request advisory reports and/or reviews from governmental agencies, commissions, officials, consultants, or others it deems appropriate.

15.5 Posting of Sign at Properties for Zone Change Applications

- A. The requirements of this section shall pertain to all petitions except for those where the applicant is the Town of Thomaston Planning & Zoning Commission.
- B. The applicant shall place a sign or signs on the affected property giving notice of the proposed public hearing. The required signage shall be obtained from the Land Use Office, and a refundable deposit shall be made by the applicant to cover the cost of the sign(s). The signage shall conform to the following requirements:

1. Where the property is a corner lot, a sign shall be placed on both frontages of the property.
2. Signage is to be placed at or near the street line or traveled way and shall be clearly visible to the general public.
3. Signs must be posted not over two hundred (200) feet apart, in addition to the minimum required.
4. Said sign(s) must be erected at least twenty (20) days before the date of the hearing and remain on the premise until after the hearing, after which said sign(s) shall be promptly removed by the applicant and returned to the Land Use Office.
5. The sign shall have a minimum area of 4 feet by 4 feet.
6. Capital letters shall be three (3) inches in height. The sign must be legible in block or printed letters not less than the size shown above.
7. Lettering shall be black on white or yellow background and the wording shall read as follows:

HEARING NOTICE

PROPOSED CHANGE OF ZONE FOR THIS PROPERTY

FROM: _____ TO: _____

Hearing Location:
Town Hall
158 Main Street
Meeting Room #1, 4th Floor
Thomaston, CT

DATE

TIME

15.6 Decision Considerations

- A. Before approving any amendment to these Regulations or to the Official Zoning Map, the Commission shall determine that the proposed amendment:
 1. Is consistent with the Town of Thomaston Plan of Conservation & Development;
 2. Will aid in protecting the public health, safety, welfare, or property values;
 3. Will aid in attaining the purposes of these Regulations; and
 4. In the case of proposed amendments to the Official Zoning Map, is suitable for the intended location.
- B. Such amendments to these Regulations and/or to the Official Zoning Map shall be established, changed, or repealed only by a majority vote of all of the regular members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the Lots affected by such proposed change or of the Lots within five hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all of the regular members of the Commission.

Article 16 – Validity and Effective Date

16.1 Validity

The invalidity of any part of these Regulations shall not invalidate any other section, paragraph, or provision.

16.2 Effective Date

Any amendment or change in these Regulations shall be in full force and effect from the date established by the Commission.

Article 17 – Site Plan Review

17.1 General Provisions

The use of land or buildings is subject to administrative review and site plan approval. The extension, construction, reconstruction, moving, structural alteration, or enlargement of any structure in connection with such shall conform to the following standards.

17.2 Review Standards

The applicant shall design vehicular and pedestrian access in a way to avoid safety hazards and traffic congestion. The applicant shall demonstrate that sewage disposal and water supplies are in compliance with the regulations of the Water Pollution Control Authority, Torrington Area Health District, the Dept. of Health Services and Public Utility Control.

The applicant shall demonstrate if off-street parking and loading is designed in a way to enhance vehicular safety and protect health. The applicant shall design the location and height of exterior lighting to avoid glare on other properties.

The applicant shall plant shrubbery or create other buffers in commercial and manufacturing setbacks to lessen impact on adjacent properties and provide landscaped areas next to off-street parking and loading areas. Landscaping may consist of planting strips of islands not less than eight (8) feet in width.

Construction, including drainage and other improvements, shall be done in such a way that it shall not cause erosion and sedimentation on the subject or adjacent property or into any wetlands or watercourse.

17.3 Site Plan Application

The plan shall be drawn to a scale not to be less than one hundred (100) feet to the inch and contain existing and proposed contours, property lines, buildings, streets, driveways, off-street parking, loading areas, rights-of-way, storage areas, signs, lighting, water supply sources, sewage disposal, wetlands and watercourses, and storm drainage facilities on and adjacent to the site. Features such shrubbery, trees, lawns, and other areas along with undisturbed natural terrain shall also be shown.

The applicant shall submit four (4) copies of the site plan map. The plan shall include elevations, drawings, and floor plans.

17.4 Sedimentation and Erosion Control Facilities

The plan shall be prepared at a scale of not less than one hundred (100) feet to the inch and contain provisions to construct facilities and reduce the danger from stormwater runoff on the site and on adjacent properties. A narrative along with a grading schedule for construction, design criteria, conservation practices, and a maintenance program for the facilities shall be submitted. Development shall not begin onsite until all of the control facilities are installed and functioning properly.

17.5 Public Utility Services

The applicant shall provide a report from the Torrington Area Health District regarding subsurface waste disposal systems along with the location of primary and secondary leach fields and wells. A report from the Water Pollution Control Authority regarding the ability and availability of sewage disposal shall also be submitted. A report from the Dept. of Environmental Protection or from the Army Corps of Engineers as to what types of uses, if any, will be permitted up to or within their area of jurisdiction shall be submitted.

The applicant shall submit a Certificate of Public Conveyance accompanied by a water supply plan approved by the Dept. of Health Services and Public Utility Control if water will be supplied by a small water company.

17.6 Plan of Development

The applicant's plan shall conform to the overall purpose and intent of the Plan of Development. The Commission may require policy recommendations from the Plan to be incorporated into the site plan.

17.7 Submission of Application

Applications shall be submitted seven (7) days prior to the next meeting. This will permit a preliminary review and placement on the agenda. Applications shall be received at a regular meeting, which is known as the "day of receipt."

17.8 Decision of Commission

The Commission shall approve, approve with modifications, or disapprove any site plan application with sixty-five (65) days after it has been received at a regular meeting. The Commission shall determine if the application is complete. If the Commission fails to act with sixty-five (65) days, it shall be considered approved and a certificate to that effect shall be issued upon written demand by the applicant. Demand must be received within thirty (30) days after the expiration of the sixty-five (65) day period for action.

17.9 Extension of Application

An extension of the sixty-five (65) day review period may be granted provided the applicant gives written consent. Grounds for disapproval shall be stated and made part of the record.

17.10 Legal Notice

Legal notice of the decision shall be published within fifteen (15) days after the decision.

17.11 Certificate of Occupancy

A Certificate shall not be issued until the Zoning Officer has determined that all provisions of the plan are in compliance. If conditions prevent compliance, the Officer may authorize the issuance of the Certificate on the condition that the remaining provisions are complied with as weather permits. Non-compliance shall make the approval null and void unless extended for good cause.

17.12 Revisions, Modifications, and Extensions

Substantial revisions, modifications, construction, enlargements, extensions, or structural alterations to an approved site plan shall require the submission of a revised application.

17.13 Condition of Approval

Conditions of approval shall be completed within five (5) years after the date of approval. If not completed, the approval shall be null and void. The Commission may, by resolution and without holding a hearing, extend approval for a period of one (1) year for good cause.

17.14 Administrative Authorization

- A. The Zoning Enforcement Officer shall have the authority to administratively approve changes providing the requirements for off-street parking are the same as or less than what was required for the previous use. If approved, the Officer shall state that the decision and/or use may be subject to future review by the Commission. Approvals shall allow for immediate occupancy except for those instances when the Building Official requires a Certificate of Occupancy.
- B. In cases where additional parking, substantial structural alterations or renovations are involved, a site plan shall be submitted for review. The Zoning Officer shall determine if a thorough review is warranted by the Commission.
- C. **Temporary Zoning Approval for Outdoor Food & Beverage Service**
 1. As a part of post-COVID-19 recovery and social distancing requirements, for the period from when the Governor of the State of Connecticut partially lifts the Declarations of Public Health and Civil Preparedness Emergencies (the Declaration) originally issued March 10, 2020, in such a manner as to permit some level of onsite restaurant and bar

service, until such time as the Declaration is completely lifted, but in no case any earlier than May 20, 2020 or later than October 15, 2020, food service establishments may apply for a site plan modification to permit for outdoor food and beverage service, to be reviewed and, if appropriate, authorized by the Zoning Enforcement Officer (ZEO) subject to the following requirements:

- Service area is to be properly enclosed in a manner that ensures access to the service area is only through the permitted business.
- If service area is proposed to be located in an area customarily used for parking, appropriate barriers and adequate signage must be installed to prevent accidental incursion into the area by vehicular traffic.
- Applicants shall not be required to meet the Parking Requirements in Section 9.11 of these Regulations for the duration of this Temporary Approval.

2. Required Application Materials Include:

- Location of proposed outdoor beverage service shall be indicated on a plan or aerial picture of the property with beverage area dimensions shown depicting with reasonable accuracy the outdoor area that is proposed to be used and what is proposed to be placed, built, or erected in the outdoor area;
- Description of planned controls to ensure the area is inaccessible to vehicular traffic.
- If the temporary outdoor food and beverage service area is proposed to be located in area currently designated as part of the business's required parking facilities, a brief statement indicating possible alternative off-street parking facilities shall be provided.
- If the outdoor dining area includes a public sidewalk, parking area, or other public space, the following shall be provided to the Land Use Office prior to the issuance of the permit: a Hold-Harmless Agreement in favor of the Town of Thomaston, proof of general liability and, if applicable, liquor liability insurance coverage for the outdoor dining area naming the Town of Thomaston as an additional insured.
- Temporary outdoor alcoholic beverage service shall be in accordance with Section 21.5.C.5 of these Regulations.

3. Such temporary zoning approval shall only be valid through October 15, 2020 and shall be so indicated on the permit endorsed by the ZEO.

4. Termination of Temporary Dining Area Use:

- Temporary approvals under this section will no longer be valid as of October 16, 2020.
- Temporary approvals can be converted to permanent approvals after site plan review and approval by the full Planning & Zoning Commission, provided all Site Plan Requirements in Section 17 and Parking Requirements in Section 9 have been met.
- If the applicant does not apply to convert the temporary approval to a permanent approval by October 16, 2020, the applicant shall restore the area used for temporary dining area to its original state prior to May 20, 2020.
- The temporary permit issued under this section may be revoked by the Zoning Enforcement Officer if it is determined that the outdoor dining and/or liquor service is not occurring in conformance with the issued approval. Any revocation may be appealed to the Planning & Zoning Commission in accordance with procedures described in Executive Order 7MM.

5. Nothing herein shall be construed to create the right to a pre-existing legal nonconformity once the Declarations of Public Health and Civil Preparedness Emergencies have been fully lifted.

17.15 Inland Wetlands and Watercourses Commission

Applications shall be submitted to the Wetlands Commission no later than the day it is submitted to the Planning and Zoning Commission to determine the presence of a regulated activity.

It the period for a decision by the Planning and Zoning Commission expires prior to a decision by the Wetlands Commission, the decision period shall be extended for a period of thirty-five (35) days after a decision is rendered by the Wetlands Commission. The applicant shall submit a copy of the Wetland's decision to the Planning and Zoning Commission.

17.16 Inspection by Town Engineer

The applicant shall be responsible for all inspection and review cost incurred by the Town Engineer during the review process. If it is determined that additional inspection and follow-up reports are necessary after granting an approval and prior to project completion, the applicant shall be responsible for all costs incurred by the Town Engineer as per the fee schedule assessed to the Town.

Article 18 – Zoning Board of Appeals

18.1 Power and Duties

The Zoning Board of Appeals shall have all of the powers and duties prescribed by the Regulations and Connecticut General Statutes Section 8-6, as may be amended.

18.2 Administrative Review

The Board shall hear and decide appeals where it is alleged that there is an error in any order or decision by the Zoning Enforcement Officer or interpretation of these Regulations.

18.3 Variance

In certain cases, the Zoning Board of Appeals may authorize variances from the Zoning Regulations where owing to special circumstances or conditions, a literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship.

The Zoning Board of Appeals shall not be required to consider an application for the same or substantially the same variance more than once during any six (6) month period from the date of their decision or the date of the Court's decision.

Variances shall become effective when the original certificate or a certified copy of such is recorded in the Land Records.

18.4 Procedure for Combined Applications

Whenever a pending application for a variance is joined with an appeal to the Board, the Board shall initially decide the issues presented by the appeal.

Article 19 – Sedimentation and Erosion Control Bond

The Commission shall secure a bond to enforce, stabilize, and control any adverse environmental impacts resulting from a lack of facilities or non-compliance with the approved sedimentation and erosion control plan. A bond shall be required if the disturbance is in excess of a half (1/2) acre. The applicant shall be given written notice of a public hearing.

The Zoning Officer shall access to the site to determine compliance with Article 17. Section 8-12 of the Statutes and Public Act 87-244 authorizes action against a violation of this Article.

The Commission shall require a cash book, savings account, or an irrevocable letter of credit. The bond may be called after a certified notice is sent to the applicant. The Commission must make a determination that the Sediment and Erosion Control Plan is not being followed by the applicant or their agent. The Commission or their agent shall determine the amount of the bond.

Article 19 shall apply to all special permit or site plan applications approved on or after the effective date of these Regulations whether or not the application was filed prior to the effective date of these Regulations.

Article 20 – Health District Authorization

The Commission shall require approval from the Torrington Area Health District prior to issuing a zoning permit for buildings which require septic systems. Buildings shall be enlarged, constructed, or intensified without obtaining approval from the Torrington Area Health District.

Activities subject to this requirement include the construction of a single or multi-family units, commercial or manufacturing buildings, and additions to these units. Also, the conversion of residential units from seasonal use to year round use and the addition of new uses to a dwelling or structure, whether or not a subsurface disposal system is present on the property, is also required for review.

Wells for potable water or industrial usage shall not be dug, drilled, or deepened without obtaining an approval from Torrington Area Health District. Swimming pools shall not be installed without obtaining a permit from Torrington Area Health District.

These requirements shall be in addition to any other requirements of the Town or the State Building Code. Failure to comply may result in the revocation or suspension of any permits or further legal action for enforcement of these Regulations. If action is brought, the subject party may be liable for attorney fees and court costs.

Article 21 – Special Regulations

21.1 Earth Excavation and Mining

A. General Provisions

Land Shall not be altered by excavation or by the removal or relocation of earth, topsoil, gravel, clay, loam, minerals, or by the deposition of other materials without obtaining a permit unless such activity is exempted pursuant to Section 21.1.F. After the effective date of these Regulations, no operations shall be allowed to continue without a Special Permit.

B. Definition of Earthen Materials

These include any organic or inorganic materials, peat, loam, quarry materials, gravel, stone, clay, sand, and other similar natural resources. Earthen materials shall not include construction or building materials, rubbish, trash, stumps, inoperable motor vehicles or parts thereof, road construction materials or any other forms of solid waste, except as may be permitted.

C. Special Permit Required

A Special Permit shall be required for activity that exceeds two hundred fifty (250) cubic yards per year from any lot, unless the use is exempted pursuant to Section 21.1.F.

D. Zoning Permit Required

A zoning permit shall be required for all activity between one hundred (100) and two hundred fifty (250) cubic yards per year, unless it is exempted pursuant to Section 21.1.F. Permits shall not be required for any activity of less than one hundred (100) cubic yards per year on any lot.

E. Safety Considerations for Operations Including Exemptions

Operations must be conducted in such a way as not to compromise the character or integrity of the neighborhood or endanger the health or safety of its residents. They shall be limited from 8:00AM to 5:00PM Monday through Saturday. Activity is not permitted on Sundays or on legal holidays. After holding a hearing, the Commission may authorize new hours of operation due to special circumstances and conditions.

F. Exemptions from Obtaining a Special Permit

1. The following activities may be exempted from the requirement to obtain a Special Permit:
 - Activity accessory to the construction of buildings, street, driveways, drainage, off-street parking, sewer improvements, or to agricultural operations;
 - Activity such as necessary filling, removal, grading, or alterations connected with manufacturing, commercial, or residential construction;
 - Municipal projects.
2. This exemption shall only apply one time where:
 - Less than 500 cubic yards are excavated, removed, graded, and/or relocated for single family residential uses; or
 - Less than 300 cubic yards are excavated, removed, graded, and/or relocated for all other residential, commercial, manufacturing, or agricultural uses.
3. A zoning permit is required and can be issued by the Zoning Enforcement Officer. Said permit shall be valid for one year, and it can be renewed for one additional year.
4. All buildings proposed as part of a request for exemption under Section 21.1.F shall be constructed within two years of this approval; the permittee may request one extension of this requirement of up to two years provided no violations have occurred and provided the property owner submits updated plans depicting existing conditions.
5. Even though these activities do not require a Special Permit, these activities shall comply with the standards found in *Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended. Failure to comply with these standards shall be a violation of these Regulations.

G. Application Requirements

Along with an application for Special Permit conforming to the requirements of Article 10, the following information, based on an A-2 survey, shall be required:

1. The plan shall show the limits of all areas to be cut, filled, graded, excavated, or altered. All property lines, streets, and the location of buildings on adjoining properties within two hundred (200) feet of the subject property shall be shown on the plan.
2. The plan shall contain the names and addresses of legal owners of all abutting parcels. A list of property owners shall be submitted.
3. Contour lines, drawn at not less than two (2) foot intervals, shall be coordinated to a permanent monument drawn to a scale of one hundred (100) feet to the inch.
4. Watercourses, wetlands, or drainage areas within two hundred (200) feet of the property shall be shown. If offsite data is not available, information may be obtained from the USGS. Bedrock outcroppings, forested areas, and other physical features shall be shown.
5. The applicant shall provide an estimate of the number of cubic yards of material to be filled, excavated, graded, or removed from the site and the time necessary to complete the activity.
6. Vehicular access routes to the site shall be shown along with an estimate of the type of equipment and other machinery to be used onsite.
7. The location of buildings and structures, including temporary ones to be erected onsite, shall be shown. The plans shall also clearly show the location of topsoil storage areas.
8. The plan shall contain details regarding the storage of explosives and blasting equipment onsite.
9. Grading details and a landscaping plan shall be included. Plans shall show existing contours in the area to be excavated or graded and proposed contours after completion of the work. Landscaping plans shall show the type, location, and extent of all proposed planting or vegetation to be retained on, or otherwise provided for, the site in order to prevent erosion of the site.
10. Information regarding the estimated start and completion dates and the estimated hours and days of the week proposed for operation on the site.

H. Standards and Conditions

1. Processing machinery shall not be used within two hundred (200) feet of any property or street line. Machinery shall be removed upon termination of the permit. Machinery not accessory to the activity shall not be allowed onsite. No material or equipment shall be stockpiled or operated outside of the permit area.
2. At no time shall more than one (1) area exceeding five (5) acres be opened for operations. All remaining areas shall be left undisturbed.
3. Operations which create inclines, pits or depressions, erosion, improper drainage or other conditions which would impair the development or reuse of the site or would deteriorate the use of adjacent properties, cause health or safety concerns resulting from such activity or use shall not be permitted.
4. Reasonable measures shall be taken to minimize noise, dust, and vibrations. Access roads shall be covered with a dustless surface and maintained in good condition at all times.
5. Six (6) foot high fencing shall be installed if excavations exceed a depth of five (5) feet and create slopes in excess of two to one (2:1). Fencing shall be installed when bordering roads, streets, travel ways, and residential areas. Other screening measures may be used.
6. Excavations shall not be permitted within one hundred (100) feet of any highway and/or any residential unit or below the grade of any property within fifty (50) feet of the property line.
7. The permittee shall ensure that vehicles exiting the site have their loads secured to avoid spillage.

8. At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties. The excavation and grading shall be in compliance with the Connecticut Department of Energy and Environmental Protection's regulations governing the discharge of stormwater and dewatering wastewaters from construction activities.

I. Restoration of the Site

1. Upon completion or expiration of the permit, excavated and disturbed areas shall be restored to the following vertical to horizontal ratios:
 - (i) undisturbed earth – one to one point five (1:1.5);
 - (ii) earth fill – one to two (1:2); and/or
 - (iii) rock – four to one (4:1).
2. Restoration shall not result in the creation of sharp cuts, declines, depressions, erosion, drainage or sewage problems.

J. Public Hearing

The Commission shall hold a hearing within sixty-five (65) days after receipt of a completed application for any activity involving excavation, filling, grading or removal of two hundred fifty (250) cubic yards or more of earthen material. Failure to submit information may be considered grounds for disapproval of the application. All communications shall be in writing. Copies shall be kept on file in the Land Use Office.

K. Permit Expiration and Renewal

1. Permits shall be valid for one (1) year from the date of issuance provided no violations have occurred.
2. Permits may be renewed for a period of one (1) year by site plan approval without holding a public hearing provided:
 - (i) The permittee submits a revised plan showing the existing conditions;
 - (ii) The permittee's engineer certifies in writing that all authorized work has been conducted in accordance with the requirements of the permit;
 - (iii) No violations have occurred and/or remain unabated;
 - (iv) The permittee's written request for renewal was received by the Commission prior to the expiration of the permit; and
 - (v) The permittee demonstrates that all bonding remains in place to cover the proposed period of permit extension.
3. The Commission may deny a renewal request if the permittee has not conformed to the plan of operation as approved, until such time as the permittee has brought his operations into conformance with the approved plan of operation.
4. If the permit is renewed, legal notice shall be published.

L. Site Inspection

The Zoning Enforcement Officer and the Town Engineer shall have access for inspection purposes and to determine compliance. The Commission may require the submission of status reports detailing site progress.

M. Liability Insurance and Bonding

1. The applicant shall provide proof of liability insurance. The Town shall be named as insured with a limit of not less than one hundred thousand dollars (\$100,000.00) to personal injury, which shall include death, and not less than ten thousand dollars (\$10,000.00) for property damage covering all operations to be conducted pursuant to the permit. If the insurance is cancelled or not renewed, the permit shall be terminated.
2. The applicant shall submit security in the form of a certified check, passbook account, letter of credit, or other form acceptable to the Commission and the Town Attorney. The security shall be equal to the amount of the proposed excavation and site restoration costs as provided by the applicant and approved by the Planning & Zoning Commission with recommendation from the Town Engineer and/or Zoning Enforcement Officer.

3. Upon completion of the restoration work, the applicant may apply for release of the bond. The Town Engineer and the Zoning Enforcement Officer shall inspect the restoration and submit a report to the Commission regarding compliance. If in compliance, the bond may be released to the permittee; otherwise, it shall remain in full force and effect. The permittee may also apply for partial release of security with the recommendation of the Town Engineer and/or Zoning Enforcement Officer.

N. These Regulations shall not be deemed to prohibit the transfer of sod, soil, clay, sand, gravel, or stone from one part of a lot or parcel of land to another part of the same lot or adjacent tract or parcel of land in the same ownership.

O. Accessory Processing and Screening

As a use incidental to a permit for earth excavation and mining, the Commission may permit processing and screening subject to the issuance of a special permit, provided the following requirements are met:

1. The processing of materials shall be limited to those found on the site. No material may be brought in from offsite for processing.
2. Processing machinery shall not be operated within two hundred (200) feet of any property line or street.
3. Processing activities shall not be permitted on Sundays or holidays. The Commission shall have the authority to establish operational hours.
4. Measures shall be taken to minimize noise, vibration, and dust.
5. Access roads shall be maintained in good working order.
6. Vehicles shall secure their loads to prevent spillage.
7. Explosives shall not be permitted onsite, except as permitted by the Commission under Section 21.1.G.8.
8. Material stockpile areas and the area of operations shall be stipulated on the permit and the site plan.
9. Construction materials shall be removed and the property restored to its original condition consistent with the topography and the neighborhood.
10. Permits shall be valid for one (1) year from the date of issuance provided no violations have occurred. Permits may be renewed in accordance with the requirements of Section 21.1.K.
11. The site shall be open at all times to the Commission and/or agent to determine compliance. The applicant may be required to submit periodic reports detailing the status of the project.
12. The applicant shall file a surety bond in an amount the Commission and/or their agent deems necessary to ensure completion of the work. A liability insurance policy shall be submitted. Town Counsel shall approve all policies and bonds. Upon restoration, the applicant may apply for release of the bond; otherwise it shall remain in full force and effect.

21.2 Multiple Dwelling Units

A. General Provisions

This section shall provide procedures and standards for the development of multiple dwelling units.

B. Qualifying Standards for the Tract

The tract shall consist of a lot or contiguous lots under one (1) ownership or control. The tract shall contain a minimum of ten (10) acres and be served by public sewer and water. It shall contain two (2) accessways of which one (1) may be on a State road.

Each accessway shall have a minimum of fifty (50) feet of frontage. The minimum frontage for the tract shall not be less than eight (80) feet. One (1) accessway may be with eighty (80) feet when two (2) abutting strips are created, they shall be separated from any other accessway on the same side of the street by a minimum of one hundred twenty (120) feet. The tract shall be located within the RA-15 Zone.

C. Design Standards for Dwelling Units

No more than six (6) dwelling units per acre shall be permitted to compute the density, a seventy-five (75) foot buffer shall be excluded from the area of the tract. Principal buildings shall be located a minimum of thirty (30) feet from other principal structures.

Two (2) parking spaces shall be provided per unit. Each building shall provide two (2) spaces to accommodate visitors. Each unit shall have 2 doors or a set of stairs accessing the outside of the unit.

No building shall contain more than six (6) dwelling units. Primary buildings shall not be constructed within seventy-five (75) feet of any street or property line. Maximum height shall not exceed forty (40) feet. Units shall contain a minimum of seven hundred fifty (750) square feet of habitable floor area. Ground coverage shall not exceed fifteen percent (15%).

Utilities shall be located underground. Buildings shall not exceed two hundred (200) feet in length. Each unit shall be provided with a minimum of forty-eight (48) square feet for outside storage. Garages, basements, or other space within the unit may be used to meet this requirement.

Exterior space shall be considered common land and usable for traffic circulation, parking, recreation, or conservation purposes. A minimum of twenty five percent (25%) shall be designated as open space and used for recreational purposes.

D. Standards

The tract shall be served by private streets. Streets shall meet municipal construction standards. Internal circulation patterns shall be designed to discourage through traffic. A minimum of thirty (30) feet is required between streets and buildings. Pavement width is twenty-four feet. If the street pattern significantly improves traffic circulation in the area, the Commission may require that they be dedicated to the Town. Access to a minimum of ninety percent (90%) of all units shall be from loop drives or permanent cul-de-sacs and not from other roads.

E. Phase Development

The Commission may approve construction in phases. Each phase shall be capable of existing without completion of succeeding phases.

F. Procedure – Application Submission Requirements

The Commission shall review the application pursuant to Article 10. The applicant shall submit four (4) copies of a statement describing the project in sufficient detail, four (4) copies of the site plan map, and four (4) copies of the architectural plan designs.

The applicant shall submit a report from the Water Pollution Control Authority regarding the availability and capacity for sewage disposal services along with a report from the CT Water Company regarding the availability of water service.

A traffic report detailing parking and vehicular circulation patterns on roads leading to and away from the site, sight line evaluation, and design standards shall be submitted. The Commission may require additional data and analysis.

G. Landscaping Plan

The plan shall contain the location of buildings, off-street parking, including areas reserved for special needs and handicapped individuals, exterior lighting, walkways, shrubbery, trees, other plantings to be removed or retained, designs for recreation areas, buffer areas, and open spaces.

H. Common Interest Ownership

Article 21.2 shall apply to all multi-family dwellings converted to common interest form of ownership on or after the effective date of these Regulations.

I. Special Needs and Handicapped Accessibility

The plan shall conform to all requirements to the CT Basic Building Code and to any special requirements in the American Disabilities Act.

21.3 Housing for Elderly and Seniors

A. Basic Standards and Conditions

Housing shall be located in RA-15 or GC Zones. Applications shall meet the requirements of Article 10. The tract shall consist of one (1) lot or a number of contiguous lots under one (1) ownership or control and contain a minimum of ten (10) acres. The maximum number of dwelling units allowed shall not exceed ten (10) per acre. The buffer area shall not be subtracted from the acreage prior to computing the density. The applicant shall demonstrate a need for senior housing.

B. Site Access

All projects shall contain two (2) separate access points of which one (1) may be on a State road. Each access shall have a width of fifty (50) feet. The secondary access road need only be an emergency road suitable for evacuations and public safety vehicles.

The development shall be served by a private road constructed to Town standards and designed to discourage through traffic. Interior streets shall not extend within thirty (30) feet of any unit. The Commission may require streets be dedicated to the Town whenever it would serve to improve traffic circulation.

The Commission may, at its discretion and for good cause, approve the construction of a boulevard style access to a senior housing development in lieu of the two (2) access point requirement providing the applicant has submitted sufficient documentation for the safe and convenient movement of vehicular traffic and pedestrians, made accommodations for emergency and public safety vehicles, provided attractive layout design and landscaping plans, made provisions for public utilities, submitted restrictive covenants for maintenance and owners responsibility, provided sufficient bonding to cover construction costs, and any other items that may be required by the Commission.

C. Design Standards

Buildings shall not exceed thirty (30) feet in height. They shall be separated from each other by a minimum of thirty (30) feet. Units shall have a minimum of four hundred forty (440) square feet of habitable living space. Ten percent (10%) of all units shall be constructed as handicapped adaptable. The exterior design and recreational facilities shall be in character with the neighborhood. Ground coverage shall not exceed fifteen percent (15%). Units shall be served by underground public utilities.

D. Parking Space Standards

One (1) space shall be required for each unit and one (1) space for each employee. Parking and loading facilities shall be provided for delivery trucks and vans. One (1) space per building shall be provided to accommodate visitor parking.

E. Screens and Buffers

Screening and buffering may consist of evergreens or shrubbery. The Commission may require other types of screening. A buffered area of seventy-five (75) feet shall be required around the tract. Trash and debris disposal areas shall be designed to serve the project.

F. Phase Development

The Commission may require projects to be approved in phases. Each phase shall be capable of functioning without the completion of succeeding phases.

G. Modifications to Approved Project

The Modifications to an approved project may be granted by filing a site plan application in accordance with Article 17.

H. Public Safety Considerations

The Commission may seek additional requirements to ensure the safety, health, and welfare of the Town and the residents of the project.

21.4 Home Occupations

A. General Requirements

Home occupations shall be located in residential units and the owner shall obtain a special permit. The purpose of this Regulation is to protect neighborhoods from adverse impacts of certain activities while permitting other residents the reasonable use of their property and homes.

B. General Provisions

Except as may be permitted, home occupations shall be operated in such a way so as not to display any overt characteristic or appearance of a business which would infringe upon the lawful right or privilege of others to enjoy the peaceful use of their residential units.

Home occupations shall not permit the outside storage of equipment or materials. Window displays designed to be seen from the exterior of the dwelling are not permitted.

Occupations shall not cause any intolerable amounts of noise, dust, vibrations, odors, or noxious fumes to leave the premises other than which can normally be associated with or produced by a single-family dwelling. They shall not use mechanical or electrical equipment which will create interference with radio or television receivers or cause fluctuations in line voltage off the premises. Occupations shall not interfere with the normal delivery of utilities or other customary services to the neighborhood.

C. Abutting Property Owners

For special permit applications under this Section, notice of the hearing on the application shall be sent to all abutting property owners and those across the street by Certificate of Mailing no later than ten (10) days prior to the hearing date.

D. Number of Occupations and Location

Only one (1) occupation shall be permitted to operate at any time in the dwelling. Permits are non-transferable to new owners or to new locations.

E. Vehicular Circulation and Parking

Home occupations shall not cause significantly larger traffic volumes than would normally be expected. Activities shall not create safety hazards or cause traffic congestion to residents. Occupations shall keep delivery and pickup of materials to and from the premises to an absolute minimum. Permit holders should encourage customers to park vehicles only in areas permitted by law. The Commission may request additional information from other agencies involved in public safety to determine if off-street parking should be required for vehicles.

F. Employees

Home occupations shall be operated by members of the family residing in the unit. Persons engaged in construction trades or other similar fields may utilize their unit as an office for business activities. Work must be performed off the premises. The home shall not serve as a gathering place or staging area for employee parking.

G. Signs and Advertising

Signs proposed in conjunction with a home occupation application shall obtain a sign permit application from the Land Use Office and conform to the Regulations set forth in Section 8.4 of these Regulations.

H. Classes and Instruction

Class size shall not exceed more than two (2) students. Classes may be permitted up to a maximum of four (4) students if the Commission determines that additional traffic will not be generated. The limiting of class size shall not be construed to prohibit occasional exceptions for recital or other similar gatherings. Classes shall be scheduled a minimum of thirty (30) minutes apart to help mitigate traffic congestion.

I. Enforcement

Any party who feels aggrieved by an action pursuant to this Section shall notify the Zoning Officer in writing and detail the alleged violation. Within thirty (30) days after receipt of such notice, the Enforcement Officer shall investigate. Within ten (10) days after completing the

investigation, the Zoning Officer shall notify the aggrieved party by certified mail the finding of the investigation.

The notification shall state the reasons for the decision and specify a time frame for compliance. It shall also state what action will be taken if compliance is not forthcoming. Any person aggrieved by the decision of the Zoning Officer may appeal that decision to the Board of Appeals.

J. Home Occupations

The following uses are permitted as occupations: arts and crafts for sale offsite; data and word processing; catalog direct sales and distribution offsite, professional sales; insurance; consulting services; broker; real estate; homegrown produce; gardening and landscaping for sale and distribution offsite; telephone solicitation; doctor; accountants; investors; designers; financial planners; architects; planners; and engineers.

The following uses are not permitted as occupations: video sales and distribution; retail sales establishments; automobile sales and repair, painting, parts, and service; appliance repair including television and radio; private clubs; beauty salons; barber shops; exercise studios; massage parlors; gyms; welding or metal shops; firearms; ammunitions; and explosives.

The Commission recognizes that it is impossible to list all permitted and non-permitted home occupations. The Commission will make a determination on the merits of each application after conducting a public hearing and soliciting comments from adjacent property owners and public safety officials.

21.5 Alcoholic Beverages

General Purpose

It is the purpose of this article to provide standards for a variety of alcoholic beverage service and sales uses so that their location and operation will be consistent with the protection of the public's health, safety, and welfare. All uses operating under a permit issued by the State Department of Consumer Protection, Liquor Control Division shall comply with the requirements of this Section and State law. Furthermore, a Special Permit shall be required for the sale of alcoholic liquor except for those that are exempt in the Type 4 Category as indicated below.

A. Definitions

All definitions of words used in this chapter shall be the same as defined in Title 30, Chapter 545 of the Connecticut General Statutes, revised to 2015, as amended, unless herein specifically otherwise stated.

1. Specialized Uses

For the purposes of this Section, specialized uses shall include any lot or parcel used for the purposes in whole or in part for a school, public park, or public building, but shall not apply to parcels defined as water company lands, State forests, or Federal flood control areas.

B. Permit Classification

Permit locations shall be classified as follows:

Type 1	Any permit types not covered under Types 2, 3, and 4 below as defined in Title 30, Chapter 545 of Connecticut General Statutes. Typical examples include but are not limited to: Tavern, Café, Bowling Alley, and Hotel permits.
Type 2	Package Store Permits as defined in Title 30, Chapter 545 of Connecticut General Statutes.
Type 3	All Temporary Liquor Permits as defined in Title 30, Chapter 545 of Connecticut General Statutes and Thomaston Zoning Regulations, not to exceed 30 days per property per calendar year. The Commission shall follow all considerations as outlined in Article 10 in granting and conditioning permits.
Type 4	Restaurant Permits, Theatre Permits, Grocery Beer Permits, Wine Gift Basket Retailer Permits, Manufacturer Permits for Beer (Brewery), Manufacturer Permits for Brewpubs, and Farmers Market Wine Sales Permits as defined in Title 30, Chapter 545 of Connecticut General Statutes. All uses of these types are exempt from permitting requirements of this Section and shall not be used in the calculation of separation distances as required in this Section.

C. Regulations

1. No land or building shall be erected, used, or altered that is arranged, intended, or designed to be used for the retail sale or consumption of wine, alcohol, beer, or other liquors or beverages requiring a license and/or permit pursuant to the State Liquor Control Act without first obtaining a special permit approval from the Commission under these Regulations.
2. Alcoholic beverage permits shall be separated according to the table below. Separation for similar permit types shall be measured in a direct line between the nearest public entrances of the establishments. Separation from specialized uses shall be measured from nearest public entrance of the establishment to the nearest parcel boundary containing the specialized use.

	From Similar Types	From Specialized Uses	Within the Downtown Development District
Type 1	750 FT	750 FT	750 FT
Type 2	750 FT	750 FT	750 FT
Type 3	No Separation	No Separation	No Separation
Type 4	Exempt from Permitting	Exempt from Permitting	Exempt from Permitting

3. All outdoor alcoholic beverage service areas such as decks, patios, and temporary permit areas shall be properly permitted and enclosed by a fence or wall no less than four (4) feet in height.
4. No sales or consumption on the subject property outside of areas specified in the special permit shall be permitted.
5. **Temporary Zoning Approval for Outdoor Alcoholic Beverage Service**
 - a. As a part of post-COVID-19 recovery and social distancing requirements, for the period from when the Governor of the State of Connecticut partially lifts the Declarations of Public Health and Civil Preparedness Emergencies (the Declarations) originally issued March 10, 2020, in such a manner as to permit some level of onsite restaurant and bar service, until such time as the Declarations are completely lifted, but in no case any earlier than May 20, 2020 or later than October 15, 2020,, any application for *Patio, Extension of Use, And/Or Additional Consumer Bar* shall be reviewed, and if appropriate, signed by the Zoning Enforcement Officer (ZEO) subject to the following requirements:
 - Service area is to be properly enclosed in a manner that ensures access to the service area is only through the permitted business.
 - If service area is proposed to be located in an area customarily used for parking, appropriate barriers and adequate signage must be installed to prevent accidental incursion into the area by vehicular traffic.
 - Applicants shall not be required to meet the Parking Requirements in Section 9.11 of these Regulations for the duration of this Temporary Approval.
 - b. Required Application Materials Include:
 - Location of proposed outdoor beverage service shall be indicated on a plan or aerial picture of the property with beverage area dimensions shown depicting with reasonable accuracy the outdoor area that is proposed to be used and what is proposed to be placed, built, or erected in the outdoor area;
 - Description of planned controls to ensure the area is inaccessible to general public and vehicular traffic;
 - If the temporary outdoor beverage service area is proposed to be located in area currently designated as part of the business’s required parking facilities, a brief statement indicating possible alternative off-street parking facilities shall be provided;
 - If the outdoor dining area includes a public sidewalk, parking area, or other public space, the following shall be provided to the Land Use Office prior to the issuance of the permit: a Hold-Harmless Agreement in favor of the Town of Thomaston, proof of general liability and, if applicable, liquor liability insurance coverage for the outdoor dining area naming the Town of Thomaston as an additional insured.
 - c. Such temporary zoning approval shall only be valid through October 15, 2020 and shall be so stated on the *Patio, Extension of Use, And/Or Additional Consumer Bar* application endorsed by the ZEO.
 - d. Termination of Temporary Beverage Service Use:

- Temporary approvals under this section will no longer be valid as of October 16, 2020.
 - Temporary approvals can be converted to permanent approvals after site plan review and approval by the full Planning & Zoning Commission, provided all Site Plan Requirements in Section 17 and Parking Requirements in Section 9 have been met.
 - If the applicant does not apply to convert the temporary approval to a permanent approval by October 16, 2020, the applicant shall restore the area used for temporary beverage service to its state prior to May 20, 2020.
 - The temporary permit issued under this section may be revoked by the Zoning Enforcement Officer if it is determined that the outdoor dining and/or liquor service is not occurring in conformance with the issued approval. Any revocation may be appealed to the Planning & Zoning Commission in accordance with procedures described in Executive Order 7MM.
- e. Nothing herein shall be construed to create the right to a pre-existing legal nonconformity once the Declarations of Public Health and Civil Preparedness Emergencies have been fully lifted.

21.6 Adult Oriented Establishments

A. General Purpose and Intent

The Commission finds that the operation of adult oriented businesses in the Town requires special regulation and supervision by the Town to protect, preserve, and promote the health, safety, and welfare of the patrons of such businesses, as well as the health, safety, and welfare of the Town's residents. Further, protecting order and morality, preserving the character and preventing the deterioration of the Town's neighborhoods, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its leaders.

It is the purpose and intent of the Planning and Zoning Commission, in enacting this Article, to regulate adult oriented businesses to promote the health, safety, and general welfare of the residents of the Town and to establish reasonable and uniform regulations of such businesses in order to reduce or eliminate the adverse secondary effects of such adult oriented businesses, protect residents from increased crime, preserve the quality of life, preserve the property values and the character of surrounding neighborhoods and businesses, deter the spread of blight, and protect against the threat to public health from the spread of communicable and social diseases.

It is not the intent of the Planning and Zoning Commission, in enacting this Article, to deny to any person rights to speech protected by the United States or state constitutions, nor is it the intent of the Commission to impose any additional limitations or restrictions on the content of any communicative materials including sexually oriented films, videotapes, books, or other materials. Further, by enacting this Article, the Commission does not intend to deny or restrict the constitutionally protected rights of any adult to obtain or view any adult oriented materials under the United States or state constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute, or exhibit such materials.

B. Legal Cases, Studies

Town staff and the Planning and Zoning Commission have reviewed the following information regarding adult-oriented establishments in support of the Regulations in this Article:

- History of the SOB Ordinance (Town of Berlin, CT) by Scott Shemeth.
- City of Renton v. Playtime Theatres, Inc. et. al., 475 US 41, 106 S.Ct.925 (1986).
- Marvin A. St. Pierre v. Town of Berlin et al., CV030523835S, Superior Court of Connecticut, Judicial District of New Britain at New Britain.
- Centerfolds, Inc. and Mario Pirozzoli v. Town of Berlin, Bonnie L. Therrien, Ida Ragazzi, Joanne Ward, Joseph Aresimowicz, and Linda Cimadon. 3:02cv2006(WWE), United States District Court for the District of Connecticut.
- Gold Diggers, LLC and Wayne David Massa v. The Town of Berlin, Connecticut, Herman Middlebrooks, Jr, and The Berlin Town Council. 06cv732. United States District Court for the District of Connecticut.
- Gold Diggers, LLC v. Town of Berlin. CV064010241S, Opinion No. 9689, Superior Court of Connecticut, Judicial District of New Britain at New Britain.
- VIP of Berlin, LLC v. Town of Berlin, et al. CV064012399S, Superior Court of Connecticut, Judicial District of New Britain at New Britain.
- VIP of Berlin, LLC v. The Town of Berlin, Connecticut, Herman Middlebrooks, Jr, and Denise McNair. Civil Action No. 3:06cv1811 (SRU). United States District Court for the District of Connecticut.
- VIP of Berlin, LLC v. The Town of Berlin, Connecticut, Herman Middlebrooks, Jr, and Denise McNair. Docket No. 09-2950-cv. United States Court of Appeals for the Second Circuit.

C. Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Adult Arcade

Any establishment where one (1) or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

2. Adult Cabaret

Any club, café, tavern, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (A) Persons who appear nude or seminude; (B) Live performances that are characterized by the exposure of specified anatomical areas; or (C) Films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

3. Adult Books

Any books, magazines, periodicals, pamphlets, or other printed materials that depict, display, or describe specified anatomical areas or specified sexual activities.

4. Adult Entertainment

(A) Any exhibition of any adult oriented motion picture, live performance, display or dance of any type that has as a significant or substantial portion of such performance, any performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, when such adult entertainment is held, conducted, operated, or maintained for profit, direct or indirect; and (B) Any amusement machine that is regularly used for presenting material that is characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons thereof.

5. Adult Mini-Motion Picture Theater

Any enclosed building with a capacity of fifty (50) or less persons regularly used for showing films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

6. Adult Motion Picture Theater

Any enclosed building with a capacity of more than fifty (50) persons regularly used for showing films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

7. Adult Novelties

(A) Instruments, devices, toys, or paraphernalia that are designed for or marketed primarily for stimulating human genital organs, sexual arousal, or sadomasochistic use; (B) Instruments, devices, gag gifts, toys, or paraphernalia that depict, display, or are shaped in the form of specified anatomical areas; and (C) Oils, lotions, gels, or creams that are designed for or marketed primarily for use upon specified anatomical areas and intended for stimulating human genital organs, sexual arousal, or as an aid to enhance or promote specified sexual activities.

8. Adult Oriented Store

Any establishment having (A) a substantial or significant portion of its stock in trade in Adult Books, Adult Videos, or Adult Novelties or any combination thereof; (B) Any portion of its stock in trade in Adult Books, Adult Videos, or Adult Novelties and in conjunction therewith has rooms, designated areas, or facilities for the presentation, observation, or use by patrons of any item sold or rented in such establishment.

- 9. Adult Theater**
Any theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear nude or seminude or who appear in live performances that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.
- 10. Adult Videos**
Films, motion pictures, videocassettes, DVDs, software, slides, or other photographic reproductions that depict, display, or describe specified anatomical areas or specified sexual activities.
- 11. Place of Worship**
Any church, synagogue, mosque, temple, or building that is used primarily for religious worship and related religious activities.
- 12. Employee**
Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of a sexually oriented business.
- 13. Entertainer**
Any person who provides adult entertainment within a sexually oriented business, whether or not a fee is charged or accepted for such entertainment and whether or not such entertainment is provided as an employee or independent contractor.
- 14. Escort**
Any person who, for any form of consideration, agrees or offers to act as a social companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- 15. Escort Agency**
Any person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- 16. Inspector**
The police chief, fire marshal, building official, health department sanitarian, zoning enforcement officer, their agent or representative, or any town or state employee designated to make inspections for public safety, town ordinance, fire code, building code, public health, zoning purposes, violations of this Article, or for violations of other laws and ordinances of the town or state.
- 17. Permitted Premises**
Any premises that require a sexually oriented business permit pursuant to this Article, including any buildings, parking areas, and all other portions of the property of which the permittee has control.
- 18. Permittee**
Any person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on an application for a permit.
- 19. Live Adult Entertainment**
Any live performance by a person who appears nude or seminude or any live performance that is characterized by the exposure of specified anatomical areas.
- 20. Massage Parlor**
Any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. The definition of massage parlor shall not include the practice of massage (A) in any state licensed hospital, nursing home, clinic, medical office, or rehabilitation facility; (B) by a state licensed physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist; (C) by any registered nurse, licensed practical nurse, or technician working under the supervision

of a state licensed physician, surgeon, chiropractor, osteopath, physical therapist, or certified massage therapist who shall be present on the licensed premises during the time the service is rendered; (d) by trainers for any amateur or professional athlete or athletic team or school athletic program; or (e) by any state licensed barber or beautician with regard to the massaging of the neck, face, scalp, and hair for cosmetic or beautifying purposes. Massage parlors shall be exempt from separation distances as required in Article 21.6.H.

21. Masseur

Any person who, for any form of consideration, performs massage activities as described in the previous definition of this Section.

22. Minor

Any person under the age of eighteen (18) years.

23. Nude Model Studio

Any place where a person, for any form of consideration, regularly appears nude or seminude or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A nude model studio shall not include a modeling class operated by an accredited public or private school or college.

24. Nudity

(A) The appearance of human bare buttocks, anus, genitals, pubic region, or the areola or nipple of the female breast; or (B) State of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region, or areola or nipple of the female breast.

25. Operator

Any person operating, owning, managing, conducting, or maintaining a sexually oriented business.

26. Public Building

Any building owned, leased, or otherwise held by the United States, the State, the Town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the State, which building is used for governmental purposes.

27. Seminude

A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

28. Sexual Activities, Exemptions

(A) Medical publications or films or bona fide educational publication or films; (B) Any art or photography publications that devote at least twenty five percent (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; (C) Any news periodical that reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news; or (D) Publications or films that describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

29. Sexual Encounter Establishment

A business or commercial establishment that, for any form of consideration, offers a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas. A sexual encounter establishment shall not include an establishment where a state licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.

30. Sexually Oriented Business

(A) An adult arcade, adult oriented store, adult cabaret, adult mini-motion picture theater, adult motion picture theatre, adult theatre, escort agency, massage parlor, nude model studio, or sexual encounter establishment; (B) Any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, studios, rooms, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures or wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated, or maintained for profit, direct or indirect; or (C) Any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

31. Specified Anatomical Areas

(A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (B) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

32. Specified Sexual Activities

(A) Showing of human genitals in a state of sexual stimulation or arousal; (B) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus; (C) Fondling or touching of another person's genitals, pubic region, buttocks, or female breasts; (D) Lap dancing; or (E) Excretory functions as part of or in connection with any of such activities.

D. Permits

After the effective date of this Section of the Regulations, it shall be unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the Town, the operation of an adult oriented business without first obtaining a special permit to operate from the Planning and Zoning Commission. A permit may be issued for only (1) adult-oriented business located at a fixed and certain place. Any person who desires to operate more than one (1) adult-oriented business must have a permit for each such business. It shall be a violation of this Article for any owner, operator, entertainer, or employee to knowingly work in or about, or to knowingly perform any service directly related to, the operation of any unpermitted adult oriented business.

Each permit shall be specific to a location and may not be sold, assigned, or transferred to any other location in any way. Abandonment or change of the adult oriented business not consistent with the terms and conditions of the permit may result in revocation of a special permit.

E. Application Procedures

The operator of each adult oriented business shall submit an application to the Planning and Zoning Commission together with an application fee as listed in the Town Fee Schedule. The application shall be made upon a form prepared by the Planning and Zoning Commission and Land Use Office. The application shall be signed and filed by a person having direct control or management of the proposed adult oriented business. In instances where the applicant is a partnership, limited liability company, or corporation, the application shall be signed and filed by a duly authorized partner, member, manager, officer, director, or majority shareholder of such entity, as the case may be. The application shall be sworn to be true and correct by the applicant.

The applicant shall furnish the following information:

1. Name and business and residence address of the applicant, owner, operator, manager, and any other person having direct control or management of the adult oriented

- business, including all fictitious names. If the applicant is a partnership, the names of all general partners. If the applicant is a limited liability company, the names of all members and managers of such company. If the applicant is a corporation, the names of all officers, directors, and shareholders holding a ten percent (10%) or greater interest in the total number of shares of such corporation.
2. Written proof or affidavit that the applicant and employees are at least eighteen (18) years of age.
 3. If a partnership, the application shall be accompanied by the partnership agreement, if any.
 4. If a limited partnership, the application shall specify the name of the partnership, the date and state of the filing of its certificate of limited partnership, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the partnership agreement, if any, and by evidence that such partnership is in good standing under the laws of the state.
 5. If a limited liability company, the application shall specify the name of the company, the date and state of the filing of its articles of organization, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the operating agreement, if any, and by evidence that such company is in good standing under the laws of the state.
 6. If a corporation, the application shall specify the name of the corporation, the date and state of incorporation, and the name and address of its statutory agent for service of process and shall be accompanied by a copy of its bylaws, if any, and by evidence that such corporation is in good standing under the laws of the state.
 7. If operating under a fictitious name, the application shall be accompanied by a copy of the applicant's recorded trade name certificate.
 8. The location of the adult oriented business to be operated by the applicant, including the street address, legal description of the property, and telephone number, if any.
 9. The exact nature of the entertainment to be conducted at the sexually oriented business.
 10. A sketch or diagram showing the floor plan of the premises drawn to a designated scale and with marked dimensions of the interior of the premises, including a statement of total floor space occupied by the business. Such sketch or diagram shall include, without limitation, all seating, doors, windows, bars, stages, manager's stations, restrooms, dressing rooms, booths, cubicles, rooms, studios, compartments, stalls, overhead lighting fixtures, and any areas where patrons are not permitted.
 11. A site plan complying with Article 17 of these Regulations, as amended.
 12. A signed statement by the applicant that he/she is familiar with the provisions of this Article, is in compliance with them, and consents to the authority of the Town in licensing and regulating the proposed adult oriented business.

The Planning and Zoning Commission or Zoning Enforcement Officer shall have the right to request additional information and documentation of the applicant and the proposed business to support or clarify any information previously provided. If a permit to operate an adult oriented business is granted, the information furnished in the application, including employee information, shall be updated within thirty (30) days of any material changes. Such update shall be filed with staff in the Land Use Office, who shall promptly forward such update to the Planning and Zoning Commission and the Chief of Police.

F. Permitting Procedures

The Planning and Zoning Commission shall pursuant to Article 10 of the Zoning Regulations and the provisions of this Section, be responsible for investigating, granting, denying, renewing, suspending, and revoking all adult oriented business permits. Upon receipt of a properly completed application with all required attachments, the Zoning Enforcement Officer shall immediately forward copies of such application to the following Town officials for their investigation:

1. The Chief of Police, through licensing requirements under Town Ordinances, shall investigate the criminal convictions, qualifications, and suitability of the applicant to be licensed and shall inspect the premises for compliance with all laws and regulations.
2. The Fire Marshal shall investigate the compliance of the proposed premises with all applicable fire codes and laws.
3. The Building Official shall investigate the compliance of the proposed premises with all applicable building codes and laws.
4. The Health District Sanitarian shall investigate the compliance of the proposed premises with all applicable public health codes and laws.
5. Within thirty (30) days of the date the application was filed, all such investigations to be performed pursuant to this section shall be completed. The Planning and Zoning Commission shall deny the application if any of the above officials find that the proposed adult oriented business will be in violation of any provision of any statute, code, article, regulation, or other law in effect in the Town, including these Regulations.

The special permit, if granted, shall be filed on the land records with the Town Clerk and shall state the name and residence address of the person to whom it is granted, the address of the adult oriented business, the permit shall also include a condition that the subject premises are subject to random inspections by inspectors of the Town for compliance with this Article.

G. Permit Revocation

The Planning and Zoning Commission may revoke an adult oriented business special permit upon determination that a permittee, operator, or employee has materially violated any part of this Article or Town Ordinance. The Zoning Enforcement Officer shall issue such revocation in writing stating the reasons and shall notify the permittee by certified mail, return receipt requested, addressed to the permittee at his/her business or residence address, or by service by any process server at the usual place of abode of the permittee or at the permitted premises. No adult-oriented business shall continue operations with a revoked permit. The Planning and Zoning Commission shall revoke any license where any of the following occur:

1. It is discovered that materially false or misleading information or data was given on, or materials facts were omitted from, any application for adult oriented business permit.
2. A permittee, operator, employee, or other person directly involved in the management or control of the adult oriented business has been convicted of any crime specified in this Article.
3. A permittee has one (1) or more uncorrected material violations of this Article pending for over thirty (30) days, to which the licensee has received written notice.
4. A permittee, operator, or employee has knowingly allowed any live performance or conduct featuring any specified sexual activities to occur on the licensed premises.
5. A permittee, operator, or employee has knowingly allowed any illegal activity to occur on the licensed premises including, but not limited to, prostitution, gambling, or the possession, use, or sale of controlled substances.
6. A license is revoked for any reason by the Chief of Police under Town Ordinances.

H. Regulations

1. No adult-oriented business shall be permitted on a lot that is less than seven hundred fifty (750) feet from any lot containing a place of worship, school, public building, or public park. This separation shall not apply to lots defined as water company lands, State forests, or Federal flood control areas.
2. No adult-oriented business shall be permitted on a lot that is less than two hundred and fifty (250) feet from any residentially zoned lot as defined in the Town Zoning District Map, as may be amended.
3. No adult-oriented business shall be located within seven hundred fifty (750) feet of another adult oriented business.
4. No adult-oriented business shall be permitted within the same building, structure, or portion thereof that is used for residential purposes or that contains another adult oriented business.

5. All distances contained in this Section shall be measured by taking a straight-line measurement between the nearest respective lot boundaries of each site.
6. Every adult-oriented business shall comply with all applicable statutes, codes, ordinances, laws, and regulations including, but not limited to, the fire, building, health, zoning codes, and ordinances of the Town and State.
7. Every adult-oriented business, including common areas, entryways, parking areas, restrooms, and any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of adult entertainment shall be well lighted. The entire premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted to access at an illumination of not less than one (1) foot candle as measured at the floor or ground level. It shall be the duty of the operator and his agents to ensure that such illumination is maintained at all times that any patron is present on the premises.
8. No adult-oriented business shall advertise the availability at such business of any activity that would be in violation of this Article or any State or Federal law. Nor shall any exterior sign, display, decoration, show, window, or other advertising of such business contain any material depicting, describing, or relating to specified anatomical areas, or specified sexual activities.
9. No alcoholic beverage or other intoxicant shall be displayed, served, ingested, or sold on the premises of any adult oriented business unless permitted by the State Department of Consumer Protection, Liquor Control Division and the Thomaston Planning and Zoning Commission. No permittee, operator, or employee shall be under the influence of any alcoholic beverage or other intoxicant while working at an adult oriented business.
10. Pursuant to Connecticut General Statutes Section 8 6, these Regulations shall not be varied by the Zoning Board of Appeals to accommodate the use or location of an adult oriented business establishment.

I. Hours of Operation

No adult-oriented business shall open to do business before 10:00AM Monday through Saturday, nor shall it remain open after 1:00AM Tuesday through Friday, nor after 2:00AM Saturday, Sunday, or any legal holiday as designated in Connecticut General Statutes Section 1-4.

21.7 Commercial Telecommunication Facilities and Sites

A. Purpose and Intent

The purpose is to control the placement of antennas, towers, and similar facilities in a manner that will safeguard the community and protect the Town's visual and aesthetic qualities. The Commission shall require that information which is necessary to evaluate each facility. The Commission shall also require the proposed location of new equipment or structures to be the least disruptive to public health, safety, and welfare, and consistent with the Plan of Conservation and Development.

The intent is to minimize any adverse visual effects through proper design, siting, and screening to avoid potential damage to adjacent properties, to minimize the height and number of towers, and to provide for the orderly removal of abandoned antennas and towers.

When the location of such facilities is subject to State or Federal Authority which supersedes Town authority, the standards of this section shall serve to guide any Town participation or comments before any such authority.

B. Definitions

1. **AGL**

Above ground level.

2. **dB (Decibel)**

Times the logarithm to the base ten (10) of the ratio of two (2) power levels.

3. **"Communications Facility" or "Facility"**

Collectively, the equipment at a fixed location or locations that enables Communications Services, including: (i) radio transceivers, Antennas, coaxial, fiber optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower, or Support Structure to which the equipment is attached.

4. **Equivalent Isotropically Radiated Power (EIRP)**

The product of the power supplied to the antenna and the gain in a given direction relative to an isotropic antenna.

5. **Monopole**

Tower composed primarily of a single structural element, not a lattice type structure.

6. **mW/cm²**

Milliwatts per square centimeter, a typical unit of power density measurement.

7. **Power Density**

Power per unit area normal to the direction of propagation, usually expressed in units of watts per square meter.

8. **Power Output**

The sum in watts of each transmitter power at a site, i.e. twelve (12) channels at twenty (20) watts per channel is two hundred forty (240) watts.

9. **Radio Frequency Radiation (RFR)**

Non-ionizing radiation in the frequency range of three hundred (300) kHz to one hundred (100) GHz.

10. **Repeaters**

A device used to relay a radio transmission.

C. Use Regulations – Exemptions

The following activities and uses are exempt from these Regulations:

1. The ordinary repair and maintenance of towers and antennas, especially those used for residential television, radio, amateur radio, and satellite antennas of two (2) meters or less in diameter located in commercial zones.
2. Satellite antennas measuring one (1) meter or less in diameter regardless of location.

3. Those Facilities intended for the protection of the community such as police, fire, ambulance, and other public safety services. New structures or towers shall not be exempt.
4. Facilities defined as a “small wireless facility” in conformity with Town ordinances governing such facilities.
5. Replacement or upgrades to existing facilities, provided there is no increase in height or load increases to existing structures. Documentation shall be provided to demonstrate these requirements.

D. Regulations for New Collocated Facilities

The following Regulations are specific for all proposed Facilities to be located on existing towers or other existing structures:

1. Permits are required for all Facilities that do not meet the exemptions of Section 21.7.C.
2. Communications facilities located on transmission or distribution towers, telephone poles, and other utility structures within the jurisdiction of the Town are subject to these Regulations, provided there is no more than a twenty (20) foot increase in height from the installation and the proposal is in conformity with Town Ordinances governing “small wireless facilities.”
3. Increases in height shall not be permitted within one hundred fifty (150) feet of pavement of any Town or State road. Communications facilities may be mounted on buildings provided they do not project more than ten (10) feet above the height limit of the zone where the Facility is located.
4. Communications Facilities may be located on structures that are legally non-conforming with respect to the height requirements of Schedule B, provided the Facility equipment does not project above the roof line or more than ten (10) feet above the height limit of the zone in which the facility is located.
5. If feasible, Facilities shall be located on existing buildings such as water towers, utility poles, towers, and other telecommunications and related facilities, provided the installation preserves the integrity and character of those structures. The applicant shall consider the use of existing telephone and electric utility structures as potential sites, in conformity with all Town regulations and ordinances.
6. Facilities shall not exceed FCC guidelines in order to protect the public from excessive electromagnetic radiation.
7. If the facility is regulated by the Connecticut Siting Council, the applicant shall provide documentation of submission to the Council.
8. The applicant shall submit documentation regarding the legal right to collocate on an existing structure at the time of submission.
9. The applicant shall show the location of the facility on the existing structure and, for any height increases, document that the fall zone is contained within the property lines and does not pose a safety threat to adjacent properties.
10. New or replacement Facilities shall not generate noise in excess of forty-five (45) decibels at the property line. Roof or side mounted equipment shall not generate noise in excess of fifty (50) decibels at the base of the building closest to the antenna.

E. Regulations, Standards, and Requirements for New Ground Mounted Towers or Similar Structures

The following Regulations are specific for all proposed new ground mounted towers, monopoles, or similar structures:

1. New proposed monopoles, towers, or other such structures are allowed in all zones pursuant to special permit approval.
2. The applicant shall demonstrate that there are no feasible existing structures on which to locate the tower as an alternative to the proposed ground mounted tower.
3. The applicant shall prepare a comprehensive analysis as to why collocating on existing structures may or may not be suitable. It shall be required in all applications that propose new towers or poles for applicants to evaluate collocation on existing structures such as, but not limited to, existing towers, buildings, steeples, flagpoles,

chimneys, fire or water towers, and demonstrate the reasons for eliminating use of the existing structures.

4. Towers or associated equipment shall be camouflaged to the greatest extent possible by using compatible materials, screening, colors, landscaping, and placement with trees.
5. Towers shall be located in areas which will offer the least detrimental visual impact to historic and scenic areas, ridge lines, and properties listed in the State or Federal Register of Historic Places.
6. Towers and Facilities shall be sited in low density areas to avoid any decrease of residential property values.
7. Towers shall not be sited in Flood Plain Zones or Special Flood Hazard Areas.
8. Towers and facilities shall be sited to avoid any adverse environmental impacts to rare or endangered flora and fauna in areas as shown on the Connecticut DEEP Natural Diversity Database Maps.
9. Towers and equipment shall not be sited in any wetland or watercourse area.
10. In order to ensure public safety, the minimum distance from the base of a proposed ground mounted tower or similar structure to a property line, roadway, or other public pass way, habitable dwelling, business or industrial use, or public recreational areas shall be the height of the facility and mount, including any antenna or other appurtenance plus twenty five percent (25%).
11. Monopoles shall be the preferred type of ground mounted facility.

F. Site Plan Requirements for New Towers, Structures, or Facilities

1. Existing conditions plan shall contain property lines within three hundred (300) feet, natural boundary markers, existing tree cover or shrub cover, buildings, accessory structures, locations of public and private roads, including public pass ways and walking trails, and contours at two (2) foot intervals.
2. Site information for the proposed structures, buildings, equipment shelters, and other facilities.
3. Proposed security barriers indicating the type and extent, as well as the point of controlled entry, distances, and grades from the facility to each structure on the site.
4. All proposed changes to the property, including grading, vegetation, deposition, removal, and temporary or permanent roads. All grade cuts, fills, and changes shall be shown at original grade and at the new grade with two (2) foot contours above mean sea level.
5. Site elevations at grade from all four (4) compass directions shall be provided for a fifty (50) foot radius around the facility and from existing public and private accessways that serve the property. Elevations shall be at one quarter inch (1/4") equals one (1) foot and display all antennas, mounts, equipment shelters, including elevations and AGL of the highest point.
6. A USGS map showing the locations of existing and/or proposed towers. Locations for existing and proposed towers outside and within the Town's borders that would connect or be interconnected "hand off" with the proposed facility shall be shown. The map shall display the area from which the tower can be seen. It may be visible from more than one (1) community. The visual area shall be based upon an assessment of the topography surrounding the site.
7. The applicant shall provide a security fence at a height of at least eight (8) feet around the base of the tower. Existing vegetation shall be preserved. The applicant shall provide a vegetation plan to screen structures, fuel tanks, and as much of the tower as possible. The plantings may be evergreens planted ten (10) feet on center. Evergreens shall be six (6) feet high and grow to a minimum height of fifteen (15) feet at maturity. The Commission may accept any combination of existing vegetation, topography, walls, or other features that meet the screening requirements.
8. A sight line representation shall be drawn to the highest visible point of the tower from any public road or building within three hundred (300) feet. Each line shall be depicted

in profile and drawn at one (1) inch equals forty (40) feet. The profile shall display all intervening trees and buildings. Each sight line shall be illustrated by a color photo of the existing conditions on the site as seen from any public road within three hundred (300) feet. The applicant shall submit a second set of photographs with the facility superimposed to illustrate what can be seen from public roads if the facility is constructed.

9. A construction plan shall be submitted. This map shall show details for access roads, construction, drainage improvement, above ground wires, cables, ducts, utility and signal cables, guiding, and anchor details.
10. Any other applicable site plan requirements in Article 10 – Special Permits or Article 17 – Site Plan Approval.

G. Other Required Documentation for Applications

1. The applicant shall provide the exact location in latitude and longitude, minutes, and seconds, a copy of the applicant's FCC license, number of transmitters, power output of each in watts, types of antennas, and the gain in dBi and the height of the antenna on the tower or structure.
2. Systems losses from cables and connectors in dB, minimum and maximum operating frequencies, number of channels, calculated Equivalent Isotropic Radiated Power in watts, calculated power densities in mW/cm² at ground level and ground elevations along with the height of other structures on the site. Potential adjustments to each site, including changes in antenna types, orientation, gain and height, and the power output shall be specified.
3. An RF Engineer shall submit reports on Adequate Coverage and Capacity and Justification of Need for Site Location of Ground Mounted Towers.
4. The applicant shall provide a description of the service area for each communication system on the tower and prepare a statement justifying the rationale for the tower in the proposed location.
5. A prepared statement with respect to the signal strength service objectives for each proposed wireless service shall be provided.
6. An analysis for each service use demonstrating that the location will provide the required level of service and that other potential sites in the service area will not provide equal or better service.
7. The applicant shall document that the antenna height is the minimum necessary to provide adequate coverage.
8. The applicant shall demonstrate that nearby existing facilities or sites cannot provide nor have the potential to provide adequate coverage or capacity to the Town.
9. The applicant shall certify that any tower within one thousand (1,000) feet of the proposed facility does not meet the provider's structural specifications or technical requirements or that an agreement to share the existing tower could not be obtained at reasonable terms and conditions, including price.
10. The applicant shall provide an evaluation of the effect of the tower location within the Town and in adjacent communities. Special concern shall be given to those areas identified for existing or proposed preservation, open space, or any existing or proposed Historic District.
11. In addition to any requirements under State law, the applicant shall send copies of the application materials, no less than ten (10) days prior to the public hearing, to the Town Clerk, by Certified Mailing, of each community located within three (3) miles of the facility. Copies of the proof of mailing shall be forwarded to the Commission.

H. General Requirements and Restrictions for All Applications

1. The applicant or co-applicant shall be a licensed carrier, and documentation of qualifications shall be presented.
2. Commercial advertising shall not be allowed anywhere on the site.
3. Signal lights or other forms of illumination shall not be permitted unless required by the FCC or the FAA.

4. All other uses not clearly necessary to the operation and maintenance of the site are prohibited unless expressly permitted as a condition of approval.
5. The application shall describe all equipment to be maintained or stored on site. Not more than one (1) unmanned equipment and/or storage building may be permitted. It shall contain no more than seven hundred fifty (750) feet of gross floor area and is not more than twelve (12) feet in height.
6. A service facility not used for six (6) months shall be removed by the owner. The removal shall occur within ninety (90) days from the end of the six (6) month period. Upon removal, the site shall be restored to its previous appearance and revegetated to blend in with the surrounding area.

I. Repeaters

Documentation shall be provided that the applicant has analyzed the feasibility of using repeaters in conjunction with existing facility sites to provide adequate coverage and/or capacity to the Town. Radial plots for repeaters sites shall be provided by the applicant.

J. Soils Report

A soils report shall be submitted with design specifications for the tower foundation and anchors for the guide wires.

K. Site Emissions Report

The applicant shall submit an environmental impact and evaluation report of site emissions. This report shall provide an assessment of the tower's impact upon areas designated for conservation and preservation in the Plan of Development and in the State Plan for Conservation and Development.

The report shall assess Federal, State, and protected areas, including wetlands, watercourses, environmentally sensitive areas, critical habitats for plants and animals, historical buildings or sites, unusual topographic features, landmarks, monuments, permanently protected areas, State parks and forest land, or lands protected by or being proposed for a land trust.

The applicant shall provide documentation listing the existing and maximum projected measurements of radio frequency radiation (RFR) from the facility for existing and ambient qualities and the maximum estimate of RFR from the facility plus the existing RR environment. The RF engineer shall certify that the RFR measurements are accurate and comply with FCC guidelines.

The applicant shall demonstrate that the proposed tower is in harmony and compatible with the surrounding properties and it does not adversely affect local characteristics or the integrity of the neighborhood.

The Commission may require, as a condition of the Special Permit, that within ninety (90) days of commencing the operation and at periodic intervals from the date of approval, existing RFR measurements be taken from the facility. Measurements shall be certified by an acoustical engineer, stating that the measurements are accurate and meet the noise standards of the Health District.

L. Bonding and Other Financial Guarantees

1. Performance/Site Restoration Bond

As a condition of approval, the Commission may require a bank check, letter of credit, passbook savings bond, or other form of surety acceptable by the Town Attorney in an amount acceptable by the Town Engineer or staff sufficient to cover the cost of completing the installation or site restoration.

2. Soil and Erosion Control/Planting Bond

The Commission may require a bank check, letter of credit, passbook savings bond, or other form of security satisfactory to the Town Attorney to be held by the Town for a period of one (1) year to ensure that all ground cover or trees and shrub plantings are in good condition and have taken hold.

M. Field Site Identification

The applicant shall provide, weather permitting, a balloon with a minimum diameter four (4) feet be sent aloft to the proposed height of the tower. The balloon shall remain aloft for a reasonable period to allow for public viewing and inspection by the Commission. Local notice of the balloon raising shall be published in a local newspaper by staff. Legal costs shall be paid by the applicant.

The applicant shall provide a list of Federal, State, regional, district, and municipal agencies, which will review the proposed tower and submit any decision, recommendation, or position of such agency.

N. Federal Environmental Filing Requirements

The National Environmental Policy Act applies to applications for wireless service facilities. The Act is administered by the FCC via procedures adopted as Subpart 1, Section 1.1307 et seq. (27 CRF Ch 1.). The FCC requires the filing of an environmental assessment prior to operating a facility in a wilderness area, wildlife preserve, endangered species habitat, historical site, Indian religious site, inland wetlands, watercourse, and Flood Plain area.

If high intensity white lights in residential neighborhoods or excessive radio frequency radiation exposure are applicable, the applicant shall submit an Environmental Assessment that meets FCC requirements.

21.8 Portable Food Trucks/Trailers/Carts

A. General Provisions

This Article shall provide standards for all food vending trailers, trucks, and carts.

B. Permits and Approval

All food vending trailers, trucks, and carts shall obtain the necessary permit(s) and approval(s) from the Torrington Area Health District and written approval from the owner of the property where the business is located. The written approval from the property owner shall state the specific start and end dates for the vending business and the letter must be signed by both the applicant and property owner.

C. Overnight Parking

All food vending trailers, trucks, and carts shall be removed from the premises each night where sales are permitted when not open for business.

D. Customer Parking

Each site used by food vending trailers, trucks, and carts must have access to at least four (4) off-street parking spaces for customer use. The applicant must provide a sketch indicating all the uses at the site and the total number of parking spaces onsite. The Zoning Enforcement Officer shall determine, based upon the Regulations, that there is sufficient onsite parking for the existing businesses and for the food vendor.

E. Traffic Flow

No food vending trailers, trucks, and carts shall be located in an area which obstructs the flow of traffic on any street or in any parking lot.

F. Setbacks

All food vending trailers, trucks, and carts shall meet the required setbacks for the Zoning District.

G. Seasonal Use

No food vending trailers, trucks, and carts shall operate later than October 31st or earlier than April 1st in any year.

H. Location Plan

All applications for food vending trailers, trucks, and carts shall include a sketch indicating the location where business will be conducted. The required parking for employees and customers of the food vendor shall be shown on the location plan. The layout must be sketched to scale on the Assessor's map or if available, on an existing A-2 survey of the proposed site. The location plan shall show all required setbacks, traffic flow, onsite and proposed customer traffic flow.

I. Hours of Operation

Portable food vendors shall operate from 7:00AM to 3:00PM, Monday through Friday, unless amended by the Commission.

J. Signage

All signage must be permanently attached to vending trailers, trucks, or carts. No separate free standing or temporary signs are permitted.

K. Customer Seating

No customer seating is permitted.

L. Number of Vendors Permitted

There is only one (1) portable food vendor permitted per property. The portable food vendor must be self-contained within the trailer, truck, or cart. The use of extension cords or exterior propane tanks is prohibited.

M. Statement of Use

A written Statement of Use must be provided by the applicant indicating exactly what will sold by the portable food vendor. The sale of items is limited to food stuff for human consumption – no magazines, trinkets, cigarettes, etc.

N. Issuance of Permits

The Zoning Permit may be issued by the Zoning Enforcement Officer after determination that all requirements of the Regulations are met. The Zoning Enforcement Officer shall report all permits issued to the Commission at the next regularly scheduled meeting. The Zoning

Enforcement Officer, at his/her discretion, may hold a public hearing on said application. The issuance of the Zoning Permit does not obviate the need to apply for and receive a permit pursuant to Town Ordinance 210 – Peddling and Soliciting, enforced by the Town of Thomaston Police Dept.

21.9 Mixed-Use Residential Units

A. General Provisions

The purpose of this Section is to increase the options for rental dwelling units by allowing the construction or conversion of dwelling units in the General Commercial Zone as a special permit use.

B. General Design Criteria

1. All dwelling units must be located above commercial uses. First floor commercial uses may not be converted into residential use. There shall be a distinct separation of uses on the same level, i.e. upper floor commercial and residential.
2. A separate entrance is required for dwelling units. Main entrance(s) for residents shall not be located in close proximity to commercial loading or service areas.
3. One (1) off-street parking space shall be provided for all units up to six hundred (600) square feet. Two (2) off-street parking spaces shall be provided for all units over six hundred (600) square feet. Adequate lighting of both pedestrian and parking areas shall be provided. Parking requirements of Article 9 of these Regulations shall be enforced for special permits under this Section.
4. Adequate sound insulation shall be provided between commercial uses and residential areas.
5. Buildings shall contain a minimum of twelve hundred fifty (1,250) square feet of commercial square footage. Each residential unit shall have a minimum of three hundred (300) square feet of habitable interior floor space. Each unit shall contain a full kitchen and a full bathroom.

C. Special Permit Criteria

The Commission shall grant all approvals subject to such conditions and safeguards as needed to carry out the expressed purpose of these Regulations. The Commission shall approve a special permit for mixed use residential and commercial uses only if it finds that, in addition to the design criteria, the following criteria are satisfactorily met:

1. There is a demonstrated need in the community for mixed use housing.
2. The existing business uses are compatible with residential uses, with a focus on the safety of residents within the building.
3. Occupancy shall be restricted to no more than two adult residents and the minor children thereof for units of less than 600 square feet.
4. The internal vehicle traffic circulation pattern is designed to minimize safety hazards for residents, particularly with respect to access into and out of the property and the building.
5. Present and proposed utilities, streets, drainage system, and other improvements have adequate capacity to accommodate the proposed use.
6. There is no undue concentration of high-density residential development in any area.
7. All requirements of the underlying zone which are not expressly altered by the above requirements must be followed.
8. The sign regulations of the underlying zone must be followed.

21.10 Accessory Apartments

A. General Provisions

The Town has established the need to expand housing choice for all income levels and age groups, particularly for an aging population and those needing special care. The purpose of this Section is to increase the options for: (A) housing for mentally or physically impaired persons; (B) affordable housing rental opportunities; and (C) “in-law” apartments for family members, by allowing the construction or conversion of additional apartment units in residential zones as a special permit use.

No distinctly separate living space within a single-family home, containing both a full bathroom and full cooking facilities, shall be occupied independently of the principal living space within the home by a separate family unit or rented as an apartment unit unless it is in compliance with the Regulations herein.

B. General Design Criteria

1. The apartment shall have the same appearance as the principal unit. It shall be continued within or constructed as an addition to the principal unit (“attached”).
2. Detached units are not permitted.
3. The owner of the property shall be the primary occupant of either the principal unit or the accessory apartment.
4. Direct interior access, without going outside, shall be provided between the apartment and the principal dwelling unit.
5. There shall be exterior access to the unit, separate from the interior access, and such access shall be from the side or rear only. Basement units without a secondary side or rear exit shall not be allowed.
6. The unit shall contain no more than one (1) bedroom.
7. The unit shall not exceed seven hundred (750) square feet or forty percent (40%) of the total area of the home after proposed construction or conversion, whichever is less. This area shall be calculated using outer walls of the structures or converted area.
8. The unit shall contain a full kitchen and full bathroom.
9. The unit shall utilize the utility connections from the principal dwelling. The unit shall not have separate water, sewer, gas, or electrical connections or meters, and shall meet all provisions of the public health code.
10. Available parking shall include two (2) spaces for the principal unit and one (1) space for the accessory apartment, which shall be identified on plans submitted to the Commission under the requirements of Article 9.

C. Special Permit Criteria

The Commission shall grant all approvals subject to such conditions and safeguards as needed to carry out the expressed purpose of these Regulations. The Commission shall approve a special permit for residential accessory apartment units only if, in addition to the design criteria, the following criteria are satisfactorily met:

1. The initial occupants residing in the apartment after construction or conversion and for no less than five (5) years thereafter shall be related by blood, marriage, or adoption. The relationship of the occupant to the principal owner of the property shall be made part of the public hearing record and recorded as a condition of the permit for the initial five (5) year permit period.
2. Beyond the initial five (5) year approval or upon vacancy of the initial tenant(s) beyond five years, apartment shall: (1) be abandoned and converted back to a single family use; or (2) be re-approved as an “in-law” unit; or (3) be re-approved to be offered for rent under State affordable housing standards, with the following restrictions:
 - A. The accessory dwelling unit is to be rented pursuant to the affordable housing provisions of CGS 8-30g, as may be amended.
 - B. The application shall be accompanied by proposed language, which complies with CGS 8-30g, to be filed as an affordable housing restrictive covenant on the

- land records for the property containing the accessory unit for a minimum of forty (40) years.
- C. Before an accessory dwelling unit is occupied, the applicant shall submit satisfactory proof to the Commission that the aforesaid restrictive covenant has been recorded in the Town Clerk's office.
 - D. Prior to occupancy by the initial "affordable housing" tenant(s) and thereafter, by January 31 each year and upon each change of tenant, the owner shall certify that: (i) The subject apartment is rented at or below the maximum rate prescribed in CGS 8-30g; and (ii) The tenant has certified to the owner, under penalty of false statement, that the tenant's income does not exceed eighty (80) percent of the area median income, as defined in CGS 8-30g.
3. Items #1 and #2 above may be waived by the Commission if occupied by a "mentally or physically impaired person" under the terms, conditions, and documentation requirements of Public Act 17-155, as may be amended.
 4. The Commission finds that there is a demonstrated need in the community for accessory residential dwelling units.
 5. Occupancy shall be restricted to no more than two adult residents and the minor children or licensed caregivers thereof.
 6. All approvals are obtained, where applicable, from other departments such as the Building Official, health district, or Water Pollution Control Authority before commencing construction or conversion.
 7. There is no undue concentration of high-density residential development in any area. The density of single-family units, including accessory units, may not exceed 3 units per acre in the RA-40, RA-80, or RA-80A zones.
 8. All requirements of the underlying zone which are not expressly altered by the above requirements must be followed.
 9. The permit may be renewed by the Zoning Enforcement Officer, by administrative zoning permit, upon inspection and determination that the conditions of the original approval have not been violated or modified.
 10. The special permit shall be revoked for "in-law" approvals upon sale or transfer of ownership or shall be revoked for all approvals if the principal owner no longer resides onsite.

21.11 Palliative Marijuana Production Facilities

A. General Provisions

The purpose of this Section is to regulate the use and location of palliative marijuana production facilities to best protect public health, safety, property values, and general welfare of the residents of the Town of Thomaston.

B. Definitions

For the purposes of this Section, all terms shall have meanings ascribed to them in Connecticut General Statutes (CGS) Chapter 420f, Section 21-408, et seq. and the Regulations of Connecticut State Agencies (RCSA) Section 21a-408-1 et seq., as may be amended from time to time.

C. Regulation

1. Production facilities may be permitted under the provisions of Article 10 – Special Permits, provided that all cultivation be conducted indoors and remain in full compliance with RCSA Section 21a-408-1 et seq., and all other applicable State of Connecticut Laws and Regulations.
2. No palliative marijuana production facility permitted under these Regulations shall be allowed to produce marijuana for any use other than palliative use sold to State licensed palliative marijuana dispensaries and shall not be allowed to produce marijuana for non-palliative or recreational purposes, regardless of any subsequent change in State or Federal law.
3. A maximum of one (1) production facility shall be permitted at any time within the Town of Thomaston. Relocation of a production facility shall only be permitted under the condition that an affidavit abandoning the use at the previous location be submitted.
4. Production facilities shall be located no less than seven hundred fifty (750) feet from any property containing a school, public building, or place of worship as defined in Article 2 of these Regulations.
5. In addition to State regulations governing site security, property containing production facilities must be secured at all times by fencing and gating no less than eight (8) feet in height.
6. Detailed lighting plans shall be required, showing security lighting in all parking areas and entrance/exit areas to the facility or property.
7. The permittee shall maintain a log of all employees and visitors entering or exiting the facility, and shall make such logs available to the Zoning Enforcement Officer or Chief of Police upon request. Logs shall be retained for a period of no less than three (3) years.

21.12 Palliative Marijuana Dispensaries

A. General Provisions

The purpose of this Section is to regulate the use and location of palliative marijuana dispensaries to best protect public health, safety, property values, and general welfare of the residents of the Town of Thomaston.

B. Definitions

For the purposes of this Section, all terms shall have meanings ascribed to them in Connecticut General Statutes (CGS) Chapter 420f, Section 21-408, et. seq. and the Regulations of Connecticut State Agencies (RCSA) Section 21a-408-1 et seq., as may be amended from time to time.

C. Regulation

1. Palliative marijuana dispensaries may be permitted under the provisions of Article 10 – Special Permits, provided that activities remain in full compliance with RCSA Section 21a-408-1 et seq., and all other applicable State of Connecticut Laws and Regulations.
2. No palliative marijuana dispensary facility permitted under these Regulations shall be allowed to sell or dispense marijuana for any use other than palliative use sold or dispensed pursuant to a lawful prescription by a properly licensed health care professional and shall not be allowed to sell or dispense marijuana for non-palliative or recreational purposes, regardless of any subsequent change in State or Federal law.
3. A maximum of two (2) dispensaries shall be permitted at any time within the Town of Thomaston. Relocation of a dispensary shall only be permitted under the condition that an affidavit abandoning the use at the previous location be submitted.
4. Dispensaries shall be located no less than seven hundred fifty (750) feet from any property containing a school, public building, or place of worship as defined in Article 2 of these Regulations.
5. Detailed lighting plans shall be required, showing security lighting in all parking areas and entrance/exit areas to the dispensary.
6. The permittee shall maintain a log of all dispensary employees entering or exiting the dispensary area and shall make such logs available to the Zoning Enforcement Officer or Chief of Police upon request. Logs shall be retained for a period of no less than one (1) year.

Text Amendments to the Zoning Regulations

Amendment	Effective Date
1. Amended Article 4, Section 4.5, Schedule A, Part A.5 – In-Law Apartments.	August 30, 2012.
2. Added Article 4, Section 4.5, Schedule A, Part E.6 – Temporary Events.	March 26, 2013
3. Added Article 4, Section 4.5, Schedule A, Part E.7 – Temporary Liquor Permits	April 24, 2013
4. Amended Article 4, Section 4.5, Schedule A, Part A.13 – Accessory Apartments and Added Article 28 – Accessory Apartments	October 22, 2013
5. Amended Articles 18-28 (Renumbered & condensed into new Article 21 – Special Regulations); Also amended bonding and security language in these sections.	February 2, 2015
6. Added Article 21.10, Moratorium – Palliative Marijuana Production Facilities and Dispensaries.	February 2, 2015
7. Amended Article 5.8 – Setbacks for Pools and Attached Structures.	January 23, 2016
8. Added New Use Category to Article 4.5, Schedule A, Part C for new Commercial and Manufacturing Construction	January 23, 2016
9. Amended Article 2 to add new Definitions for School, Public Building, Public Park, and Live Entertainment.	February 23, 2016
10. Amended Article 4, Section 4.5, Schedule A to add uses and allowed zones for Restaurants, Cafés, Taverns, Breweries, Brewpubs, and Live Entertainment.	February 23, 2016
11. Amended Temporary Liquor Permit Regulations in Article 4, Section 4.5, Schedule A, Part E.	February 23, 2016
12. Add new Article 21.5 regulating Alcoholic Beverage Permits.	February 23, 2016
13. Amended Article 4.5, Schedule A, Part C.22 for Adult Oriented Establishments.	February 23, 2016
14. Comprehensive Amendments to Article 21.6 – Adult Oriented Establishments.	February 23, 2016
15. Add New Use Category to Article 4.5, Schedule A, Part C for Massage Parlors	February 23, 2016
16. Amendments to Article 5 – Area, Location, and Bulk Standards for Rear Lots and Lot Access; Related Definitions added and amended in Article 2.	May 2, 2016
17. Add new Article 6.7 - Performance Standards, Outdoor Lighting.	May 2, 2016
18. Repeal Article 21.10 – Palliative Marijuana Moratorium and Add new Article 21.10 and 21.11 for Palliative Marijuana Producers and Distributors.	June 30, 2016
19. Comprehensive Amendments to Article 2 – Definitions and Article 4.5, Schedule A, Part A for Agricultural and Farming Uses.	July 1, 2016
20. Amendments to Article 13 – Non-Conformities to Amend the Process for Certificates of Non-Conformity, Changes in Non-Conforming Uses, Extension and Enlargement of Non-Conformities and Combining of Non-Conforming Lots.	July 1, 2016
21. Amendments to Article 2 – Definitions – “Accessory Structure or Use”, “Detached Structure”, and “Attached Structure”.	March 19, 2018
22. Amendments to Article 4.5, Schedule A.5 – Accessory Apartments (formerly “In-Law Apartments”)	March 19, 2018
23. Amendments to Article 4.5, Schedule A.17 – Mixed Use Residential Units (formerly “Accessory Apartments”)	March 19, 2018
24. Amendments to Article 21.9, Special Regulations – Mixed Use Residential Units (formerly “Accessory Apartments”)	March 19, 2018
25. Add new Section 21.10, Special Regulations – Accessory Apartments.	March 19, 2018
26. Amendments to Article 21.5 – Alcoholic Beverages – Add Manufacturing Permits for Beer and Manufacturer Permits for Brewpubs to “Type 4” Exempt Permits.	January 2, 2019
27. Amendments to Article 4.5, Section C.11, Breweries and Brewpubs – Add Language on Maximum Hours of Operation for Brewpubs.	January 2, 2019
28. Amendments to Article 3.10.D – General Zone and District Definitions, Downtown Development District to Clarify Purpose and Intent of the Downtown Development District.	March 29, 2019

Text Amendments to the Zoning Regulations *Continued*

Amendment	Effective Date
29. Amendments to Article 21.7 – Commercial Telecommunications Facilities and Sites for General Cleanup and Reorganization and to Complement Proposed “Small Cells” Town Ordinance.	May 21, 2019
30. Comprehensive Amendments to Article 21.1 – Earth Excavation and Mining	January 18, 2020
31. Amendments to Section 4.5 Schedule A, Section 17.14, & Section 21.5 Pertaining to Temporary Outdoor Food & Alcoholic Beverage Service Post COVID-19	May 20, 2020
32. Amendments to Article 2 – Definitions and Article 15 – Amendments	June 8, 2020