

TABLE OF CONTENTS

DIVISION 1: TOWN ORDINANCES

PART I: ADMINISTRATIVE LEGISLATION

1. General Provisions 1:1
 Article I Adoption of Code

5. Aging, Commission on 5:1

8. Agriculture Commission..... 8:1

14. Budget..... 14:1
 Article I Distribution of Budget
 Article II Limit on Budget Increase ("Resolution 80")

20. Conservation Commission 20:1

23. Contracts and Purchasing..... 23:1

32. Economic Development Commission..... 32:1

35. Education, Board of 35:1

39. Ethics 39:1
 Article I Conflict of Interest

44. Finance, Board of..... 44:1
 Article I Establishment
 Article II Alternate Members

62. Inland Wetlands and Watercourses Commission..... 62:1

75. Meetings 75:1
 Article I Emergency Cancellation
 Article II Annual Town Meeting and Budget Meeting

84. Officers and Employees..... 84:1
 Article I Assessor
 Article II Constables
 Article III Town Clerk and Registrar of Vital Statistics
 Article IV Treasurer
 Article V Tax Collector
 Article VI Temporary Employees
 Article VII Registrars of Voters

87. Ordinances, Publication of..... 87:1

91. Parks and Recreation Commission 91:1

95. Planning and Zoning Commission and Zoning Board of Appeals 95:1

ASHFORD CODE

106. Salaries and Compensation 106:1
 Article I Town Clerk

110. Selectmen, Board of..... 110:1
 Article I Setting Fees and Fines
 Article II State and Federal Grants

128. Water Pollution Control Authority 128:1

PART II: GENERAL LEGISLATION

147. Boating..... 147:1

154. Citations 154:1
 Article I Inland Wetland Violations

162. Driveways 162:1

173. Fees 173:1
 Article I Building Permit Fees
 Article II Land Use Agency Fees

177. Fire Lanes 177:1

185. Flood Protection and Flood Insurance 185:1

228. Peddling and Soliciting..... 228:1

247. Streets and Sidewalks 247:1
 Article I Street Numbering System
 Article II Posting of Street Numbers
 Article III Scenic Roads

253. Taxation 253:1
 Article I Exemption for Ambulance-Type Motor Vehicle
 Article II Waiver of Property Tax Collection
 Article III Abatements for Dairy Farms, Orchards and Vineyards
 Article IV Exemption for Personal Property Leased to Town
 Article V Excess Tax Payments
 Article VI Exemption for Farm Buildings
 Article VII Exemption for Horses and Ponies
 Article VIII Abatements for Volunteer Fire Department Personnel

264. Vehicles, Abandoned, Inoperable and Junked..... 264:1

267. Vehicles and Traffic..... 267:1
 Article I Parking on Town Roads

TABLE OF CONTENTS

273. Waste Management..... 273:1
 Article I Refuse Hauling
 Article II Recycling
 Article III Littering and Dumping
 Article IV Transfer Station

DIVISION 2: REGULATIONS

290. Inland Wetlands and Watercourses Regulations..... 290:1
295. Subdivision Regulations 295:1
300. Zoning Regulations..... 300:1

APPENDIX

DISPOSITION LIST

INDEX

DIVISION 1

TOWN ORDINANCES

PART I

**ADMINISTRATIVE
LEGISLATION**

Chapter 1
GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code

[An ordinance adopting the Code of the Town of Ashford and making certain substantive changes to existing ordinances of the Town will be proposed before the Town Meeting. Upon final adoption, it will be included here as Article I of this chapter.]

Chapter 5

AGING, COMMISSION ON

§ 5-1. Commission formed.

§ 5-2. Purpose.

§ 5-3. Powers.

§ 5-4. Appointment; membership; terms of office; vacancies.

§ 5-5. Budget.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 6-5-1978; amended 10-20-1994. Subsequent amendments noted where applicable.]

§ 5-1. Commission formed.

There shall be formed and organized a committee to be known as the "Ashford Commission on Aging."

§ 5-2. Purpose.

The purpose of this Commission shall be to study the needs and conditions of the elderly. The Commission shall examine such areas as housing, nutrition, health, recreation, and any other areas deemed vital to the elderly by the Commission. The Commission shall also plan and develop programs aimed at meeting those needs and to improve the conditions of the elderly in the Town of Ashford. The Commission shall also act as an advocate for the elderly and aging and shall make recommendations to the Board of Selectmen and the Town generally, whenever said Commission feels appropriate.

§ 5-3. Powers.

The Commission shall have any and all powers vested in it by the Connecticut General Statutes and any other regulations that apply.

§ 5-4. Appointment; membership; terms of office; vacancies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Commission shall consist of seven members who shall be appointed by the Board of Selectmen. Of the members chosen, there shall be at least one member from the Ashford Senior Citizens Organization and at least one membership position shall be available for the Agent for the Elderly. In addition, the First Selectman and the Director of Health or his/her appointee of the Town of Ashford shall be ex officio members of said Commission. The original terms of appointment shall be three members for two years and three members for one year and the Agent for the Elderly for three years, and thereafter all terms shall be two years. Members of the Commission shall serve without compensation. Any vacancy occurring in the membership of the Commission shall be filled by the Board of Selectmen for the unexpired portion of the vacated term.

§ 5-5. Budget.

The Commission shall prepare an annual budget which shall be submitted to the Board of Selectmen which shall include said budget in the Selectmen's budget for the next fiscal year and submit the same to the Board of Finance for approval.

Chapter 8

AGRICULTURE COMMISSION

§ 8-1. Charges and duties.

§ 8-3. Terms of office; compensation.

§ 8-2. Membership; removal; officers.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 3-15-2010. Amendments noted where applicable.]

§ 8-1. Charges and duties.

The Agriculture Commission shall be an advisory board with the following charges and duties:

A. General.

- (1) To foster sustainable agriculture in Ashford.
- (2) To serve as a conduit between local farmers and nonprofit agencies, civic organizations, municipal boards and commissions, elected officials, and non-farm residents.
- (3) To advocate for agriculture before land use commissions.
- (4) To act as a resource for agricultural information.

B. Education and outreach.

- (1) To increase awareness of agricultural enterprises in the community.
- (2) To provide information to Town government about agricultural laws and legal issues.
- (3) To promote the value of agriculture viability in the areas of employment, property taxes, environment and open space preservation.
- (4) To provide information and guidance on agriculture-related issues, such as zoning, inland wetland, public works and others, to Town departments and other boards and commissions as necessary.
- (5) To support young farmers by supporting local, regional, and state vocational agricultural education programs.
- (6) To recognize and support new farming operations and farms.
- (7) To serve in an advisory capacity to residents, established Town committees/commissions and departments related to agricultural issues.

C. Economic opportunities.

- (1) To identify opportunities for expanding agriculture in Ashford.

- (2) To promote opportunities for residents and local businesses to support farming.
- (3) To provide information regarding available financial support related to agricultural viability.
- (4) To foster a climate that supports agricultural viability in Ashford.

§ 8-2. Membership; removal; officers.

The Agriculture Commission will consist of five members and three alternates appointed by the Board of Selectmen in accordance with Connecticut General Statutes. Insofar as practical, members appointed shall be representative of all groups interested in the management, protection and regulation of agriculture as defined by Connecticut General Statutes § 1-1(q), particularly those directly involved in agriculture, including a member of Future Farmers of America (FFA). The failure of a voting member to attend four consecutive meetings of the Commission may constitute cause for the Board of Selectmen to remove the member and fill the position thus vacated. A Chairperson, Vice Chairperson and a Secretary will be elected and will serve for a term of one year.

§ 8-3. Terms of office; compensation. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Members of the Agriculture Commission shall serve staggered three-year terms, with initial appointments to be three members for three years and two members for two years; one alternate shall be appointed for three years and two alternates for two years. Members of the Commission shall serve without pay.

Chapter 14

BUDGET

ARTICLE I
Distribution of Budget

§ 14-1. Purpose.

§ 14-2. Waiver of publication requirement.

§ 14-3. Copies to be distributed.

ARTICLE II

Limit on Budget Increase ("Resolution 80")

§ 14-4. Purpose.

§ 14-5. Determination of increase.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Distribution of Budget
[Adopted 12-16-1975]

§ 14-1. Purpose.

The purpose of this article is to waive the budget publication requirements of § 7-344 of the Connecticut General Statutes, Revision of 1958, Revised to 1975, and any subsequent revisions as may from time to time be made by the Connecticut General Assembly, the Town of Ashford being a town with less than 5,000 population based on the latest federal census figures.

§ 14-2. Waiver of publication requirement.

The Board of Finance of the Town of Ashford shall not be required to prepare and cause its budget recommendations to be published in a newspaper having circulation in the Town of Ashford.

§ 14-3. Copies to be distributed.

The Board of Finance shall prepare and cause its budget, in compliance with the requirements of state statutes, to be printed or mimeographed in a quantity equal to not less than 10% of the population of the Town of Ashford based on the latest available federal census figures and which copies shall be available for distribution five days before the annual budget meeting of the Town.

ARTICLE II

**Limit on Budget Increase ("Resolution 80")
[Adopted 4-29-1980]****§ 14-4. Purpose.**

The purpose of this article is to limit, by Town ordinance, the increase in the annual combined Town budget to revenue generated by growth in the grand list, in state and federal assistance, and other income, except for increases, voted upon by Town Meeting, necessary to cover debt service on legal obligations, court judgments against the Town, state-mandated programs, and emergency expenditures.

§ 14-5. Determination of increase.

In the event of property revaluation, the actual dollar increase in the combined Town budget shall be limited to the dollar amount of increase in the preceding year's budget or the average amount of increase over the preceding three years, whichever is lower.

Chapter 20
CONSERVATION COMMISSION

[Moved and passed that the Town of Ashford establish a seven-member Conservation Commission under Chapter 97, § 7-131a, of the Connecticut General Statutes, the members to be appointed by the First Selectman, four of the members to serve until the Town election in November 1973 and three members to serve until the Town election in November 1975. Passed February 21, 1972.]

Chapter 23
CONTRACTS AND PURCHASING

§ 23-1. Competitive bids.

§ 23-2. Purchases or sales on open market.

§ 23-3. Right to reject bids.

§ 23-4. Approval and filing of contracts.

§ 23-5. Waiver of requirements.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 11-8-1993. Amendments noted where applicable.]

§ 23-1. Competitive bids.

All Town purchases of, and contracts for, supplies, materials, equipment and contractual services to be done by other than Town employees or Town officials, excepting herefrom items on which the State of Connecticut has established a price schedule and items for sale by the State of Connecticut or any other local, state or federal government, shall be based, when possible, on competitive bids as follows:

- A. Purchases of and contracts for supplies, materials, equipment and contractual services valued at greater than \$10,000 will be bid by publishing notice of a request for proposals in a newspaper circulating in an area most likely to attract bidders or by invitations to bid at the discretion of the Board of Selectmen.
- B. In the case of sales in excess of \$10,000 of property which has become obsolete, unserviceable or unsuitable for Town use, the Board of Selectmen may, at its discretion, sell such property on the basis of competitive bids or at public auction.
- C. Each bid shall be opened to the public. In the event no bids are received, the Selectmen may negotiate in the open market for such sale or purchase.

§ 23-2. Purchases or sales on open market.

All purchases or sales of \$10,000 or less in amount shall be made in the open market but shall, when possible, be based on at least three competitive quotations.

§ 23-3. Right to reject bids.

The Board of Selectmen shall have the right to reject any or all bids.

§ 23-4. Approval and filing of contracts.

All contracts shall be approved as to form by the Selectmen and a copy of each such contract shall be filed with the Town Clerk.

§ 23-5. Waiver of requirements.

The requirements of this chapter may be waived by the Board of Selectmen whenever an emergency exists by reason of extraordinary circumstances or contingencies that could not reasonably be foreseen and guarded against.

Chapter 32

ECONOMIC DEVELOPMENT COMMISSION

- | | |
|---------------------------------------------------|---------------------------------|
| § 32-1. Statutory authority; establishment. | § 32-5. Compensation. |
| § 32-2. Membership; appointment; terms of office. | § 32-6. Employees. |
| § 32-3. Vacancies. | § 32-7. Powers and duties. |
| § 32-4. Removal of members; hearing. | § 32-8. Appropriation of funds. |
| | § 32-9. Annual report. |

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 1-26-1998. Amendments noted where applicable.]

§ 32-1. Statutory authority; establishment.

The Town accepts the provision of Connecticut General Statutes § 7-136 and pursuant to the authority granted therein does establish and create an Economic Development Commission for the promotion and development of the economic resources of the Town.

§ 32-2. Membership; appointment; terms of office.

- A. The number of members of the Economic Development Commission shall be nine members and two alternate members. No more than six of such members shall be of the same political party. **[Amended 10-3-2005]**
- B. The members of the Commission shall be appointed by the Board of Selectmen; two of the members shall be appointed for a term of one year beginning from the date of the first Board of Selectmen's meeting following ratification of this chapter; two of the members shall be appointed for a term of two years from the date of the first Board of Selectmen's meeting following ratification of this chapter; one member shall be appointed for a term of three years from the date of the first Board of Selectmen's meeting following ratification of this chapter; two alternate members shall be appointed for a term of two years from the date of the first Board of Selectmen's meeting following ratification of this chapter. Four additional members authorized by the ordinance revision of October 2005 shall be appointed for terms of five years. **[Amended 12-5-2005]**
- C. Upon the expiration of the original terms of membership set forth in Subsection B, the First Selectman shall, in filling the vacancies created by such expirations, appoint members for terms of five years each.

§ 32-3. Vacancies.

The Board of Selectmen shall appoint a new member to fill any vacancy occurring in the membership of the Economic Development Commission, such new member so appointed to

be of the same political party as the person creating the vacancy, and the term for such appointment shall be for the unexpired portion of the term of the person creating the vacancy.

§ 32-4. Removal of members; hearing.

- A. Any member of the Economic Development Commission may be removed by the Board of Selectmen for cause and, on request of such member, after public hearing.
- B. Upon the request of any such member for a public hearing the Board of Selectman shall, at the expense of the Town, within 15 days next following such request, publish in a newspaper having a general circulation in the Town a notice setting forth the date, time and place of such hearing and in general terms the matters to be considered at said meeting, such notice to be published not less than once nor more than three times, the first such publication to be not more than 15 days before the date of the hearing and the last such publication to be not less than five days before the date of the hearing.

§ 32-5. Compensation. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The members and alternates of the Commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their official duties.

§ 32-6. Employees.

The Economic Development Commission may appoint employees necessary for the discharge of its duties.

§ 32-7. Powers and duties.

The Economic Development Commission shall conduct research into the economic conditions and trends in the Town, shall make recommendations to appropriate officials and agencies of the Town regarding action to improve its economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further its official purposes.

§ 32-8. Appropriation of funds.

There may be an annual appropriation of funds to the use of the Economic Development Commission; such appropriation, however, shall not exceed 1/20 of 1% of the last completed grand list of taxable property in the Town. The Economic Development Commission shall annually prepare an itemized estimate of the cost of conducting the affairs of the Commission for the ensuing year and shall submit such estimate to the Board of Finance not later than two months preceding the annual meeting at which appropriations are to be made. The Commission may transfer any unexpended or uncontracted for portion or portions of any

§ 32-8

ECONOMIC DEVELOPMENT COMMISSION

§ 32-9

appropriation for one item to any other item in its itemized estimate. Expenditures by the Commission shall not exceed the appropriation made by the Town.

§ 32-9. Annual report.

The Economic Development Commission shall report annually to the Annual Town Meeting on its activities and expenditures during the preceding year.

Chapter 35
EDUCATION, BOARD OF

§ 35-1. Membership; terms of office.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 11-10-1983. Amendments noted where applicable.]

§ 35-1. Membership; terms of office. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Pursuant to § 9-205 of the Connecticut General Statutes, the number of members of the Board of Education is changed from six to seven. The Town shall elect four members of such Board to hold office for four years, each from such date of election, and, at each Town election thereafter, shall elect members of such Board in place of the members whose terms expire, each for a term of four years from the date of election. At the biennial Town election next following the adoption of this chapter, the terms of office of the members of such Board then in office shall expire.

Chapter 39

ETHICS

ARTICLE I
Conflict of Interest

§ 39-2. Penalties for offenses.

§ 39-1. Prohibited acts.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Conflict of Interest
[Adopted 4-29-1980; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 39-1. Prohibited acts.

Any member or employee of any Town board or agency or any official, officer or employee of the Town who, in the discharge of his/her official duties, would be required to take an action that would affect a financial interest of himself/herself or his/her spouse, parent, brother, sister, or child or the spouse of a child is prohibited from:

- A. Being financially interested, or having any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the Town, board or agency; and
- B. Accepting or receiving, directly or indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded by the Town, by rebate, gifts or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation.

§ 39-2. Penalties for offenses.

The Town may prescribe penalties for the violation of this article or regulation enacted pursuant to this article, including the voidance of any municipal purchase, contract or ruling adopted in contravention thereof.

Chapter 44
FINANCE, BOARD OF

ARTICLE I
Establishment

§ 44-2. Minority representation.

§ 44-3. Powers and duties.

§ 44-4. Qualifications.

ARTICLE II
Alternate Members

§ 44-5. Designation of alternates.

§ 44-6. Election.

§ 44-1. Number of alternate members.

§ 44-7. Vacancies.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Establishment

[At a Special Town Meeting held October 28, 1939, it was voted to establish, in accordance with the provisions of Chapter 28 of the General Statutes of Connecticut, as amended,¹ a Board of Finance for the Town of Ashford.]

ARTICLE II
Alternate Members
[Adopted 12-16-1975]

§ 44-1. Number of alternate members.

There shall be three alternate members elected to the Board of Finance of the Town of Ashford.

§ 44-2. Minority representation.

The election of such alternates shall conform to § 9-167a of the Connecticut General Statutes and all revisions of the same as concerns minority representation of political parties.

§ 44-3. Powers and duties.

Each alternate, when seated, shall have all the powers and duties set forth in the General Statutes or any special act of the State of Connecticut or any municipal charter of the Town of Ashford as may now be in force or as hereinafter may be enacted concerning such Board.

1. Editor's Note: See now C.G.S. § 7-340 et seq.

§ 44-4. Qualifications.

Alternates elected hereunder shall be electors and taxpayers of the Town of Ashford.

§ 44-5. Designation of alternates.

When a regular member of the Board of Finance is absent or disqualified, such absent or disqualified member shall designate an alternate to act in his place. If he fails to make such designation, the Chairperson of the Board shall designate an alternate from such panel, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

§ 44-6. Election.

Three alternate members shall be elected at a Special Town Meeting called for that purpose within 45 days of the effective date of this article to serve until the next Town election. At said Town election one alternate shall be elected for two years, one alternate shall be elected for four years, and one alternate shall be elected for six years. At each subsequent Town election, one alternate shall be elected for a six-year term.

§ 44-7. Vacancies.

In the event that there are fewer than three alternates to the Board of Finance, such vacancy or vacancies shall be filled at the next Town Meeting, either regular or special, or a Special Town Meeting called for that purpose. No vacancy shall remain unfilled more than 21 days.

Chapter 62

INLAND WETLANDS AND WATERCOURSES COMMISSION

§ 62-1. Membership; terms of office.

§ 62-2. When effective; repealer; transfer of duties.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 6-5-2006. Amendments noted where applicable.]

§ 62-1. Membership; terms of office. [Amended 2-16-2012]

In accordance with Connecticut General Statutes § 22a-42, there shall be an Inland Wetlands and Watercourses Commission consisting of seven members and two alternate members to be appointed by the Board of Selectmen. Four members will be appointed to serve to June 2007; three members will be appointed to serve to June 2009. Two alternate members will be appointed to serve until June 2007 and June 2009, respectively. Thereafter, the term of each office will be for a period of four years. Any vacancy in the Commission will be filled by the Board of Selectmen for the remainder of the term of the vacated position.

§ 62-2. When effective; repealer; transfer of duties.

This chapter will become effective 15 days following publication, per the requirements of Connecticut General Statutes § 7-157.¹ Effective immediately upon the effective date of this chapter, the ordinance titled "Inland Wetlands and Watercourses" enacted by Town Meeting held on October 23, 1972, and designating the Conservation Commission as the agency responsible for implementing Public Act 155, An Act Concerning Inland Wetlands and Watercourses, as signed into law by Governor Meskill on May 19, 1972, is repealed and of no effect, and all duties, responsibilities, acts, materials, rulings, and rules and regulations of the Conservation Commission in this capacity as the agency responsible for municipal regulation of wetlands and watercourses are transferred to the Inland Wetlands and Watercourse Commission established herein.

1. Editor's Note: This chapter took effect 6-23-2006.

Chapter 75
MEETINGS

ARTICLE I
Emergency Cancellation

§ 75-1. Purpose.

§ 75-2. Declaration of emergency.

§ 75-3. Notice and rescheduling.

§ 75-5. Conduct of meetings.

§ 75-6. Separate votes for education and general government budgets.

§ 75-7. Authority of Selectmen to set date and hours.

§ 75-8. Applicability.

§ 75-9. When effective.

ARTICLE II
Annual Town Meeting and Budget Meeting

§ 75-4. Date of meeting.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Emergency Cancellation
[Adopted 4-2-2007]

§ 75-1. Purpose.

The purpose of this article is to safeguard members of the Town of Ashford boards, commissions, committees and agencies, and private citizens, by establishing authority and procedure for the cancellation or postponement of public meetings due to extreme weather conditions or any other emergency which may jeopardize public safety.

§ 75-2. Declaration of emergency.

- A. An emergency may be declared by the First Selectman or the chairperson or leader of any other Town of Ashford board, commission, committee or agency, resulting in cancellation or postponement of a public meeting in the following circumstances:
 - (1) Whenever the Town Hall office building or another posted meeting place is closed or inaccessible due to safety considerations;
 - (2) Whenever severe weather warnings from the National Weather Service, Central Office of Emergency Preparedness, or a similar agency remain in effect;
 - (3) In the case of a basic utility outage affecting the meeting location or a substantial portion of Ashford residences;

- (4) In the case of a federal or state declared civil emergency including any portion of the Town of Ashford; or
 - (5) In the case of any other disaster which in the opinion of any such leader renders attendance at any such public meeting dangerous or extremely impractical.
- B. If the First Selectman is unavailable, a decision to cancel or postpone a meeting per this article shall be made by the other two Selectmen. If a board, commission, committee or agency chairperson or leader is unavailable, authority under this article shall be vested in the vice chairperson or the nominee of any such chairperson or leader.
 - C. Reasonable effort shall be made to notify all members of any Town agency and the public of any cancellation or postponement made under the authority of this article.

§ 75-3. Notice and rescheduling.

Unless it is practically impossible to do so, notice of cancellation or postponement of any public meeting shall be conspicuously posted on or near the door of the place where the meeting was scheduled to occur. Any noticed Town Meeting which is postponed shall be rescheduled within 30 days and warned and posted in accordance with applicable law.

ARTICLE II

Annual Town Meeting and Budget Meeting
[Adopted 5-7-2012]

§ 75-4. Date of meeting. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Pursuant to §§ 7-1, 7-148(c)(2)(A), and 7-388 of the Connecticut General Statutes, as amended, a date no less than seven nor more than 14 days prior to the first Tuesday following the first Monday in the month of May shall be designated as the day and date to be warned for the holding of the Annual Town Meeting for consideration of the budget and the transaction of other Town business as required to come before the legislative body.

§ 75-5. Conduct of meetings.

The Annual Town Meeting or annual budget meeting as referred to and described in Title 7, General Statutes of the State of Connecticut, as amended, shall be conducted as follows:

- A. Once lawfully convened pursuant to § 7-1 et seq., General Statutes of the State of Connecticut, the meeting shall choose a Moderator and proceed to conduct its business in accordance with § 7-7 of the General Statutes of the State of Connecticut, which shall include a discussion of the annual budget, but there shall not be a vote on the annual budget at the meeting so held.
- B. When all business other than the vote of the annual budget has been transacted, the meeting shall:

§ 75-5

MEETINGS

§ 75-9

- (1) Set a date, not less than seven nor more than 14 days thereafter, for a vote on the annual budget by a "Yes" or "No" vote on the voting machines.
- (2) Set the hours during which such votes may be cast, not less than between the hours of 12:00 noon and 8:00 p.m. and not more than between the hours of 6:00 a.m. and 8:00 p.m.

§ 75-6. Separate votes for education and general government budgets.

The vote on the annual budget shall include separate votes on the proposed education budget and the proposed general government budget, each such proposed budget to be considered by separate "Yes" and "No" votes.

§ 75-7. Authority of Selectmen to set date and hours.

In the event the meeting does not set the date and hours for such vote, the Town Selectmen shall set the date and hours of the vote.

§ 75-8. Applicability.

The foregoing budget and voting procedure shall apply to all votes on the adoption of annual budgets, including any vote taken to adopt an annual budget by machine vote. No annual budget shall be adopted except pursuant to the procedures set forth in this article requiring a machine vote and referendum. However, in the event that only one of the two proposed budgets is approved at any referendum, any subsequent referendum shall include only a vote on the proposed education budget or proposed general government budget which was unapproved. Any approval of either budget shall be deemed a final approval of such budget.

§ 75-9. When effective.

This article shall become effective 15 days after publication in a newspaper pursuant to the provisions of § 7-157 of the General Statutes of the State of Connecticut.

Chapter 84
OFFICERS AND EMPLOYEES

ARTICLE I
Assessor

§ 84-1. Appointment; term of office

ARTICLE II
Constables

§ 84-2. Appointment; residency required.

ARTICLE III
Town Clerk and Registrar of Vital Statistics

§ 84-3. Appointment; term of office; vacancy.

ARTICLE IV
Treasurer

§ 84-4. Appointment; term of office; vacancy.

ARTICLE V
Tax Collector

§ 84-5. Appointment; term of office; vacancy.

ARTICLE VI
Temporary Employees

§ 84-6. Service on governmental bodies by temporary employees.

ARTICLE VII
Registrars of Voters

§ 84-7. Term of office.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Assessor

[Adopted 6-7-1983]

§ 84-1. Appointment; term of office [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Town of Ashford, pursuant to § 7-100k of the Connecticut General Statutes, as amended, hereby provides that a certified professional assessor, as defined in § 12-40a of the Connecticut General Statutes, be appointed by the Board of Selectmen for the term of two years. The term of such certified professional assessor shall commence July 1, 1983. The terms of the Assessors now in office shall be terminated upon the appointment of a certified professional assessor in accordance with this article.

ARTICLE II
Constables
[Adopted 7-2-2001]

§ 84-2. Appointment; residency required.

Pursuant to Connecticut General Statutes § 9-185, in lieu of Constables to be elected under Connecticut General Statutes § 9-200, the Board of Selectmen shall instead, by resolution adopted at a meeting to be held not later than one month after the Town election, appoint three Constables, all of whom shall be residents of the Town of Ashford, to serve at the pleasure of the Board of Selectmen.

ARTICLE III
Town Clerk and Registrar of Vital Statistics
[Adopted 4-6-2009]

§ 84-3. Appointment; term of office; vacancy.

Pursuant to Connecticut General Statutes § 9-185, the Town Clerk and Registrar of Vital Statistics shall be appointed by the Board of Selectmen. The term of office shall be four years and until his or her successor has been appointed and has qualified. A good faith effort will be made to employ a Town Clerk who is a resident of the Town of Ashford. The first person so appointed to the office shall be appointed upon the expiration of the term of office of the official in office at the effective date of this article or the occurrence of a vacancy in said office, whichever first occurs. (Note: In the case of a vacancy in this position, selection procedures are enumerated in the Town of Ashford Personnel Policies.)

ARTICLE IV
Treasurer
[Adopted 4-6-2009]

§ 84-4. Appointment; term of office; vacancy.

Pursuant to Connecticut General Statutes §§ 9-185 and 9-189, the Treasurer shall be appointed by the Board of Selectmen. The term of office shall be two years and until his or her successor has been appointed and has qualified. The first person so appointed to the office shall be appointed upon the expiration of the term of office of the official in office at the effective date of this article or the occurrence of a vacancy in said office, whichever first occurs. (Note: In the case of a vacancy in this position, selection procedures are enumerated in the Town of Ashford Personnel Policies.)

ARTICLE V
Tax Collector
[Adopted 4-6-2009]

§ 84-5. Appointment; term of office; vacancy.

Pursuant to Connecticut General Statutes §§ 9-185 and 9-189, the Tax Collector shall be appointed by the Board of Selectmen. The term of office shall be four years and until his or her successor has been appointed and has qualified. The first person so appointed to the office shall be appointed upon the expiration of the term of office of the official in office at the effective date of this article or the occurrence of a vacancy in said office, whichever first occurs. (Note: In the case of a vacancy in this position, selection procedures are enumerated in the Town of Ashford Personnel Policies.)

ARTICLE VI
Temporary Employees
[Adopted 9-17-2012]

§ 84-6. Service on governmental bodies by temporary employees.

In accordance with § 7-421(e)(2) of the Connecticut General Statutes, revised to January 1, 2011, any temporary employee, as defined in the Town of Ashford Personnel Policies as revised and approved by the Board of Selectmen on June 29, 2009, may serve on:

- A. Any body exercising zoning powers pursuant to Chapter 124 of the Connecticut General Statutes;
- B. Any body exercising land use powers pursuant to Chapter 125A of the Connecticut General Statutes;
- C. Any body exercising planning powers pursuant to Chapter 126 of the Connecticut General Statutes; or
- D. Any body regulating inland wetlands and watercourses pursuant to Chapter 440 of the Connecticut General Statutes.

ARTICLE VII
Registrars of Voters
[Adopted 12-9-2019]

§ 84-7. Term of office.

In accordance with Connecticut General Statutes § 9-189a, effective January 16, 2020, the Registrars of Voters of the Town of Ashford shall, at the next succeeding regular election for such office and thereafter, be elected for a term of four years. Such four-year term shall begin on the first Wednesday following the first Monday of January succeeding an election of Registrars of Voters.

Chapter 87
ORDINANCES, PUBLICATION OF

§ 87-1. Summary publication.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford effective 12-26-2004. Amendments noted where applicable.]

§ 87-1. Summary publication.

Whenever the Town of Ashford is required by C.G.S. § 7-157(a) to publish any proposed ordinance, the Town Clerk is authorized to publish a summary of such proposed ordinance in lieu of such proposed ordinance, provided that in any case in which such a summary is published, the Town Clerk shall make a copy of such proposed ordinance available to any person requesting a copy at no charge. Any summary so published shall bear a disclaimer as follows: "This document is prepared for the benefit of the public, solely for the purpose of information, summarization and explanation. This document does not represent the intent of the legislative body of the Town of Ashford for any purpose." The provisions of this section shall not apply to any proposed ordinance which makes or requires an appropriation.

Chapter 91

PARKS AND RECREATION COMMISSION

§ 91-1. Commission created; purpose.

§ 91-2. Membership; terms of office;
removal; compensation.

§ 91-3. Officers; adoption of rules and
regulations; meetings.

§ 91-4. Powers.

§ 91-5. When effective.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 3-19-1979; amended 5-14-1998. Subsequent amendments noted where applicable.]

§ 91-1. Commission created; purpose.

There is hereby created a recreational commission which shall be known as the "Ashford Parks and Recreation Commission," to establish, maintain and conduct parks, playgrounds, swimming areas, gymnasiums and recreational places within the Town of Ashford.

§ 91-2. Membership; terms of office; removal; compensation. [Amended 10-20-2008]

- A. Said Commission shall be composed of five regular members to be approved by the Board of Selectmen, two for the term of four years, one for the term of three years, one for the term of two years and one for the term of one year. Annually thereafter, the Board of Selectmen shall approve members for the term of five years when a Commission member's term expires.
- B. There shall be three alternate members to be approved by the Board of Selectmen, one for the term of three years, one for the term of two years and one for the term of one year. Annually thereafter, the Board of Selectmen shall approve members for the term of three years when an alternate Commission member's term expires.
- C. The members of said Commission shall serve until their successors have been appointed and have accepted said Commission appointment.
- D. Any member of said Commission may be removed by the majority vote of the Commission members.
- E. Vacancies on said Commission shall be filled by approval from the Board of Selectmen for any unexpired terms.
- F. All members shall serve without compensation.

§ 91-3. Officers; adoption of rules and regulations; meetings.

The Parks and Recreation Commission shall appoint from its membership a Chairperson and any other officers it feels necessary for the orderly procedure of its primary business and may adopt bylaws, rules, regulations and policies covering its procedures not inconsistent with the

provisions of the state statutes or Town ordinances. The Parks and Recreation Commission may establish rules governing the operation of the recreation facilities and other spaces devoted to the recreational activities to be exercised by the Town. The Commission shall hold periodic and regular meetings at designated times and places at its discretion.

§ 91-4. Powers.

Said Commission shall have such powers as are now or may hereafter be provided by statute or law of the State of Connecticut or by ordinances of the Town of Ashford relating to the growth, development and management of recreational agencies, physical facilities, and any other spaces devoted to the recreational activities, to be exercised by it subject to any and all restrictions contained in such statutes, laws and ordinances.

§ 91-5. When effective.

This chapter will become effective upon approval at a Town Meeting.

Chapter 95

PLANNING AND ZONING COMMISSION AND ZONING BOARD OF APPEALS

§ 95-1. Repealer.

§ 95-3. Election and term of members.

§ 95-2. Planning and Zoning Commission and Zoning Board of Appeals continued.

§ 95-4. Transition.

§ 95-5. Minority representation.

§ 95-6. Vacancies.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 4-6-2009. Amendments noted where applicable.]

§ 95-1. Repealer.

"An Ordinance Creating a Planning Commission for the Town of Ashford," passed at Town Meeting and taking effect July 10, 1958, the "Planning and Zoning Commission Ordinance" adopted at the Town Meeting of October 6, 1969, the "Planning and Zoning Amendment," passed at the Town Meeting held January 11, 1971, the "Zoning Board of Appeals Ordinance" adopted at a Town Meeting on October 6, 1969, and the "Zoning Board of Appeals Amendment," adopted by the Town Meeting on January 11, 1971, are all repealed, and the following is substituted therefor.

§ 95-2. Planning and Zoning Commission and Zoning Board of Appeals continued.

Pursuant to Chapter 124 of the Connecticut General Statutes, the Town of Ashford shall continue to have a Planning and Zoning Commission and Zoning Board of Appeals having such powers and duties that are prescribed by statute.

§ 95-3. Election and term of members.

Beginning with the biennial Town election held in November of 2009, the members and alternate members of the Planning and Zoning Commission and Zoning Board of Appeals shall be elected in each biennial Town election as follows:

- A. Three members of the nine-member Planning and Zoning Commission for terms of six years.
- B. Three alternate members of the Planning and Zoning Commission for terms of two years.
- C. Two or three members of the five-member Zoning Board of Appeals for terms of four years.
- D. Three alternate members of the Zoning Board of Appeals for terms of four years.

§ 95-4. Transition.

To effectuate the transition from election by Town Meeting to the biennial Town election, beginning in 2009, as required by § 95-3, the term of any member or alternate member may be lengthened but not reduced by the Board of Selectmen.

§ 95-5. Minority representation.

Minority party representation shall be determined pursuant to Connecticut General Statutes § 9-167a.

§ 95-6. Vacancies.

- A. Any vacancy in said Planning and Zoning Commission shall be filled from the panel of alternate members by the Planning and Zoning Commission until the next biennial Town election. When a vacancy exists in the panel of alternates to the Planning and Zoning Commission it shall be filled by the Board of Selectmen until the next biennial Town election.
- B. Any vacancy in said Zoning Board of Appeals shall be filled from the panel of alternate members by the Zoning Board of Appeals until the next biennial Town election. When a vacancy exists in the panel of alternates to the Zoning Board of Appeals it shall be filled by the Board of Selectmen until the next biennial Town election.

Chapter 106
SALARIES AND COMPENSATION

ARTICLE I
Town Clerk

§ 106-1. Salary in lieu of fees.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Clerk
[Adopted 5-13-1991]

§ 106-1. Salary in lieu of fees.

The Town Clerk of Ashford shall receive a salary to be fixed by the legislative body of the Town in lieu of all fees and other compensation provided for in the Connecticut General Statutes. The Town Clerk shall collect those fees and compensation set by statute and shall deposit all such money thus collected in accordance with the provisions of law governing the deposit of moneys belonging to the Town.

Chapter 110
SELECTMEN, BOARD OF

ARTICLE I
Setting Fees and Fines

§ 110-1. Delegation of authority.

ARTICLE II
State and Federal Grants

§ 110-2. Authorization to apply for and receive grants.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Setting Fees and Fines
[Adopted 4-2-2007]

§ 110-1. Delegation of authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The authority of the legislative body of the Town of Ashford to revise fee or fine amounts previously set forth in the following named ordinances of the Town of Ashford is hereby delegated to the Board of Selectmen of the Town of Ashford for enactment and publication of any such revisions to said previously established fee or fine amounts. Town of Ashford ordinances affected and so modified by this article include those titled as follows:

- A. Building Code Fee Ordinance (Chapter 173, Article I).
- B. Driveway Ordinance, Construction of (Chapter 162).
- C. Parking on Town Roads (Chapter 267, Article I).
- D. An Ordinance Concerning Peddlers (Chapter 228).
- E. Mandatory Recycling Ordinance (Chapter 273, Article II).
- F. Scenic Road Ordinance (Chapter 247, Article III).

ARTICLE II
State and Federal Grants
[Adopted 4-23-2013]

§ 110-2. Authorization to apply for and receive grants.

The Board of Selectmen, acting as agent for the Town of Ashford, is authorized to apply for and receive any state or federal grants that may become available and appear to it to be in the best interest of the Town of Ashford.

Chapter 128

WATER POLLUTION CONTROL AUTHORITY

§ 128-1. Creation; powers; appointment; removal.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 5-13-1991. Amendments noted where applicable.]

§ 128-1. Creation; powers; appointment; removal.

The Town of Ashford hereby creates a board to be known as the "Ashford Water Pollution Control Authority" to exercise the powers conferred by Chapter 103 of the Connecticut General Statutes. The Authority shall consist of five members, who will serve without compensation and who will be appointed by the chief executive officer of the Town. Upon the adoption of this chapter, the First Selectman shall appoint five electors of the Town to initial terms of five, four, three, two and one year(s), with each succeeding appointee appointed to a full five-year term. Members of the Authority may, upon hearing before the Board of Selectmen, be removed for cause, including but not limited to failure to discharge the duties of the office.

PART II

**GENERAL
LEGISLATION**

Chapter 147

BOATING

§ 147-1. Boating regulations.

§ 147-2. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 10-1-1962. Amendments noted where applicable.]

§ 147-1. Boating regulations.

- A. Speed limit: 10 miles per hour.
- B. No boats are permitted in the swimming area at Association's private beach or within the area designated by buoys or within 50 feet of any swimmer, float, rowboat, canoe, or sailboat except when docking. The operator shall be responsible for his actions. If the identity of the operator cannot be determined, the owner of the boat will be responsible.
- C. No motorboats shall be operated between 8:30 p.m. and 8:00 a.m.
- D. No person shall commit or create a nuisance on the lake.
- E. No water-skiing or aquaplaning or surfboards are permitted.
- F. No floats shall be over 50 feet in front of owner's property. Distance shall be measured from property building lines.
- G. All boats requiring CT number shall have lot number on both sides of stern. Boats not requiring CT number shall have lot number on either bow or stern. Numbers shall be at least three inches in size and of a contrasting color.
- H. No refuse, garbage or grass cuttings or debris shall be dumped or deposited in Lake Chaffee or Ashford Lake.
- I. No person shall operate a vessel in a reckless manner so as to endanger the person or property of another. Operating a motorboat in such manner as to create a hazardous wake or wash prima facie shall be deemed to be reckless operation.

§ 147-2. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Violation of the boating regulations in § 147-1 shall be subject to a fine of not more than \$50 for each offense.

Chapter 154

CITATIONS

ARTICLE I
Inland Wetland Violations

§ 154-1. Issuance of citation.

§ 154-2. Fine.

§ 154-3. Contents of citation.

§ 154-4. Payment of fine.

§ 154-5. Hearing.

§ 154-6. Notice of assessment.

§ 154-7. Hearing officers.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Inland Wetland Violations
[Adopted 5-8-2000]

§ 154-1. Issuance of citation.

The Wetlands Agent is authorized to issue citations for violations of the Inland Wetlands and Watercourses Regulations¹ of the Town of Ashford to the extent and in the manner provided by this article; such action shall be taken only subsequent to the issuance of a cease-and-desist order and failure to respond to such order in a timely manner. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to a person named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. If sent by regular mail, the day of receipt of the citation shall be determined to be three days after the day of mailing. The Wetlands Agent shall file and retain an original or certified copy of the citation.

§ 154-2. Fine.

The fines for each such citation shall be no more than \$1,000.

§ 154-3. Contents of citation.

The citation shall include the following provisions:

- A. The allegations against him or her and the amount of the fines;
- B. That the person may pay the fine specified in the citation to the Town within 30 days of the receipt of the citation or service on the property where the violation occurs;

1. Editor's Note: See Ch. 290, Inland Wetlands and Watercourses Regulations.

§ 154-3

ASHFORD CODE

§ 154-5

- C. That the person cited may contest liability before a hearing officer appointed by the First Selectman, as provided in § 154-7 of this article, by delivering, in person or by mail, within 10 days of the date of the notice, a written demand for a hearing;
- D. That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and
- E. That such a judgment may issue without further notice.

§ 154-4. Payment of fine. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

If the person who is sent notice pursuant to § 154-3 of this article wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Wetlands Agent. All fines shall be made payable to the Town of Ashford. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within 10 days of the date of the notice described in § 154-3 of this article shall be deemed to have admitted liability, and the Wetlands Agent shall certify to the hearing officer that such person has failed to respond. The hearing officer shall thereupon enter and assess the fines provided for by this article and shall follow procedures set forth in § 154-6 of this article.

§ 154-5. Hearing.

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held no less than 15 days nor more than 30 days from the date of the mailing of notice, provided that the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the Wetlands Agent shall be required at the hearing if requested by the person who was issued the citation; such request must be included within the appeal. A person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf and may be represented by agent or attorney. The Wetlands Agent may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the hearing officer may enter an assessment by default against him or her upon finding of proper notice and liability under the applicable provisions of the Inland Wetlands and Watercourses Regulations. The hearing officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he or she deems fair and appropriate. The rules regarding admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his or her decision at the end of the hearing. If the hearing officer determines that the person who received the citation is not liable, the hearing officer shall dismiss the matter and enter that determination in writing accordingly. If the hearing officer determines that the person who received the citation is liable for the violation, the hearing officer shall forthwith enter and assess the fines against such person as provided by the citation.

§ 154-6. Notice of assessment.

If such assessment is not paid on the date of entry, the hearing officer shall send by first-class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Windham County Superior Court, together with an entry fee of \$8. Further proceedings may then be held pursuant to Connecticut General Statutes § 7-152c(f) as amended from time to time.

§ 154-7. Hearing officers. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The First Selectman shall appoint three citation hearing officers to conduct the hearings provided by this article. Neither the Wetlands Agent nor the Zoning Enforcement Officer, nor members of the Ashford Inland Wetlands and Watercourses Commission, may be appointed as a hearing officer pursuant to this article.

Chapter 162
DRIVEWAYS

§ 162-1. Permit required.

§ 162-4. Bond.

§ 162-2. Required installations and grading.

§ 162-5. Term of permit.

§ 162-3. Liability for damage.

§ 162-6. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford effective 9-15-1972. Amendments noted where applicable.]

§ 162-1. Permit required.

No approach or driveway to any street or highway maintained by the Town of Ashford shall be constructed nor existing driveway improved unless a permit is first issued by the Board of Selectmen or its agent.

§ 162-2. Required installations and grading.

The landowner or agent shall install all drainage pipes, culverts, headwalls, catch basins, and ditches and perform any grading as deemed necessary by the Board of Selectmen or its agent to protect the abutting Town road.

§ 162-3. Liability for damage.

The landowner or agent shall be liable for damage done to any Town street or highway in the construction of such approach.

§ 162-4. Bond.

The Board of Selectmen or its agent may require a bond in an amount sufficient to insure completion of construction when it deems such necessary.

§ 162-5. Term of permit.

All permits shall expire 12 months from the date of issue unless renewed by the Board of Selectmen or its agent and all construction under the permit must be completed before its expiration.

§ 162-6. Penalties for offenses.

Any person, firm or corporation who or which violates this chapter shall be fined not more than \$100.

Chapter 173

FEES

ARTICLE I
Building Permit Fees

§ 173-1. Schedule of building permit fees.

ARTICLE II
Land Use Agency Fees

§ 173-2. Reasonable fee schedule.

§ 173-3. Technical or professional consultant fees.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Building Permit Fees

[Adopted 6-2-2003; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 173-1. Schedule of building permit fees.

- A. Building and trade permit fees shall be \$12 per \$1,000 or fraction thereof of the cost of construction. The minimum permit fee shall be \$40. Demolition and moving of buildings shall be the same fee structure.
- B. As required by Connecticut General Statutes § 29-263, the code training and education fee shall be \$0.26 per \$1,000 of construction value on each building permit application added to the base permit fee.
- C. Connecticut State Building Code Section R108.3, Building Permit Valuations.
 - (1) The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.
 - (2) Permit applicants must file the appropriate Connecticut workers' compensation form:
 - (a) Form 7A: for the sole proprietor or property owner who will not act as general contractor or principal employer.
 - (b) Form 7B: for the sole proprietor or property owner who will act as general contractor or principal employer.

- (c) Form 7C: for the general contractor or principal employer who has chosen to be excluded from coverage.

ARTICLE II

Land Use Agency Fees

[Adopted 10-3-2005; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 173-2. Reasonable fee schedule.

Pursuant to §§ 8-1c and 8-26 of the Connecticut General Statutes, the voters of the Town of Ashford do hereby ordain that the authority of the legislative body of the Town of Ashford to establish by ordinance a schedule of reasonable fees for the processing of applications by the Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands and Watercourses Commission is delegated to the membership of each such land use agency of the Town of Ashford for enactment and publication of any such fee schedule in the zoning or inland wetlands regulations of the Town of Ashford, as applicable.¹

§ 173-3. Technical or professional consultant fees.

- A. In processing any application, if it is determined by the Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands and Watercourses Commission of the Town of Ashford that it is reasonable and necessary for it to engage the services of one or more technical or professional experts to aid the Board or Commission in evaluating or determining the application, for example, an engineer to review construction plans or subdivision improvements, the Board or Commission may retain such outside assistance and surcharge the applicant for all such expenses reasonably and necessarily incurred, as an additional fee.
- B. The Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands and Watercourses Commission of the Town of Ashford is authorized to create and implement whatever procedures the Board or Commission determines to be reasonable and necessary to surcharge and collect any such technical or professional consultant fees from an applicant in any case in which the Board or Commission determines that such expertise is required. Any such system may include the requirement of a deposit paid by the applicant at or soon after the time of application and prior to the retention of any such technical or professional consultant by the Board or Commission so as to ensure payment by the applicant of such reasonable and necessary fee.

1. Editor's Note: See Ch. 290, Inland Wetlands and Watercourses Regulations, and Ch. 300, Zoning Regulations.

Chapter 177

FIRE LANES

§ 177-1. Statutory authority.

§ 177-6. Signs and markings.

§ 177-2. Short title.

§ 177-7. Penalties for offenses; removal of vehicles.

§ 177-3. Definitions.

§ 177-8. Payment of fines.

§ 177-4. Fire Marshal to establish fire lanes.

§ 177-9. Severability.

§ 177-5. Appeals.

§ 177-10. When effective.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 6-9-1987. Amendments noted where applicable.]

§ 177-1. Statutory authority.

This chapter is enacted pursuant to the provisions of § 7-148 of the Connecticut General Statutes.

§ 177-2. Short title.

This chapter shall be known and may be cited as the "Fire Lane Ordinance."

§ 177-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FIRE LANE — A designated unobstructed passageway sufficient in size to permit free passage of fire and other emergency equipment to areas or parts of any private or public property as deemed necessary by the Fire Marshal.

§ 177-4. Fire Marshal to establish fire lanes.

Whenever the Fire Marshal of the Town of Ashford determines that the reasonable safety of persons occupying, or using, any premises, public or private, having a capacity of at least 15 persons, requires the establishment of a fire lane for orderly access of fire and other emergency equipment, he shall establish such fire lane by written order and cause a copy of such order to be delivered in person or by registered mail to the owner of any private land on which such fire lane is established or to the agent of such owner.

§ 177-5. Appeals. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Whenever the Fire Marshal of the Town of Ashford establishes a fire lane, he shall file one copy of his order with the Board of Selectmen and one copy with the First Selectman. Any

person aggrieved by such order may file a written notice of appeal setting forth reasons for aggrievement. Such written notice of appeal must be filed with the First Selectman within 15 days after the filing of the order with the Board of Selectmen. The Board of Selectmen shall hear such appeal within 30 days after receipt of the notice of appeal by the First Selectman. After hearing, the Board of Selectmen may affirm, modify or rescind such order.

§ 177-6. Signs and markings. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Upon establishment of a fire lane as provided herein, the Ashford Public Works Department shall cause to be erected or installed adequate signs, markings and other devices to delineate said fire lane. Such signs, markings, and other devices when installed on privately owned premises shall be at the cost of the owner and may be billed for and collected as a municipal fee in the same manner as municipal taxes.

§ 177-7. Penalties for offenses; removal of vehicles.

- A. No person shall park or permit to stand a motor vehicle in a fire lane which has been established in accordance with this chapter, except when the operator remains in the vehicle and is in the actual process of picking up or discharging passengers. Any person violating this subsection shall be fined not more than \$35 and a court fee of \$5. The registered owner of a motor vehicle shall be presumed to be the operator of such vehicle.
- B. Any motor vehicle found standing in a fire lane which has been established in accordance with this chapter may be towed upon the direction of the First Selectman or his/her designee to any public or private parking facility, and all expense of such towing, and any subsequent storage, shall be borne by the registered owner of such vehicle. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 177-8. Payment of fines.

Any person receiving a notice of violation of the provisions of this chapter may appear at the office of the First Selectman of the Town of Ashford and shall pay an amount as specified in said notice. Such payment shall bar a prosecution for such violation of this chapter.

§ 177-9. Severability.

If any section, clause, provision, or portion of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision, or portion of this chapter.

§ 177-10. When effective.

This chapter shall become effective 15 days after publication in a newspaper having a circulation in the Town of Ashford.

Chapter 185

FLOOD PROTECTION AND FLOOD INSURANCE

**§ 185-1. Land use and control measures
to reduce flood losses.**

**[HISTORY: Adopted by the Board of Selectmen of the Town of Ashford 10-14-1975.
Amendments noted where applicable.]**

§ 185-1. Land use and control measures to reduce flood losses.

This Board of Selectmen hereby:

- A. Assures the Federal Insurance Administration that it will enact as necessary and maintain in force, for those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations.
- B. Vests the Planning and Zoning Commission with the responsibility, authority, and means to:
 - (1) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites.
 - (2) Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain.
 - (3) Cooperate with federal, state, and local agencies and private firms which undertake to study, survey, map, and identify floodplain areas and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent aggravation of existing hazards.
 - (4) Submit, on the anniversary date of the community's initial eligibility, an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.
- C. Appoints the Planning and Zoning Commission to maintain, for public inspection and to furnish upon request, a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.
- D. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Chapter 228

PEDDLING AND SOLICITING

§ 228-1. Permit required.

§ 228-3. Penalties for offenses.

§ 228-2. Form of permit; fee.

§ 228-4. Exceptions.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 6-17-1965. Amendments noted where applicable.]

§ 228-1. Permit required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No person shall vend, hawk or peddle or solicit the sale, either present or future, of any goods, wares or other merchandise upon any public highway within the Town of Ashford, or from place to place within the limits of the Town, without first having obtained a permit from the Town Clerk. This permit shall apply to each and every so engaged person whether self-employed or whether employed by a firm, partnership, corporation, or individual.

§ 228-2. Form of permit; fee. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Permits shall be in the form of a certificate issued by the Town Clerk upon the payment of the required permit fee. The fee shall be \$2 for one day and \$10 for periods of up to one year. Permits shall be effective from 8:00 a.m. of the day or period for which the permit is issued. Residents of the Town of Ashford shall be exempt from paying a fee for such permit.

§ 228-3. Penalties for offenses.

Any person who shall violate any provision of this chapter shall be fined not more than \$25, and every sale made in violation of the provisions herein shall constitute a separate offense.

§ 228-4. Exceptions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Nothing in this chapter shall be construed to prohibit or to require a permit for sales by farmers or gardeners of the produce from their farms or gardens, or for the sale and distribution of milk, teas, coffees, spices, bakery goods, fish, meats or other food products, nor shall the provisions hereof apply to youngsters under 16 years of age who are residents of the Town.

Chapter 247

STREETS AND SIDEWALKS

**ARTICLE I
Street Numbering System**

- § 247-1. Purpose.
- § 247-2. Adoption of street numbering system.
- § 247-3. Official street names.
- § 247-4. Roads that are not Town owned.

**ARTICLE II
Posting of Street Numbers**

- § 247-5. Numbers to be posted by property owner; minimum size.
- § 247-6. Notification of assigned number.

§ 247-7. Penalties for offenses.

**ARTICLE III
Scenic Roads**

- § 247-8. Findings and purpose.
- § 247-9. Authority to designate scenic roads.
- § 247-10. Criteria for scenic road designation.
- § 247-11. Designation procedure; public hearing.
- § 247-12. Maintenance, alteration and improvement of designated scenic roads.
- § 247-13. Designated scenic roads.
- § 247-14. When effective.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Street Numbering System
[Adopted 7-22-1986]**

§ 247-1. Purpose.

The purpose of this article is to promote public safety and convenience, to ease and speed the delivery of essential emergency services, and to aid the Town in proper and useful planning.

§ 247-2. Adoption of street numbering system.

The numbering system as shown on the set of maps on file with the Town Clerk titled "Town of Ashford - Street Numbering System" is hereby adopted, as specified in § 7-148 of the Connecticut General Statutes, as the street numbering system of the Town of Ashford.

§ 247-3. Official street names.

To ensure that the street numbering system is correct and understandable, and that there is no confusion in street names, the following streets and roads shall henceforth be officially recognized by the names indicated herein:

- A. Nott Highway: Route 74 from Route 44 to the Willington Town line.
- B. Squaw Hollow Road: Route 44 from the Willington Town line east to Route 74.
- C. Pompey Hollow Road: Route 44 from Route 74 east to Route 89.
- D. Ashford Center Road: Route 44 from Route 89 east to the Eastford Town line.
- E. Cushman Road: Lawrence Cushman Road from Route 44 south to Varga Road.
- F. Pease Road: Howey Road from Lipps Road west to its terminus.
- G. East Howey Road: Howey Road from Zaicek Road east to its terminus.
- H. Lustig Road: Gombar Road from the Willington Town line north to the Willington Town line.
- I. Barlow Mill Road: Axe Factory Road from Boston Hollow Road north to the Union Town line.
- J. Moon Road: North Road from Campert Lane north to Eastford Road.

§ 247-4. Roads that are not Town owned.

Certain streets and roads have been numbered which are not Town owned. This has been done for consistency and convenience and shall not be interpreted as acceptance of said streets and roads by the Town of Ashford.

ARTICLE II

**Posting of Street Numbers
[Adopted 7-22-1986]**

§ 247-5. Numbers to be posted by property owner; minimum size. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Each and every property owner in the Town of Ashford shall, upon notification of the assignment of a street number to the property, be required to affix numerals of a size not less than three inches in height to the house, on the mailbox or on a post or other like structure so that the house is identifiable from the street.

§ 247-6. Notification of assigned number.

All property owners shall be notified in writing of the number or numbers assigned to their property. It shall be the duty of the owner to affix said number within 30 days of receipt of said notice.

§ 247-7. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Failure to post any number under the terms of this article shall be an infraction and shall be punished by a fine of not more than \$5. Each separate day such violation is continued shall constitute a separate offense.

**ARTICLE III
Scenic Roads
[Adopted 8-31-1989]**

§ 247-8. Findings and purpose.

Connecticut General Statutes § 7-149a found that the preservation and protection of the scenic or historic values of rural roads is essential to the welfare of the people of Connecticut. It is the purpose of this article to balance the need to provide convenient and safe public transportation routes with the need to preserve these scenic and rural values.

§ 247-9. Authority to designate scenic roads.

Pursuant to the provisions of § 7-149a of the Connecticut General Statutes, P.A. 81-401, the Planning and Zoning Commission may designate Town highways or portions of highways as scenic roads. No state highway or portion thereof may be designated as a scenic road under this article.

§ 247-10. Criteria for scenic road designation.

The Planning and Zoning Commission shall consider designating as a scenic road only those Town roads which are free of intensive commercial development and intensive vehicular traffic and which meet at least one of the following criteria:

- A. It is unpaved;
- B. It is bordered by mature trees or stone walls;
- C. The travel portion is no more than 20 feet in width;
- D. It offers scenic views;
- E. It blends naturally into the surrounding terrain; or
- F. It parallels or crosses over brooks, streams, lakes or ponds.

§ 247-11. Designation procedure; public hearing.

- A. When a highway is to be considered for designation as a scenic road, the Planning and Zoning Commission shall schedule a public hearing on the proposal. Hearing notices and deadlines will be in accordance with the provisions of §§ 8-26d and 8-26e of the Connecticut General Statutes. The Planning and Zoning Commission shall notify the

Selectmen, the Director of Public Works, and owners of lot frontage abutting the highway or portion of a highway of the proposed designation and scheduled public hearing. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)**]

- B. Following the public hearing, the Planning and Zoning Commission shall vote on the proposed designation. No highway or portion of a highway may be designated as a scenic road under this section unless the owners of a majority of lot frontage abutting a highway or a portion of the highway agreed to the designation by filing a written statement of approval with the Town Clerk of the Town of Ashford. The designation shall become effective upon such date as the Planning and Zoning Commission may establish.
- C. The scenic road designation may be rescinded by the Planning and Zoning Commission using the same procedures and having the written concurrence of the owners of a majority of lot frontage abutting the highway.
- D. Any person aggrieved by the designation of a highway or a portion of a highway as a scenic road pursuant to this section by the Planning and Zoning Commission may appeal such designation in the manner and utilizing the same standards of review provided for appeals from the decisions of planning and zoning commissions under § 8-28 of the Connecticut General Statutes.

§ 247-12. Maintenance, alteration and improvement of designated scenic roads.

- A. No road which has been designated as a scenic road under this article shall be altered or improved, including but not limited to widening of the right-of-way or of the travel portion of the road, paving, changes of grade, removal of stone bridges, straightening, removal of stone walls, and removal of mature trees, except for good cause determined by the Planning and Zoning Commission. Prior to the Planning and Zoning Commission approving any alteration or improvement of a road designated as a scenic road under this article, the Planning and Zoning Commission shall schedule a public hearing on the proposed alteration or improvement. The Planning and Zoning Commission shall notify the Selectmen, the Director of Public Works, and owners of lot frontage abutting the highway or portion of the highway designated as a scenic road of the proposed alteration and improvement and scheduled public hearing. Hearing notices and deadlines shall be in accordance with the provisions of §§ 8-26d and 8-26e of the Connecticut General Statutes. Following the public hearing, the Planning and Zoning Commission shall vote on the proposed future alterations and improvements and shall state the reasons for any such approved alterations or improvements in the Planning and Zoning Commission's minutes. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)**]
- B. Any highway or portion of any highway designated as a scenic road shall be maintained by the Town of Ashford in good and sufficient repair and in passable condition. Such maintenance shall include trimming of the tree branches that encroach on the portion of the highway below the height needed to allow emergency vehicles to pass; trimming or removal of brush and removal of boulders or other obstacles that encroach on the portion of the highway; necessary trimming for utility lines; trimming of brush to enhance and protect scenic views, stone walls, mature trees and other

§ 247-12

STREETS AND SIDEWALKS

§ 247-14

characteristics of the scenic road; correction of drainage problems; and re-treatment and repair of existing roadway surfaces.

§ 247-13. Designated scenic roads. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following roads in the Town of Ashford have been accepted as scenic roads:

- A. Bebbington Lane, January 8, 1990.
- B. Varga Road, February 13, 1990.
- C. Seckar Road, April 9, 1990.
- D. Colts Pond Road, September 13, 1999.
- E. Lipps Road, November 9, 2002.
- F. Oaks Road, November 13, 2007.

§ 247-14. When effective.

This article shall become effective 15 days after publication.

Chapter 253
TAXATION

ARTICLE I
Exemption for Ambulance-Type Motor Vehicle

§ 253-1. Exemption granted.

ARTICLE II
Waiver of Property Tax Collection

§ 253-2. Waiver authorized.

ARTICLE III
Abatements for Dairy Farms, Orchards and Vineyards

§ 253-3. Abatement procedure and requirements.

ARTICLE IV
Exemption for Personal Property Leased to Town

§ 253-4. Conditions for exemption.

ARTICLE V
Excess Tax Payments

§ 253-5. Tax Collector authorized to retain excess tax payments.

ARTICLE VI
Exemption for Farm Buildings

§ 253-6. Title.

§ 253-7. Legislative authority.

§ 253-8. Findings and purpose.

§ 253-9. Applicability; exemption granted; application for exemption.

ARTICLE VII
Exemption for Horses and Ponies

§ 253-10. Exemption granted.

ARTICLE VIII
Abatements for Volunteer Fire Department Personnel

§ 253-11. Statutory authority.

§ 253-12. Eligibility; when effective.

§ 253-13. List of eligible members; withholding tax.

§ 253-14. Abatement schedule.

§ 253-15. Retirement benefit.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Exemption for Ambulance-Type Motor Vehicle
[Adopted 12-6-1982]

§ 253-1. Exemption granted. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Tax Assessor, in accordance with this article, adopted under the authority of § 12-81c of the Connecticut General Statutes, shall exempt from personal property taxation any

ambulance-type motor vehicle which is used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicle used to transport any such individual for payment. Said exemption shall be retroactive to the October 1982 grand list.

ARTICLE II

Waiver of Property Tax Collection
[Adopted 11-8-1993]

§ 253-2. Waiver authorized.

Pursuant to § 12-144c of the Connecticut General Statutes, the Tax Collector may waive collection of any property tax due in an amount less than \$5.

ARTICLE III

Abatements for Dairy Farms, Orchards and Vineyards
[Adopted 4-26-2005]

§ 253-3. Abatement procedure and requirements.

The Town of Ashford ("Town") may abate property taxes on dairy farms or fruit orchards, including a vineyard for the growing of grapes for wine, and recapture taxes so abated in the event of sale, in accordance with the following procedures and requirements:

- A. Any action by the Town concerning the abatement of property taxes for dairy farms or fruit orchards or the recapture of any taxes so abated is done pursuant to Connecticut General Statutes § 12-81m, as such statute may be amended from time to time.
- B. A request for an abatement must be made by application to the Board of Selectmen and to the Town Board of Finance by the record owner of the property, or a tenant with a signed, recorded lease of at least three years, which lease requires the tenant to pay all taxes on the dairy farm or fruit orchard as part of the lease.
- C. In order for an abatement to apply for the tax year beginning July 1, 2006, the application must be submitted no later than October 1, 2005. For any tax year thereafter, the application must be submitted by October 1 of the preceding year.
- D. An abatement is only available for dairy farms or fruit orchards, including vineyards. The applicant must provide the Board of Selectmen and the Board of Finance with evidence to support the status of the property as a dairy farm or fruit orchard. In determining whether a property is a dairy farm or fruit orchard, the Board of Selectmen and the Board of Finance shall take into account, among other factors, the acreage of the property; the number and types of livestock or fruit trees or bushes on the farm; the quantities of milk or fruit sold by the facility; the gross income of the farm or orchard derived from dairy- or orchard-related activities; the gross income derived from other types of activities; and evidence of a dairy farm or milk producing permit or dairy plant or milk dealer permit. All residences and building lots are excluded, but any building for seasonal residential use by workers in an orchard which is adjacent to the fruit orchard itself shall be included. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- E. Upon affirmative vote by both the Board of Selectmen and the Board of Finance, the Town may abate up to 50% of the property taxes for a dairy farm, fruit orchard or vineyard.
- F. Any abatement will continue in force for five years, or until such time as the farm, orchard or vineyard is sold, or until such time as the property ceases to be a dairy farm, orchard, or vineyard, whichever occurs first.
- G. The property owner receiving the abatement must notify the Board of Selectmen and the Board of Finance in writing within 30 days of the sale of the property or the cessation of operations as a dairy farm, orchard, or vineyard.
- H. Upon sale of the property, and subject to the provisions of Subsection I herein, the property owner must pay to the Town a percentage of the original amount of the taxes abated, pursuant to the following schedule:

Number of Years Sale Follows Abatement for Given Tax Year	Percentage of Original Amount of Taxes Abated Which Must Be Paid
More than 10	0%
Between 9 and 10	10%
Between 8 and 9	20%
Between 7 and 8	30%
Between 6 and 7	40%
Between 5 and 6	50%
Between 4 and 5	60%
Between 3 and 4	70%
Between 2 and 3	80%
Between 1 and 2	90%
Between 0 and 1	100%

- I. Upon affirmative vote by the Board of Selectmen and the Board of Finance, the Town may waive any of the amounts which would otherwise be owed pursuant to Subsection H herein if the property continues to be used as farm land, forest land, or open space land, as those terms are defined in § 12-107b of the Connecticut General Statutes, after the sale of the property. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- J. The taxes owed to the Town pursuant to Subsections H and I hereof shall be due and payable by the record property owner/grantor to the Town Clerk of Ashford at the time of recording of her/his deed or other instrument of conveyance. Such revenue received by the Town Clerk shall become part of the general revenue of the Town. No deed or other instrument or conveyance which is subject to the recapture of tax, as set forth in Subsection H hereof, shall be recorded by the Town Clerk unless the funds due under

§ 253-3

ASHFORD CODE

§ 253-6

the recapture provisions of Subsection H hereof have been paid or the obligation has been waived pursuant to Subsection I hereof.

- K. The Tax Assessor shall file, not later than 30 days after abatement is approved by the Board of Selectmen and the Board of Finance, with the Town Clerk a certificate for any dairy farm, orchard, or vineyard land that has been approved for a tax abatement, which certificate shall set forth the date of initial abatement and the obligation to pay the recapture funds as set forth in Subsection H hereof. Said certificate shall be recorded in the Land Records of the Town of Ashford.

ARTICLE IV

**Exemption for Personal Property Leased to Town
[Adopted 2-16-2012]**

§ 253-4. Conditions for exemption.

Pursuant to the authority of Connecticut General Statutes § 12-81(58), any personal property leased to the Town of Ashford, including the Ashford Public School, shall be exempt from taxation, provided that such personal property is used exclusively for the purposes of the Town of Ashford and is not otherwise exempt from taxation per Connecticut General Statutes § 12-81.

ARTICLE V

**Excess Tax Payments
[Adopted 6-17-2013]**

§ 253-5. Tax Collector authorized to retain excess tax payments.

Pursuant to § 12-129 of the Connecticut General Statutes, the Tax Collector of the Town of Ashford is hereby authorized to retain any excess tax payment on any list, provided the amount of the excess payment is less than \$5.

ARTICLE VI

**Exemption for Farm Buildings
[Adopted 6-17-2013¹]**

§ 253-6. Title.

This article shall be known and may be cited as "An Ordinance Providing a Property Tax Exemption for Farm Buildings."

1. Editor's Note: This ordinance also provided that it applies to assessment years beginning October 1, 2013.

§ 253-7. Legislative authority.

This article is enacted pursuant to the provisions of § 12-91(c) of the Connecticut General Statutes, as it may be amended from time to time.

§ 253-8. Findings and purpose.

The Selectmen and Town Meeting of the Town of Ashford find that the preservation of farming and farmland is vitally important to retaining Ashford's rural character and quality of life, as well as promoting economic and environmental sustainability. Therefore, pursuant to Connecticut General Statutes § 12-91(c), as amended, the Town of Ashford seeks to protect, preserve and promote the health, welfare and quality of life of its people by providing a tax exemption for certain farm buildings.

§ 253-9. Applicability; exemption granted; application for exemption.

- A. Except for any farm property whose owner is currently benefitting from any tax abatement pursuant to the Town of Ashford ordinance permitting tax abatements for dairy farms and fruit orchards,² including vineyards and any additions approved by the legislative body, any building used actually and exclusively in farming, as "farming" is defined in § 1-1 of the Connecticut General Statutes, except for any building used to provide housing for seasonal employees of such farmer, upon proper application being made in accordance with this section, shall be exempt from property tax to the extent of an assessed value of \$100,000.
- B. This exemption shall not apply to any residence of any farmer.
- C. Annually, within 30 days after the assessment date, each individual farmer, group of farmers, partnership or corporation shall make written application to the Assessor for the exemption provided in Subsection A of this section, including therewith a notarized affidavit certifying that such farmer, individually or as part of a group, partnership or corporation, derived at least \$15,000 in gross sales from such farming operation or incurred at least \$15,000 in expenses related to such farming operation with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made, on forms prescribed by the Commissioner of Agriculture. Failure to file such application in said manner and form within the time limit prescribed shall be considered a waiver of the right to such exemption for the assessment year. Any person aggrieved by any action of the Assessor shall have the rights and remedies for appeal and relief as are provided in the General Statutes for taxpayers claiming to be aggrieved by the doings of the Assessor.

2. Editor's Note: See Art. III, Abatements for Dairy Farms, Orchards and Vineyards, of this chapter.

ARTICLE VII

Exemption for Horses and Ponies
[Adopted 11-16-2015]

§ 253-10. Exemption granted.

In accordance with Section 1 of Public Act 14-33, and notwithstanding the provisions of Subdivision (68) of § 12-81 of the Connecticut General Statutes and § 12-91 of the Connecticut General Statutes, as amended by this Act, the Town of Ashford hereby exempts from property taxation horses and ponies of any value.

ARTICLE VIII

Abatements for Volunteer Fire Department Personnel
[Adopted 11-21-2016]

§ 253-11. Statutory authority.

In recognition of the benefits to the people of the Town of Ashford by the dedicated service of the Town's volunteer fire and ambulance personnel, the Town of Ashford hereby establishes a tax abatement program pursuant to Public Act 99-272, Sections 6 and 7,³ for volunteer fire and ambulance personnel on the conditions outlined below.

§ 253-12. Eligibility; when effective.

- A. Members of the Ashford Volunteer Fire Department who reside or pay property tax in the Town of Ashford shall be eligible when meeting the following criteria:
- (1) Member must have achieved two years of active service defined herein by July 1 of the current year to be eligible for a tax abatement on July 1 of the following year; and
 - (2) In order to earn credit for a year of active service, the member must satisfy the following requirements:
 - (a) Attendance at 50% of Department meetings unless a member is excused for good cause;
 - (b) Attendance at a minimum of five training sessions/drills per year; and
 - (c) Response to a minimum of 15% of emergency calls per year.
- B. This article shall take effect immediately upon passage and may be applied during its first year of effectiveness to taxes payable on July 1, 2000, the initial date of abatement hereunder.
- C. Except for the year immediately preceding the July 1 on which the eligibility determination is made, it shall be presumed that any year prior to July 1, 1999, during which the member was active in the Department was a year of active service.

3. Editor's Note: See § 12-81w of the Connecticut General Statutes.

- D. Paid Ashford Volunteer Fire Department emergency service personnel are ineligible for the abatement program.

§ 253-13. List of eligible members; withholding tax.

Annually, on or before August 31 of each year, the Board of Directors of the Ashford Volunteer Fire Department shall submit to the Board of Selectmen a list of the members of the Department who are eligible as defined in § 253-12. This list shall contain addresses and the amount of abatement for which each member is eligible. In accordance with Section 61 of the Internal Revenue Code, this abatement is subject to withholding tax in the form of FICA and Medicare which is paid by the Town of Ashford. Any eligible member of the Ashford Volunteer Fire Department failing to reimburse the Town of Ashford for the amount of tax paid to the Internal Revenue Service by April 15 of the abatement year will be deemed to have outstanding debts to the Town of Ashford and the abatement will not be applied to the abatement recipient's July 1 tax bill.

§ 253-14. Abatement schedule.

- A. Abatement of property taxes shall be granted the following July 1 to eligible members as follows:
- (1) If a member has completed two years of active service as of July 1 preceding the date of abatement, the member shall be entitled to an annual abatement of property taxes of \$500.
 - (2) If a member has completed five years of active service as of July 1 preceding the date of abatement, the member shall be entitled to an annual abatement of property taxes of \$750.
 - (3) If a member has completed seven years of active service as of July 1 preceding the date of abatement, the member shall be entitled to an annual abatement of property taxes of \$1,000.
- B. Any active volunteer fire or ambulance personnel who is receiving the abatement under the terms of this article and who is called to active duty for the United States military shall continue to receive the same tax abatement that they were receiving prior to being called to duty.

§ 253-15. Retirement benefit.

Members who have a minimum of 20 years of active service and have been recognized as life members in the organization shall continue to receive an abatement of \$1,000 annually for as long as they continue to reside and own property in the Town of Ashford.

Chapter 264

VEHICLES, ABANDONED, INOPERABLE AND JUNKED

- § 264-1. Purpose.
- § 264-2. Definitions.
- § 264-3. Parking or storing of abandoned, inoperable or junked motor vehicles.
- § 264-4. Notice to remove.
- § 264-5. Responsibility for removal.
- § 264-6. Notice procedure.
- § 264-7. Contents of notice.
- § 264-8. Request for hearing.
- § 264-9. Procedure for hearing.
- § 264-10. Removal of motor vehicle by Town.
- § 264-11. Notice of removal by Town.
- § 264-12. Disposition of vehicles.
- § 264-13. Contents of public sale notice.
- § 264-14. Redemption of impounded vehicles.
- § 264-15. Liability of owner or occupant of property.
- § 264-16. When effective.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford 6-9-1987. Amendments noted where applicable.]

§ 264-1. Purpose.

It is the intention of this chapter to provide for the protection of the health, welfare, property and safety of the public in general by prohibiting the existence of abandoned, wrecked, junked, inoperative, discarded and dismantled motor vehicles left within the Town in places other than junkyards or other so designated areas.

§ 264-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning ascribed to them in this section:

ANTIQUE OR COLLECTIBLE MOTOR VEHICLE — Any motor vehicle at least 10 years old which holds a distinctive value because of its style, year of manufacture, name, place of manufacture or method of construction.

INOPERABLE MOTOR VEHICLE — Any vehicle which, due to the mechanical condition thereof, cannot be operated upon the public roadway without major repair.

JUNKED MOTOR VEHICLE — Any vehicle unregistered by the Department of Motor Vehicles which is determined to be inoperable. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

MOTOR VEHICLE — Any vehicle which is self-propelled and designed to travel along the ground and shall include but not be limited to automobiles, buses, motor bikes, vans, motorcycles, motor scooters, trucks, go-carts, golf carts, campers and trailers.

§ 264-3. Parking or storing of abandoned, inoperable or junked motor vehicles.

- A. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition, whether attended or not, upon any public or private property within the Town for a period of time in excess of 30 days. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise duly licensed by the Connecticut Department of Motor Vehicles and properly operated in the appropriate business zone, pursuant to the zoning laws of the Town, or to any motor vehicle in operable condition specifically adapted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

§ 264-4. Notice to remove.

Whenever it comes to the attention of the Town that any nuisance as defined in this chapter exists, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal within 30 days.

§ 264-5. Responsibility for removal.

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the Town, the owner or occupant of the private property where the same is located shall be liable for the expenses incurred, if there are any.

§ 264-6. Notice procedure.

The Board of Selectmen or its designated agent shall give notice of removal to the owner or occupant of the private property where it is located, at least 30 days before the time of compliance. It shall constitute sufficient notice when a copy of the notice is sent by registered mail to the owner or occupant of the private property at his last known address.

§ 264-7. Contents of notice.

The notice shall contain the request for removal within the 30 days specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the Town or its designee shall undertake such removal with the cost, if any, of removal to be levied against the owner or occupant of the property.

§ 264-8. Request for hearing.

The persons to whom the notices are directed or their duly authorized agents may file a written request for a hearing before the Board of Selectmen or its designated agent within the thirty-day period of compliance prescribed in this chapter for the purpose of defending the charges made by the Town.

§ 264-9. Procedure for hearing.

The hearing shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least seven days in advance thereof. At any such hearing in the Town the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

§ 264-10. Removal of motor vehicle by Town.

If the violation described in the notice has not been remedied within the thirty-day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is held, and the existence of the violation is affirmed by the Board of Selectmen or its designated agent, the Town shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. Before such final action shall be taken the Board of Selectmen shall cause to be printed in a newspaper having a substantial circulation in the Town a public notice indicating the intent of the Town to cause the removal of said vehicle from private property.

§ 264-11. Notice of removal by Town.

Within 48 hours of the removal of such vehicle, the Board of Selectmen or its designated agent shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, have been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle or vehicles are stored and the costs incurred by the Town for removal.

§ 264-12. Disposition of vehicles.

Upon removing a vehicle under the provisions of this chapter, the Town shall after 10 days cause it to be appraised. If the vehicle is appraised at \$200 or less, the Board of Selectmen shall summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over \$200, the Board of Selectmen shall give notice of public sale not less than 30 days before the date of the proposed sale.

§ 264-13. Contents of public sale notice.

The notice of sale shall state:

- A. The sale of abandoned property in the possession of the Town of Ashford.
- B. A description of the condition of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.
- C. The terms of the sale.
- D. The date, time and place of the sale.

§ 264-14. Redemption of impounded vehicles.

The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Town of such sum as the Board of Selectmen may determine and fix for the actual and reasonable expenses of removal, plus any preliminary sale advertising expenses.

§ 264-15. Liability of owner or occupant of property.

Upon the failure of the owner or occupant of property from which abandoned vehicles have been removed by the Town to pay the unrecovered expenses incurred by the Town in such removal, a lien shall be placed upon the property for the amount of such expenses.

§ 264-16. When effective.

This chapter shall become effective 15 days after publication in a newspaper having a circulation in the Town of Ashford.

Chapter 267

VEHICLES AND TRAFFIC

ARTICLE I
Parking on Town Roads

§ 267-1. Purpose; authority.

§ 267-2. Parking on streets maintained by Town prohibited.

§ 267-3. Towing of vehicles.

§ 267-4. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Parking on Town Roads
[Adopted 12-16-1975]

§ 267-1. Purpose; authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The purpose of this article is to regulate parking on Town roads and highways by authority granted under §§ 7-148 and 14-307 of the Connecticut General Statutes.

§ 267-2. Parking on streets maintained by Town prohibited.

No motor vehicle shall be parked upon any street or highway maintained by the Town of Ashford.

§ 267-3. Towing of vehicles.

Any Selectman of the Town of Ashford or his designated agent may order any motor vehicle parked in violation of this article to be towed to a place of storage designated by such Selectman or his agent, and the owner of said motor vehicle shall be liable for all towing and storage charges.

§ 267-4. Penalties for offenses.

Any person, firm or corporation that violates this article shall be fined not more than \$15.

Chapter 273

WASTE MANAGEMENT

ARTICLE I Refuse Hauling

- § 273-1. Determination of disposal site.
- § 273-2. Registration of refuse collectors.
- § 273-3. Marking of vehicles.
- § 273-4. Persons disposing of residential trash; use of Transfer Station.
- § 273-5. Penalties for offenses.

ARTICLE II Recycling

- § 273-6. Purpose.
- § 273-7. Definitions and word usage.
- § 273-8. Applicability; prohibited disposal and collection practices.
- § 273-9. Separation and delivery of recyclable materials.
- § 273-10. Composting and other lawful methods of recycling.
- § 273-11. Fees.
- § 273-12. Regulations.
- § 273-13. Enforcement officers.
- § 273-14. Written warning; citations; penalties for offenses.
- § 273-15. Hearings.
- § 273-16. Judicial review.
- § 273-17. Suspension of regulations.
- § 273-18. Severability.

ARTICLE III Littering and Dumping

- § 273-19. Illegal dumping, littering or mixing of recyclables prohibited.

- § 273-20. Appointment of environmental protection officials.
- § 273-21. Citation; abatement; civil penalty.
- § 273-22. Appointment of hearing officers.
- § 273-23. Filing of appeal.
- § 273-24. Hearing date; stay of enforcement.
- § 273-25. Citation appeal hearing procedure.
- § 273-26. Determination on appeal.
- § 273-27. Enforcement of orders.
- § 273-28. Funds deposited in general fund.

ARTICLE IV Transfer Station

- § 273-29. Definitions.
- § 273-30. Transfer Station designation and use.
- § 273-31. Prohibited items.
- § 273-32. Access to Transfer Station.
- § 273-33. Permit system; refuse from outside Town prohibited; denial of access.
- § 273-34. Designated disposal areas.
- § 273-35. Hazardous and biomedical waste.
- § 273-36. Transportation of refuse.
- § 273-37. Powers of Board of Selectmen.
- § 273-38. Fees.
- § 273-39. Fee payment.
- § 273-40. Separation of refuse.
- § 273-41. Hours of operation.
- § 273-42. Trespassing prohibited.

§ 273-1

ASHFORD CODE

§ 273-5

§ 273-43. Scavenging prohibited.

§ 273-46. Severability.

§ 273-44. Item and load fees.

§ 273-47. When effective.

§ 273-45. Warnings; suspension or
revocation of permit; fine.

[HISTORY: Adopted by the Town Meeting of the Town of Ashford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Refuse Hauling**[Adopted 12-8-1988; amended 10-20-1994]****§ 273-1. Determination of disposal site.**

Pursuant to the authority conferred upon this Town Meeting by § 22a-220a of the Connecticut General Statutes, all processible solid waste generated within the boundaries of the Town of Ashford shall be disposed of at a site to be determined by the Board of Selectmen.

§ 273-2. Registration of refuse collectors.

All refuse collectors hauling solid waste generated by residential, business, commercial or other establishments within the Town shall register with the Selectmen and disclose the name of any other municipality in which such collector hauls refuse.

§ 273-3. Marking of vehicles.

All collectors hauling refuse in privately owned vehicles shall clearly mark the door of any such vehicle with the business name and address of the hauler.

§ 273-4. Persons disposing of residential trash; use of Transfer Station.

Sections 273-1, 273-2, and 273-3 of this article shall not apply to those persons disposing of residential trash generated on their own properties and doing so on a not-for-profit basis. The Town's Transfer Station will continue to be available to such persons who may leave their refuse at the Transfer Station, and the Town will arrange to transport it in bulk to a site to be determined by the Board of Selectmen. The Board of Selectmen is hereby authorized to devise reasonable rules and regulations for the hours and conditions of operation of the Transfer Station.

§ 273-5. Penalties for offenses.

Any person violating this article shall be subject to a fine of not more than \$100. Each day upon which a violation is found to exist shall constitute a separate violation, for which a separate fine may be imposed.

ARTICLE II

Recycling**[Adopted 12-29-1990; amended 10-20-1994]****§ 273-6. Purpose.**

The purpose of this article is to make recycling mandatory in the Town of Ashford in compliance with Public Act 87-544, codified in §§ 22a-241 through 22a-241h of the Connecticut General Statutes, which requires every municipality in Connecticut to establish a mandatory recycling program no later than January 1, 1991. Public Act 87-544 sets forth a statewide strategy to recycle not less than 25% of the solid waste generated in the state after January 1, 1991. The Town of Ashford recognizes that recycling conserves valuable material resources and energy and reduces the overall amount of solid waste presently disposed of, thus saving valuable landfill space and tax dollars.

§ 273-7. Definitions and word usage.

Unless the context specifically indicates otherwise, the meanings of the terms used in this article shall be as follows. "Shall" is mandatory, while "may" is permissive as used herein.

ASWRC — The Ashford Solid Waste and Recycling Committee; until a committee separate from the Board of Selectmen is created by Town ordinance, the Board of Selectmen shall serve as the Solid Waste and Recycling Committee.¹ **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

CARDBOARD — Corrugated boxes and similar corrugated and kraft paper material which have a minimum of contamination by food or other material.

COMMERCIAL ESTABLISHMENTS — Buildings or portions of buildings used for business purposes and not for residential dwelling purposes.

COMMERCIAL SOLID WASTE COLLECTOR — An ASWRC permit holder who collects and transports solid waste and recyclable materials from any location to the Town solid waste facility for a fee.

COMPOSTING — An accelerated biological process in which organic materials, such as yard wastes, are broken down.

DEEP — The Connecticut Department of Energy and Environmental Protection.

DIRECTOR — The Town Recycling Coordinator.

DRY CELL BATTERY — A device used for generating electric current through a chemical reaction, including but not limited to nickel-cadmium batteries, carbon batteries and alkaline batteries.

DWELLING UNIT — Any room or group of rooms located within a structure and forming a single habitable unit, with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

1. Editor's Note: Throughout Art. II, Recycling, references to "ARC" were amended to "ASWRC" at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

GARBAGE — Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, service or consumption of food.

GLASS FOOD CONTAINER — A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.

HDPE PLASTIC CONTAINER — A high-density polyethylene bottle or jar of any size or shape used to package food, household laundry products, or crankcase oil.

INTERMEDIATE PROCESSING CENTER — A facility which can recycle an item or items and market or deliver for reuse the resulting material product or products. Such facilities may be owned by public or private entities or combinations thereof and may offer service on a state, regional, municipal, or sub-municipal level.

LEAVES — The foliage of trees.

LOCAL PROCESSING SYSTEM — A facility or technique authorized by a municipality and acceptable to the DEEP which can recycle an item or items and market or deliver for reuse the resulting material product or products.

MARKET — To sell a recyclable item to a customer or consumer who will reuse it or dispose of it for reuse in a material product.

METAL FOOD CONTAINER — An aluminum, bimetal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

MULTIPLE-HOUSING FACILITY — A housing facility containing more than one dwelling unit under one roof.

NEWSPAPER — Used or discarded newsprint which has a minimum of contamination by food or other material.

NEWSPRINT — That class or kind of paper chiefly used for printing newspapers and weighing more than 24 1/2 pounds but less than 35 pounds for 500 sheets of paper two feet by three feet in size, on rolls which are not less than 13 inches wide and 28 inches in diameter and having a brightness of less than 60.

OCCUPANT — Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or commercial establishment or any other improved real property, either as an owner or as a tenant.

OFFICE PAPER — Used or discarded high-grade white paper and manila paper, including but not limited to paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photocopying, which is suitable for recycling and which has a minimum of contamination. For the purposes of this article, office paper generated by household dwelling units is excluded.

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, political subdivision, or organizations and associations of any kind, or their legal representatives, agents, or assigns.

PET PLASTIC FOOD CONTAINER — A polyethylene terephthalate container of any size or shape used to package beverages.

RECYCLABLE MATERIALS — Includes cardboard, glass food containers, leaves, metal food containers, newspaper, office paper, scrap metal, storage batteries or batteries, waste oil, and any other materials specifically designated as recyclables by DEEP regulations, state statutes or ASWRC regulations.

RECYCLE — To separate or divert an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for the disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.

RECYCLING CENTER — The area at the solid waste facility or regional processing center designated by the Town for the handling of recyclable materials.

REFUSE — Solid waste.

REGIONAL PROCESSING CENTER — An intermediate processing center which is authorized by the Town or by a group of municipalities or designated by the Commissioner of Energy and Environmental Protection which can recycle an item or items and market the resulting material product or products. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

SCRAP METAL — Wastes such as white goods and other metal containers which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof.

SCRAP TIRES — Rubber or synthetic rubber tires used by or manufactured for vehicles, including but not limited to automobiles, trucks, buses and trailers.

SOLID WASTE — Unwanted or discarded materials, including solid, liquid, semisolid or contained gaseous materials. Such wastes include but shall not be limited to garbage, street refuse, rubbish, animal and agricultural wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes, and shall exclude hazardous wastes as defined in § 22a-115 of the Connecticut General Statutes.

SOLID WASTE FACILITY — Any solid waste disposal area, volume reduction plant, transfer station, wood-burning facility or biomedical waste treatment facility. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

SOLID WASTE MANAGEMENT — The process of storing, collecting, transporting, processing and disposing of wastes.

SPECIAL MATERIALS — Clean fill, scrap metal, white goods, tires and bulky items and items such as furniture, mattresses, rugs, and similar nonmetallic items.

STORAGE BATTERY or BATTERY — Lead-acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

TOWN — The Town of Ashford, Connecticut.

TRANSPORT — The transporting of solid waste or recyclable materials from the place of collection to the solid waste facility or local, regional, or intermediate processing center.

WASTE OIL — Crankcase oil which has been utilized in internal combustion engines.

YARD WASTES — Grass clippings, leaves, tree trimmings, weeds, garden plants, shrubs, branches, limbs, brush, and similar materials grown on and emanating from premises within the Town.

§ 273-8. Applicability; prohibited disposal and collection practices.

- A. This article applies to all persons within the Town of Ashford.
- B. On and after the effective date of this article, it shall be unlawful for any persons to:
 - (1) Deliver materials designated as recyclable materials to the solid waste facility for disposal.
 - (2) Handle recyclable materials in any manner which is inconsistent with this article or with regulations adopted by the ASWRC pursuant to this article concerning recycling.
 - (3) Collect or transport recyclable materials owned by other persons without a permit issued by the ASWRC pursuant to Article I, Refuse Hauling, of this chapter or pursuant to this article.
 - (4) Collect or transport recyclable materials from outside the Town for disposal at the solid waste facility or for recycling at the recycling center without prior written permission from the ASWRC.
 - (5) Violate any other provision of this article.

§ 273-9. Separation and delivery of recyclable materials.

- A. All materials designated as recyclable materials shall be separated from nonrecyclable materials at dwelling units, commercial establishments, and multiple-housing facilities in an appropriate fashion such that the surrounding area is maintained in a clean, neat, and sanitary condition at all times and so as not to constitute a nuisance or otherwise be objectionable. Failure to separate recyclable materials in accordance with this subsection shall be a violation of this article.
- B. Collection and delivery of recyclable materials.
 - (1) All materials designated by the ASWRC as recyclable materials shall be collected and delivered as follows:
 - (a) Recyclable materials may be collected and delivered by any ASWRC permit holder to the recycling center during operating hours. Town residents and commercial establishments may contract with any commercial solid waste collector for collection and delivery of recyclable materials. Recyclable materials shall be transported in secure vehicles subject to inspection by and approval of the ASWRC.

- (b) Recyclable materials may be placed at the curbside for collection by haulers licensed by the ASWRC. Collections shall be carried out in accordance with a schedule and route to be established and published regularly by the ASWRC.
 - (2) Failure to collect and deliver recyclable materials as set forth in this subsection shall be a violation of this article.
- C. Recyclable materials which are delivered to the recycling center must be placed in the containers designated for each type of recyclable material. Ownership of all recyclable materials shall be deemed transferred to the Town at the moment that such materials are transferred to the recycling center; provided, however, that the ASWRC and Town reserve the right to reject those recyclable materials determined by the ASWRC or Town to be contaminated or otherwise unacceptable recyclable materials either at the curbside or at the recycling center. Contaminated or otherwise unacceptable recyclable materials shall be delivered by the ASWRC permit holder delivering such materials to the solid waste facility for disposal. Failure to separate and/or place recyclable materials in the appropriate containers shall be a violation of this article.
- D. Recyclable materials placed at the curbside for collection must be separated into the proper groups and each group of recyclable materials must be properly secured. The proper methods for separating recycled materials into groups and securing such materials shall be designated by the ASWRC in the ASWRC regulations. Materials designated as recyclable materials must be placed properly at the curbside and shall not be deposited in the travel portion of the road or street. Ownership of recyclable materials placed at the curbside shall be transferred to the Town at the moment such materials are picked up by the hauler; provided, however, that the ASWRC and Town reserve the right to reject those recyclable materials determined by the ASWRC or Town to be contaminated or otherwise unacceptable recyclable materials either at the curbside or at the recycling center. The ASWRC may establish by regulations a limit on the amount of recyclable materials which will be picked up at the curbside at any address by the hauler and require that the remainder of recyclable materials above said limit must be transported at that addressee's sole expense to the recycling center by an ASWRC permit holder (in its discretion) for a fee to be determined under § 273-11 of this article. Contaminated or otherwise unacceptable recyclable materials shall be delivered by the ASWRC permit holder delivering such materials to the solid waste facility for disposal. Failure to separate, secure, or properly place recyclable materials at the curbside on the designated day shall be a violation of this article. The purposeful contamination of recyclable materials also shall be a violation of this article.
- E. Any collector who has reason to believe that a person from whom he collects solid waste or recyclable materials is in violation of this article or ASWRC regulations shall promptly notify the ASWRC. Upon the request of the ASWRC, the collector shall provide a warning notice, by tag or other means, to any person suspected by the collector or the ASWRC of violating separation requirements.
- F. The ASWRC shall promulgate and publish regulations under § 273-12 of this article from time to time which further specify the duties and responsibilities of all persons pursuant to this article, including but not limited to the location and timing of routes to be followed for curbside collection and requirements for separating and securing

recyclables for curbside collection. Without limiting the generality of the foregoing, the ASWRC is authorized to require, by regulation, commercial haulers to periodically submit lists of Town customers to assist the Town in enforcing the provisions of this article. Failure to comply with said regulations shall be a violation of this article.

§ 273-10. Composting and other lawful methods of recycling.

Nothing herein shall be construed to prevent or discourage any person from lawfully taking and disposing of recyclable materials outside of the Town or from lawfully composting or otherwise lawfully utilizing recyclable materials such that they never enter the waste stream, particularly with respect to leaves and other yard wastes.

§ 273-11. Fees.

The Town at a Town Meeting shall determine the amount of any toll, fee, charge or other rate, if any, to be paid under this article for curbside collection of recyclable materials and/or delivery of recyclable materials to the recycling center and shall publish notice of changes to such toll, fee, charge, or other rate no later than 10 days prior to the effective date of such change. The ASWRC, by regulation adopted in accordance with § 273-12 of this article, may determine the amount of any toll, fee, charge, or other rate, if any, to be paid under this article unless and until the Town, at a Town Meeting, exercises its power under this section.

§ 273-12. Regulations.

- A. The ASWRC shall make, amend, revoke, and enforce any necessary rules and regulations governing recycling in the Town.
- B. Any and all regulations proposed by the ASWRC under the provisions of this article shall be presented at a public hearing no later than 15 days prior to their proposed effective date. Copies of any regulations to be adopted by the ASWRC subsequent to the hearing shall be filed with the Town Clerk and made available to the public no later than 10 days prior to their effective date. The effective date of the regulations shall be stated in said regulations.

§ 273-13. Enforcement officers.

- A. This article, and any regulations promulgated by the ASWRC pursuant to this article, shall be enforced by the ASWRC and its agents and assigns, by the Director and his agents and assigns, and by the Board of Selectmen and its agents and assigns. The Director and any other agents specifically designated by both the ASWRC and the Board of Selectmen are hereby authorized to issue written warnings and citations to violators of this article in accordance with Public Act 88-221, codified in § 7-148 of the Connecticut General Statutes. Hearings conducted in accordance with Public Act 88-221 shall be conducted by the ASWRC with respect to all such citations, and all enforcement provisions of this article are to be implemented only as a last resort, when responsible efforts to achieve voluntary compliance have failed.

- B. The Board of Selectmen is hereby authorized to appoint a Director and to contract with him for services required to implement this article. The Director and any agents appointed to assist him shall serve at the discretion of the Board of Selectmen.

§ 273-14. Written warning; citations; penalties for offenses.

- A. The Director or other duly authorized party, upon a determination that a violation of this article or any regulations promulgated hereunder has occurred or is occurring, is authorized to issue a written warning to the violator or violators. Such written warning shall be delivered by certified mail, shall provide notice of the alleged violations, shall enclose a copy of this article, and shall direct the violator or violators to cease violating this article and/or take appropriate corrective actions.
- B. If within 10 days after receipt of the written warning by the violator or violators the Director or other duly authorized party determines that the violations are continuing and/or have not been corrected, the Director or other duly authorized party may issue to the violator or violators a citation. The citation may order corrective measures, suspension or revocation of a permit, and/or payment of a fine of not more than \$50 for individuals, or \$100 for commercial establishments, or \$1,000 for waste haulers, for the first violation, or up to \$500/\$500/\$5,000 for subsequent violations.
- (1) Such citation shall advise the person cited of the following information, as appropriate:
- (a) The allegations against him;
 - (b) Any corrective actions ordered;
 - (c) Any permit suspension or revocation and/or the amount of any fines, penalties, costs or fees due;
 - (d) His right to contest his liability before the ASWRC by delivering in person or by mail written notice to the Director or other duly authorized party within 10 days of the date thereof requesting a hearing;
 - (e) That his failure to request such a hearing will result in an assessment of fines, penalties, costs or fees and final decision being entered against him; and
 - (f) That such final decision may issue without further notice.
- (2) If the person who is sent notice pursuant to this article wishes not to contest his responsibility for any alleged violation or the sanctions imposed in the citation, he may, without requesting a hearing, comply with the citation by conducting any corrective measures ordered, returning the permit in the event of a suspension or revocation, and paying the full amount of any uncontested fines, penalties, costs or fees in person or by mail to the ASWRC. Such actions or payments shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person taking the actions or making the payment. Any person who does not deliver or mail a written request for a hearing within 10 days of the date such person received the citation shall be deemed to have admitted the

allegations of the citation and the responsibility therefor, and the Director or other duly authorize party shall certify such person's failure to respond to the ASWRC. The ASWRC shall thereupon enter its final decision and shall, if a fine, penalty, cost or fee has been assessed, follow the procedures set forth in § 273-15C.

§ 273-15. Hearings.

- A. Any person who requests a hearing pursuant to § 273-14B hereof shall be given written notice of the date, time and place for the hearing by the ASWRC. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided that the ASWRC shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. Original or certified copies of the written warning and citation issued by the Director or other duly authorized party shall be filed and retained by the ASWRC and shall be deemed to be business records within the scope of § 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The presence of the Director or other duly authorized party shall be required at the hearing if such person so requests. A person wishing to contest his responsibility for any alleged violation or the sanctions imposed in the citation shall appear at the hearing, may present evidence in his behalf, and may be represented by counsel. A designated Town official, other than a member of the ASWRC, may present evidence on behalf of the Town. The hearing shall be conducted by a hearing officer appointed by the chief executive officer of the Town, provided that in the event that the hearing might result in the suspension or revocation of a permit, the hearing shall be conducted by all of the members of the ASWRC. If such persons fail to appear, the hearing officer may enter a decision by default against him upon a finding or proper notice and liability under this article. The hearing officer may accept from such person copies of investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If the hearing officer determines that the person is not responsible for the alleged violations or the sanctions imposed in the citation, he shall dismiss the matter and enter his determination in writing accordingly. If the hearing officer determines that the person is responsible for the alleged violations or the sanctions imposed in the citation, he shall forthwith enter his determination in writing and assess any fines, penalties, costs or fees against such person as provided by this article. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Any person aggrieved by any decision of the hearing officer ordering corrective measures, suspension or revocation of a permit, or a fine, penalty, cost or fee may appeal to the Board of Selectmen within 10 days of the ASWRC decision. The appeal shall be in writing, shall state the basis of the aggrievement, and shall be filed in the office of the Town Clerk. The Board of Selectmen shall hold a hearing on the appeal within 30 days from the date it is filed, and notice of the time and place of said hearing shall be provided to the appellant by certified mail not less than seven days prior to said hearing. The appellant and the Town shall have the right to be heard and to participate in said hearing and shall be allowed to be represented by counsel. At the

conclusion of said hearing, the Board of Selectmen shall make a decision on the appeal and shall issue written notice of its decision by certified mail to the appellant and the ASWRC.

- C. If any assessment under this article is not paid on the date of its entry, the ASWRC shall send by first-class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the geographical area in which the Town is located together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the Town. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

§ 273-16. Judicial review.

A person against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to § 52-259 of the Connecticut General Statutes, in the Superior Court for the geographical area in which the Town is located. The institution of such an appeal shall entitle such person to a hearing in accordance with the rules of the Judges of the Superior Court.

§ 273-17. Suspension of regulations.

The ASWRC may suspend all or part of the regulations applying to the collection, transportation and disposal of recyclable materials or the provisions of this article in circumstances where the public health, safety, well-being, or convenience is jeopardized. Such suspension shall be for the shortest practicable time period. Other reasonable rules and regulations governing the handling and disposal of recyclable materials may be imposed during these times.

§ 273-18. Severability.

In the event that any court of competent jurisdiction should rule that any word, clause, sentence, section, part or provision of the foregoing article is invalid, that determination shall not affect the validity of the remainder of this article, and all other provisions of this article shall remain in full force and effect.

ARTICLE III
Littering and Dumping
[Adopted 3-11-1996]

§ 273-19. Illegal dumping, littering or mixing of recyclables prohibited.

- A. No person shall engage in any activity which violates:
- (1) Subsection (a) of § 22a-250 of the Connecticut General Statutes;
 - (2) An ordinance adopted pursuant to Subsection (f) of § 22a-220 of the Connecticut General Statutes;
 - (3) Subsection (f) of § 22a-220a of the Connecticut General Statutes; or
 - (4) Subsection (i) of § 22a-220a of the Connecticut General Statutes.
- B. Any activity which violates Subsection A is considered to be a nuisance.

§ 273-20. Appointment of environmental protection officials.

The chief elected official of the municipality shall appoint one or more persons as environmental protection officials to issue littering, dumping, and recycling citations and enter orders authorized by this article. The environmental protection officials shall be appointed in the same manner as members of boards and commissions of the municipality. Such officials shall not be persons appointed as hearing officers pursuant to § 273-22.

§ 273-21. Citation; abatement; civil penalty.

- A. The environmental protection official may issue citations for any violation of § 273-19 of this article. Such citation shall be on a form as approved by the chief elected official of the municipality.
- B. The environmental protection official may order any person who has violated § 273-19 of this article to abate such violation and may issue a fine in accordance with the provisions of Subsection C of this section.
- C. Any person who engages in an activity which violates Subsection (f) of § 22a-220 of the Connecticut General Statutes, Subsection (i) of § 22a-220a of the Connecticut General Statutes or Subsection (a) of § 22a-250 of the Connecticut General Statutes shall be assessed a civil penalty for the first offense of up to \$250 and for a second or subsequent offense a civil penalty of up to \$1,000. Any person who engages in an activity which violates Subsection (f) of § 22a-220a of the Connecticut General Statutes shall be assessed a civil penalty of up to \$1,000. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

§ 273-22. Appointment of hearing officers.

The chief elected official of the municipality shall appoint one or more persons to conduct littering, dumping, and recycling violations hearings and enter orders authorized by this

article. The hearing officer shall be appointed in the same manner as members of the municipal boards and commissions. A hearing officer shall not be authorized to issue citations or be employed by the municipality.

§ 273-23. Filing of appeal.

- A. Any person or persons to whom a citation is mailed or delivered pursuant to the provisions of this article shall have the right to file an appeal from any such citation by filing with the Town Clerk, within 10 days from the date of receipt thereof, a written and dated appeal containing:
- (1) A description, or the address, of the premises or location involved in the citation.
 - (2) The name and mailing address of each person participating in the appeal.
 - (3) A brief statement setting forth the interest of such person in the premises described in the citation, if any.
 - (4) A brief statement identifying the specific ordinance or statute under which the appeal is being brought, together with any facts supporting the appeal.
 - (5) A statement of the relief sought and any reasons why the citation should be reversed, modified or set aside.
 - (6) A verification by the person or persons participating in the appeal as to the truth of the matters set forth in the appeal.
- B. The Town Clerk shall notify the chief elected official of the municipality of the receipt of the appeal. The chief elected official shall appoint a hearing officer to hear the appeal.

§ 273-24. Hearing date; stay of enforcement.

- A. After receipt of any appeal filed pursuant to § 273-23, the hearing official shall provide written notice of the date, time and place of the hearing by causing a copy of such notice to be delivered personally to the appellant or by mailing a copy to the appellant by certified mail, postage prepaid, to the address shown on the appeal. The hearing date shall be not less than 15 days nor more than 30 days from the date of mailing or delivery of such notice, provided that the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance.
- B. Enforcement of any citation and abatement order of the environmental protection official shall be stayed during the pendency of a timely and properly filed appeal.

§ 273-25. Citation appeal hearing procedure.

- A. The rules of evidence for hearings pursuant to this section shall be as follows:

- (1) Any oral or documentary evidence may be received, but the hearing officer shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence;
 - (2) The hearing officer shall give effect to the rules of privilege recognized by law;
 - (3) When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form; [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)**]
 - (4) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and upon request, parties and the hearing officer conducting the proceeding shall be given an opportunity to compare the copy with the original;
 - (5) A party and such hearing officer may conduct cross-examinations required for a full and true disclosure of the facts;
 - (6) Notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the hearing officer's specialized knowledge;
 - (7) Parties shall be notified in a timely manner of any material noticed and they shall be afforded an opportunity to contest the material so noticed; and
 - (8) The hearing officer's experience, technical competence, and specialized knowledge may be used in the evaluation of the evidence. The hearing officer, by way of mail, may accept from the appellant copies of police reports, investigatory and citation reports, and other official documents.
- B. Each appellant may be represented by an attorney. The presence of the environmental protection official shall be required at the hearing if the appellant so requests. An appellant shall appear at the hearing and may present evidence on his or her behalf. Any environmental protection official or any municipal official, other than the hearing officer, may present evidence on behalf of the Town. If an appellant fails to appear, the hearing officer may enter an assessment and order by default.
- C. The hearing officer shall render a written decision within 10 business days of the completion of the hearing and file such decision with the Town Clerk. The decision of the hearing officer shall be final and shall be served upon the appellant, either personally or by certified mail, postage prepaid, within seven days of the date when such decision is entered.

§ 273-26. Determination on appeal.

- A. If it is determined by the hearing officer that an appellant is not in violation of the provisions of this article, the matter shall be dismissed as to that appellant and the hearing officer shall enter such determination, in writing, and the record of the citation shall indicate such dismissal, within 10 business days of the filing of the judgment decision with the Town Clerk.

- B. If it is determined that one or more appellants are in violation of any of the provisions of this article and the issuance of the citation is proper, the hearing officer shall order each such appellant to pay the applicable fine and, if appropriate, shall forthwith order each such appellant to abate the described condition within 30 days from the date of such order. The hearing officer shall enter such determination in writing and shall file such order with the Town Clerk. In the event that the abatement is not completed within 30 days of the date of such order, the hearing officer, upon certification from the environmental protection official that the abatement has not been completed, shall forthwith enter and assess against each such appellant a fine not to exceed on \$100 for each offense. If such assessment is not paid on the date of its entry, the hearing officer shall send by certified mail, return receipt requested, a notice of the assessment to the person or persons found liable and, not less than 30 days nor more than 12 months after such mailing, file a certified copy of the notice of assessment with the Town Clerk.

§ 273-27. Enforcement of orders.

The chief elected official of the municipality may take whatever means necessary to enforce the orders of the hearing officer.

§ 273-28. Funds deposited in general fund. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any funds collected pursuant to this article shall be placed in the general fund of municipality.

ARTICLE IV
Transfer Station
[Adopted 3-13-2006]

§ 273-29. Definitions.

For the purpose of this article, certain words and terms used herein shall be used, interpreted and defined as set forth in this section.

ASHFORD TOWN OFFICES (ATO) — The facility located at 5 Town Hall Road, Ashford, Connecticut.

BIOMEDICAL WASTE — Infectious waste, pathological waste and chemotherapy waste generated during the administration of medical care or the performance of medical research involving humans or animals and which, because of its quantity, character or composition, has been determined by the Commissioner of the Connecticut Department of Energy and Environmental Protection to require special handling, but excluding any solid waste which has been classified by the Department as a hazardous waste pursuant to Connecticut General Statutes (C.G.S.) § 22a-115 or which is a radioactive material regulated pursuant to C.G.S. § 22a-148.

MUNICIPAL COLLECTION — Solid waste collection from residents by a municipal authority.

MUNICIPAL SOLID WASTE — Solid waste from residential, commercial and industrial sources, excluding solid waste consisting of significant quantities of hazardous waste as defined in C.G.S. § 22a-115, land-clearing debris, demolition debris, biomedical waste, sewage sludge and scrap metal.

OPERATIONAL MANAGEMENT PLAN (OMP) — The Ashford Recycling Center and Transfer Station Operational Management Plan, referred to hereafter as "ARCTSOMP," to be developed by the Board of Selectmen or its duly authorized agent(s).

RECYCLABLE MATERIALS — Includes cardboard, glass food containers, leaves, metal food containers, newspaper, office paper, scrap metal, storage batteries or batteries, waste oil, and any other materials specifically designated as recyclables by Department of Energy and Environmental Protection (DEEP) regulations, state statutes or Town of Ashford regulations. For definitions of specific recyclable materials, etc., refer to Article II, Recycling, of this chapter.

REFUSE — Solid waste.

SOLID WASTE — Unwanted or discarded materials, including solid, liquid, semisolid or contained gaseous materials. Such waste includes, but shall not limited to, garbage, street refuse, rubbish, animal and agricultural wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes, and shall exclude hazardous wastes as defined in § 22a-115 of the Connecticut General Statutes.

SOLID WASTE FACILITY — Any solid waste disposal area, volume reduction plant, transfer station, wood-burning facility or biomedical waste treatment facility.

TOWN — The Town of Ashford, a municipal corporation located in Windham County, State of Connecticut.

TRANSFER STATION — Any location or structure owned or utilized by the Town, whether located on land or water, where solid waste, generated elsewhere, may be received and stored for transfer or transferred from transportation units and placed in other transportation units for movement to another location, whether or not such waste is stored at the location prior to transfer.

TRANSFER STATION STAFF — Any employee(s) or person(s) designated by the Town to facilitate the operation of the Transfer Station.

§ 273-30. Transfer Station designation and use.

There shall be a Town of Ashford Transfer Station designated by the Board of Selectmen. Only refuse generated in the Town of Ashford shall be placed in, at or upon the Transfer Station, unless approved by the Board of Selectmen or the ARCTSOMP and within the guidelines of the Connecticut General Statutes. Per C.G.S. § 22a-220a, the disposal of such solid waste at any other area in the Town is prohibited unless it is approved, in writing, by the Board of Selectmen or its duly authorized agent, prior to disposal.

§ 273-31. Prohibited items.

No person shall deposit any amount of prohibited items at the Transfer Station. The Board of Selectmen or its designee(s) shall itemize prohibited items in the ARCTSOMP.

§ 273-32. Access to Transfer Station.

Only the following categories of persons shall be permitted to dispose of refuse at the Transfer Station:

- A. Residents of the Town of Ashford.
- B. Nonresident owners of residential property situated in the Town of Ashford, but only for the sole purpose of disposing of routine residential or household refuse generated from residential property situated in the Town of Ashford.
- C. Any person operating a business or other entity that is situated in the Town of Ashford.

§ 273-33. Permit system; refuse from outside Town prohibited; denial of access.

- A. The Board of Selectmen of the Town of Ashford shall institute a permit system requiring all persons who dispose of refuse at the Transfer Station to obtain a permit for each motor vehicle utilized by such person in the hauling or disposing of refuse at the Transfer Station. No person shall be permitted or authorized to deposit or dispose of any refuse of any nature at the Transfer Station without having first obtained such permit.
- B. The First Selectman or his duly authorized agent may require any person to certify under penalty of false statement, as defined by the General Statutes of the State of Connecticut, that any refuse to be dumped, deposited or placed at the Transfer Station was not generated or collected, in whole or in part, from any point outside the geographical limits of the Town of Ashford. In the event any authorized representative of the Town of Ashford charged with the responsibility of monitoring the deposit of refuse at the Transfer Station determines that any proposed disposal of refuse at the Transfer Station violates any of the provisions of this article, or any of the provisions of the regulations adopted by the Board of Selectmen pursuant to this article, or that such disposal of refuse would violate any applicable law or regulation, state or federal, then, in such event, such representative of the Town of Ashford may deny entry to any person seeking deposit of such refuse. Such access shall be denied even though the person seeking to deposit such refuse holds or displays a current valid permit.
- C. Any person holding a permit must permanently affix such permit on the lower left corner of the transporting vehicle's windshield unless otherwise designated by the ARCTSOMP. Any person who fails to properly display the permit in such manner shall not be allowed entry to the Transfer Station.

§ 273-34. Designated disposal areas.

Refuse shall only be disposed of at the Transfer Station in areas specifically designated in the ARCTSOMP or as directed by the Transfer Station staff.

- A. No one shall retrieve or attempt to retrieve refuse deposited within the Transfer Station, i.e., "dumpster diving," whether or not said refuse is contained within a container.
- B. Persons permitted to use the Transfer Station may take items from designated areas known as the "Swap Shop" or "Book Swap" areas in accordance with the ARCTSOMP. Persons permitted to use the Transfer Station may ask the Transfer Station personnel to retrieve items of interest. The staff may accommodate said requests at their discretion.

§ 273-35. Hazardous and biomedical waste.

No materials deemed hazardous by C.G.S. § 22a-115, 42 U.S.C. § 6901 or 40 CFR 261 or materials deemed hazardous by ARCTSOMP shall be deposited at the Transfer Station. No biomedical waste shall be deposited at the Transfer Station.

§ 273-36. Transportation of refuse.

All vehicles transporting refuse from the Transfer Station to other processing facilities shall have the refuse secured so that no material can escape from such vehicle.

§ 273-37. Powers of Board of Selectmen.

The Board of Selectmen of the Town of Ashford is hereby authorized to establish rules and regulations for the purpose of implementing this article and for the maintenance of the Transfer Station in a safe, sanitary and efficient manner. The Board of Selectmen shall have the authority to regulate hours of operation and to designate locations for disposal of refuse within the Transfer Station.

- A. The Board of Selectmen shall institute a permit system and fee schedule for the purpose of implementing this article. Such fee schedule, rules, and regulations shall be set forth in the ARCTSOMP, which shall be available for inspection in the First Selectman's office.
- B. The Board of Selectmen shall establish a permanent Ashford Solid Waste and Recycling Committee (ASWRC) whose members shall be appointed by the Board of Selectmen [previously known as the "Ashford Recycling Committee (ARC)"]. This appointed Committee shall convene at least once every year to review costs, operations and environmental regulations related to solid waste and recycling within the Town. This Committee, the ASWRC, shall advise the Board of Selectmen in the development of the ARCTSOMP.

§ 273-38. Fees.

- A. Residents. There shall be no fee charged to residents for disposing of residential or household refuse, except those items specifically designated in the ARCTSOMP as requiring a fee.
- B. Businesses. There shall be no fee except those items designated in the ARCTSOMP as requiring a fee.

§ 273-39. Fee payment.

The ARCTSOMP shall include a fee schedule and method of implementation.

§ 273-40. Separation of refuse.

Municipal solid waste and recyclable material shall be separated and handled as described in the ARCTSOMP or as directed by the Transfer Station staff.

§ 273-41. Hours of operation.

The Transfer Station shall be open for use as authorized by the Board of Selectmen. The Board of Selectmen shall have the authority to change hours of operation as may be deemed appropriate. The hours of operation, holiday schedule and public access shall be posted at the Transfer Station and the Ashford Town offices.

§ 273-42. Trespassing prohibited.

No person shall enter or be permitted within the Transfer Station except during the hours when it is open to the public and when a representative of the Town is on duty.

§ 273-43. Scavenging prohibited.

Subject to the provisions of § 273-34 of this article, per C.G.S. § 22a-220a(h), the scavenging of solid waste at the Transfer Station is prohibited.

§ 273-44. Item and load fees.

The Board of Selectmen may propose and change fees as it deems appropriate, but only after approval by a majority vote at a Town Meeting held thereon and notice thereof is provided by publication in a newspaper having a circulation in the Town prior to the meeting in accordance with Town Meeting protocol.

§ 273-45. Warnings; suspension or revocation of permit; fine.

- A. The Board of Selectman is hereby vested with the authority to revoke the permit of any person who violates any term in this article or any regulation adopted by the Board of Selectmen pursuant to its authority granted by this article.

- B. The first warning is from the Transfer Station staff. If this fails to resolve an incident then the First Selectman will be notified and shall then issue a written warning to the offending party. If this fails to resolve the issue, then a suspension of the permit allowing access to the Transfer Station and/or a fine designated in the ARCTSOMP shall be imposed.
- C. The Board of Selectmen shall provide the holder of such permit with at least five days' notice of its intent to revoke said permit or an assessment of a fine. Said five-day period shall commence on the first day following notice to the permit holder by certified mail. If the permit holder desires to contest such proposed revocation, he shall file written notice that he contests the proposed revocation no later than the sixth day after the date the notice was mailed. The Board of Selectmen shall, upon receipt of such notice of contest, conduct a hearing within 10 days of its receipt to determine the merits of the matter. Upon a determination of the merits of such matter, the Board of Selectmen shall forthwith issue its decision. Nothing in this appeal procedure shall be construed to permit any unauthorized or illegal dumping at the Transfer Station.

§ 273-46. Severability.

If any provision of this article or its application to any person, situation, or circumstance is held invalid, such invalidity shall not affect any other provision or application of the same.

§ 273-47. When effective.

This article shall become effective 15 days after publication in a newspaper pursuant to the provisions of C.G.S. § 7-157.

DIVISION 2

REGULATIONS

Chapter 290

INLAND WETLANDS AND WATERCOURSES REGULATIONS

<p>§ 290-1. General provisions.</p> <p>§ 290-2. Definitions.</p> <p>§ 290-3. Inventory of inland wetlands and watercourses.</p> <p>§ 290-4. Permitted uses as of right and non-regulated uses.</p> <p>§ 290-5. Activities regulated exclusively by Commissioner of Energy and Environmental Protection.</p> <p>§ 290-6. Regulated activities to be licensed.</p> <p>§ 290-7. Application requirements.</p> <p>§ 290-8. Application procedures.</p> <p>§ 290-9. Public hearings.</p>	<p>§ 290-10. Considerations for decision.</p> <p>§ 290-11. Decision process and permit.</p> <p>§ 290-12. Action by duly authorized agent.</p> <p>§ 290-13. Bond.</p> <p>§ 290-14. Enforcement.</p> <p>§ 290-15. Amendments.</p> <p>§ 290-16. Appeals.</p> <p>§ 290-17. Conflict and severability.</p> <p>§ 290-18. Other permits.</p> <p>§ 290-19. Fees.</p> <p>§ 290-20. When effective.</p> <p style="text-align: center;">Appendix A</p>
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[HISTORY: Adopted by the Inland Wetlands and Watercourses Commission of the Town of Ashford effective 10-1-2013. Amendments noted where applicable.]

§ 290-1. General provisions.

A. Findings and purpose.

- (1) The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the State of Connecticut and has and will continue to imperil the quality of the environment, thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forevermore.
- (2) The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the

public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable freshwater supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

- B. These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Ashford."
- C. The Conservation and Inland Wetlands and Watercourses Commission of the Town of Ashford was established in accordance with an ordinance adopted October 23, 1972, to implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Ashford. A separate Inland Wetlands and Watercourses Commission was established by ordinance effective June 23, 2006, to assume those responsibilities.¹
- D. These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- E. The Commission shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of Ashford pursuant to §§ 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

§ 290-2. Definitions.

As used in these regulations, the following terms shall have the meanings indicated:

ACT — The Inland Wetlands and Watercourses Act, §§ 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

AGRICULTURE — Shall be consistent with the definition as noted in § 1-1(q) of the Connecticut General Statutes. (See "farming.")

BOGS — Watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.

1. Editor's Note: See Ch. 62, Inland Wetlands and Watercourses Commission.

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-2

§ 290-2

CLEAR-CUTTING — The harvest of timber in a fashion which removes all trees down to a two-inch diameter at breast height.

COMMISSION — The Inland Wetlands and Watercourses Commission of the Town of Ashford.

COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION — The Commissioner of the State of Connecticut Department of Energy and Environmental Protection.

CONSERVATION RESTRICTION — A limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including but not limited to the state or any political subdivision of the state, or any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.

CONTINUAL FLOW — A flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

DATE OF RECEIPT (petition, application, request or appeal) — The day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or its agent of such petition, application, request or appeal or 35 days after such submission, whichever is sooner.

DEPOSIT — Includes but shall not be limited to fill, grade, dump, place, discharge, or emit.

DISCHARGE — Emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

ESSENTIAL TO THE FARMING OPERATION — The proposed activity is necessary and indispensable to sustain farming activities on the farm.

FARMING — Shall be consistent with the definition as noted in § 1-1(q) of the Connecticut General Statutes. (See "agriculture" and Appendix A.)²

FEASIBLE — Able to be constructed or implemented consistent with sound engineering principles.

LICENSE — See "permit."

MANAGEMENT PRACTICE — A practice, procedure, activity, structure, or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to, erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; and confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

2. Editor's Note: Appendix A is included as an attachment to this chapter.

MARSHES — Watercourses that are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.

MATERIAL — Any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste.

MUNICIPALITY — The Town of Ashford.

NURSERIES — Places where plants are grown for sale, transplanting, or experimentation.

PERMIT — The whole or any part of any license, permit, certificate or approval or similar form of permission which may be required of any person by the provisions of §§ 22a-36 to 22a-45, inclusive.

PERMITTEE — The person to whom a license has been issued.

PERSON — Any person, firm, partnership, association, corporation, limited liability company, company, organization, or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

POLLUTION — Harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

PRESERVATION RESTRICTION — A limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including but not limited to the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.

PRUDENT — Economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity, provided that cost may be considered in deciding what is prudent, and further provided that a mere showing of expense will not necessarily mean an alternative is imprudent.

REGULATED ACTIVITY — Any operation within or use of a wetland or watercourse involving removal or deposition of material or any obstruction, construction, alteration or pollution of such wetlands or watercourses, but shall not include the specified activities in § 290-4 of these regulations. In addition, any removal or deposition of material or any obstruction, construction, alteration or pollution of an upland review area shall also be deemed a regulated activity.

REMOVE — Includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.

RENDERING UNCLEAN OR IMPURE — Any alteration of the physical, chemical or biological properties of any waters of the state, including but not limited to change in odor, color, turbidity or taste.

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-2

§ 290-2

SIGNIFICANT IMPACT — Any activity, including but not limited to the following activities, which the Commission determines may have a major effect:

- A. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on the wetlands or watercourses outside the area for which the activity is proposed.
- B. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
- C. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
- D. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
- E. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
- F. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
- G. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

SOIL SCIENTIST — An individual duly qualified in accordance with standards set by the federal Office of Personnel Management.

SUBMERGED LANDS — Those lands which are inundated by water on a seasonal or more frequent basis.

SWAMPS — Watercourses that are distinguished by the dominance of wetland trees and shrubs.

TOWN — The Town of Ashford.

UPLAND REVIEW AREA — See § 290-3D.

WASTE — Sewage or any substance, liquid, gaseous, solid, or radioactive, which may pollute or tend to pollute any of the wetlands and watercourses of the Town.

WATERCOURSES — Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to §§ 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

- A. Evidence of scour or deposits of recent alluvium or detritus;
- B. The presence of standing or flowing water for a duration longer than a particular storm incident; and

C. The presence of hydrophytic vegetation.

WETLANDS — Land, including submerged land as defined in this section, not regulated pursuant to §§ 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

§ 290-3. Inventory of inland wetlands and watercourses.

- A. The map of wetlands and watercourses titled "Inland Wetlands and Watercourses Map, Ashford, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Commission. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations, or other information in determining the location of the boundaries of wetlands and watercourses.
- B. Map amendments.
- (1) Any person may petition the Commission for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to, aerial photography, remote sensing imagery, resource mapping or other available information. The Commission may require such person to provide an accurate delineation of regulated areas in accordance with § 290-15 of these regulations.
 - (2) The Commission shall maintain a current inventory of regulated areas within the Town. The Commission may amend its map as more accurate information becomes available.
- C. All map amendments are subject to the public hearing process outlined in § 290-15 of these regulations.
- D. Upland review areas are established for all wetlands and watercourses within the Town of Ashford. These review areas shall extend a distance of 100 feet on either side of each wetland or intermittent watercourse and shall be measured from the ordinary high-water mark and shall extend 100 feet from the ordinary high-water mark of each continuous watercourse or within 200 feet of the Mount Hope River or 150 feet of any of its named tributaries. Any clearing, grubbing, filling, grading, paving, excavating, construction, depositing or removal of material and discharging of stormwater in the upland review areas is a regulated activity. The Commission may rule that any other activity located within the upland review area or in any non-wetland or non-

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-3

§ 290-4

watercourse area which is likely to impact or affect wetlands or watercourses is a regulated activity.³

§ 290-4. Permitted uses as of right and non-regulated uses.

- A. The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- (1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subsection shall not be construed to include road construction or the erection of buildings not directly related to the farming operation; relocation of watercourses with continual flow; filling or reclamation of wetlands or watercourses with continual flow; clear-cutting of timber except for the expansion of agricultural cropland; or the mining of topsoil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - (2) A residential home for which a building permit has been issued or on a subdivision lot, provided that the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to Subsection (b) of § 22a-42a of the Connecticut General Statutes or as of July 1, 1974, whichever is earlier, and further provided that no residential home shall be permitted as of right pursuant to this subsection unless the permit was obtained on or before July 1, 1987;
 - (3) Boat anchorage or mooring;
 - (4) Uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality, provided that in any town where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot size shall be two acres. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse;
 - (5) Construction and operation, by water companies as defined by § 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in §§ 22a-401 and 22a-403 of the Connecticut General Statutes;

3. Editor's Note: Amendment pending.

- (6) Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to § 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided that such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subsection, "maintenance" means the removal of accumulated leaves, soil, and other debris, whether by hand or machine, while the pipe remains in place; and
 - (7) Withdrawals of water for fire emergency purposes.
- B. The following operations and uses shall be permitted as non-regulated uses in wetlands and watercourses, provided that they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- (1) Conservation of soil, vegetation, water, fish, shellfish and wildlife;
 - (2) Outdoor recreation, including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water-skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated; and
 - (3) The installation of a dry hydrant by or under the authority of a municipal fire department, provided that such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this subsection, "dry hydrant" means a non-pressurized pipe system that is readily accessible to fire department apparatus for a proximate public road, provides for the withdrawal of water by suction to such fire department apparatus, and is permanently installed into an existing lake, pond or stream that is a dependable source of water.
- C. Any dredging or any erection, placement, retention or maintenance of any structure, fill, obstruction or encroachment, or any work incidental to such activities, conducted by a state agency, which activity is regulated under §§ 22a-28 to 22a-35, inclusive, or §§ 22a-359 to 22a-363f, inclusive, of the Connecticut General Statutes, shall not require any permit or approval under §§ 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.
- D. All activities in wetlands or watercourses involving filling, excavating, dredging, clear-cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Commission in accordance with § 290-6 of these regulations or, for certain regulated activities located outside of wetlands and watercourses, from the duly authorized agent in accordance with § 290-12 of these regulations.
- E. To carry out the purposes of this section, any person proposing a permitted operation and use or a non-regulated operation and use shall, prior to commencement of such operation and use, notify the Commission on a form provided by it and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of a wetland or watercourse. The Commission shall rule that the proposed operation and use or portion

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-4

§ 290-7

of it is a permitted or non-regulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.

§ 290-5. Activities regulated exclusively by Commissioner of Energy and Environmental Protection.

- A. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses undertaken by any department, commission or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to § 22a-39 or 22a-45a of the Connecticut General Statutes.
- B. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to §§ 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- C. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Energy and Environmental Protection under § 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Energy and Environmental Protection under § 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands commission for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- D. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

§ 290-6. Regulated activities to be licensed.

- A. No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands and Watercourses Commission of the Town of Ashford.
- B. Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission or violating any other provision of these regulations shall be subject to the enforcement proceedings and penalties prescribed in § 290-14 of these regulations and any other remedies as provided by law.

§ 290-7. Application requirements.

- A. Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity shall apply for a permit on a form provided by the Commission. The application shall contain the information described in this section and any other

information the Commission may reasonably require. Application forms may be obtained in the Ashford Land Use Office.⁴

- B. If an application to the Town of Ashford Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with § 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Ashford Inland Wetlands and Watercourses Commission in accordance with this section no later than the day the application is filed with such Planning and Zoning Commission.
- C. The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.
- D. A prospective applicant may request the Commission to determine whether or not a proposed activity involves a significant impact activity.
- E. All applications shall include the following information in writing or on maps or drawings:
 - (1) The applicant's name, home and business mailing addresses and telephone numbers;
 - (2) If the applicant is a limited liability corporation or a corporation, the managing member's or responsible corporate officer's name, address, and telephone number;
 - (3) The owner's name, mailing address and telephone number and written consent of the landowner if the applicant is not the owner of the land upon which the subject activity is proposed;
 - (4) The applicant's interest in the land;
 - (5) The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;
 - (6) The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity, including but not limited to measures to prevent or minimize pollution or other environmental damage, maintain or enhance existing environmental quality, or, in the following order of priority, restore, enhance and create productive wetland or watercourse resources;
 - (7) Alternative which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
 - (8) A site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which

4. Editor's Note: Amendment pending.

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-7

§ 290-7

are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;

- (9) Names and mailing addresses of adjacent landowners;
 - (10) Statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
 - (11) Authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;
 - (12) A completed Department of Energy and Environmental Protection reporting form; the Commission shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Energy and Environmental Protection in accordance with § 22a-39-14 of the Regulations of Connecticut State Agencies;
 - (13) Any other information the Commission deems necessary to the understanding of what the applicant is proposing; and
 - (14) Submission of the appropriate filing fee based on the fee schedule established in § 290-19 of these regulations.
- F. At the discretion of the Commission or its agent, or when the proposed activity involves a significant impact activity, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:
- (1) Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of landownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
 - (2) Engineering reports and analyses and additional drawings to fully describe the proposed activity, including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
 - (3) Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
 - (4) A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
 - (5) A description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in

the application and each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;

- (6) Analysis of chemical or physical characteristics of any fill material; and
- (7) Management practices and other measures designed to mitigate the impact of the proposed activity.

G. The applicant shall certify whether:

- (1) Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- (2) Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- (3) Sewer or water drainage from the project site will flow through and impact the sewer or drainage system within the adjoining municipality; or
- (4) Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

H. Ten copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Commission.

I. Any application to renew or amend an existing permit shall be filed with the Commission in accordance with § 290-8 of these regulations at least 65 days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under § 290-7 of these regulations, provided that:

- (1) The application may incorporate the documentation and record of the prior application;
- (2) The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
- (3) The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
- (4) The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued; and
- (5) The Commission may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity.

J. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-7

§ 290-8

with regard to the regulated activity for which the permit was issued, provided that no permit shall be valid for more than 10 years from the date of approval.

- K. Notwithstanding the provisions of § 290-7J of these regulations, any permit issued by the Commission prior to July 1, 2011, that did not expire prior to May 9, 2011, shall be valid for no more than 14 years from the date of approval.
- L. For any property subject to a conservation restriction (see § 290-2, Definitions) or preservation restriction (see § 290-2, Definitions), the following shall apply:
 - (1) No person shall file a permit application, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including but not limited to any state agency that holds such restriction, not later than 60 days prior to the filing of the permit application.
 - (2) In lieu of such notice requirement pursuant to § 290-7L(1), the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent verifying that the application is in compliance with the terms of the restriction.
 - (3) Nothing in § 290-7L(1) or (2) of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

§ 290-8. Application procedures.

- A. All petitions, applications, requests, or appeals shall be submitted to the Ashford Inland Wetlands and Watercourses Commission of the Town of Ashford.
- B. Notice.
 - (1) The Commission shall, in accordance with Connecticut General Statutes § 8-7d(f), notify the Clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:
 - (a) Any portion of the property affected by a decision of the Commission is within 500 feet of the boundary of an adjoining municipality;
 - (b) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - (c) A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or

- (d) Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.
 - (2) Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request, or plan.
- C. When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in § 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company, provided that such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands commission of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.
- D. The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or its agent of such petition, application, request or appeal or 35 days after such submission, whichever is sooner.
- E. At any time during the review period the applicant shall provide such additional information as the Commission may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in § 290-11B of these regulations.
- F. All applications shall be open for public inspection.
- G. Incomplete applications may be denied.

§ 290-9. Public hearings.

- A. The Ashford Inland Wetlands and Watercourses Commission shall not hold a public hearing on an application unless the Inland Wetlands and Watercourses Commission determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least 25 persons who are 18 years of age or older and who reside in the municipality in which the regulated activity is proposed requesting a hearing is filed with the Inland Wetlands and Watercourses Commission not later than 14 days after the date of receipt of such application, or the Inland Wetlands and Watercourses Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing, provided that no petition provided for in this subsection is filed with the Inland Wetlands and Watercourses Commission on or before the 14th day after the date of receipt of the application. Such hearing shall be held no later than 65 days after the receipt of such application. All applications and maps and documents

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-9

§ 290-10

relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.⁵

- B. Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than 15 days nor less than 10 days and the last not less than two days before the date set for the hearing, in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- C. Notice of the public hearing shall be mailed by the applicant to the owner(s) of record of abutting land not more than 15 days nor less than 10 days before the date set for the hearing and by posting a sign on the land that is the subject of the hearing. For such notice:
 - (1) Proof of mailing shall be evidenced by a certificate of mailing which shall be provided to the Commission not less than seven days prior to the date set for the hearing;
 - (2) The person who owns land shall be the owner indicated on the property tax map or on the last completed grand list as of the date such notice is mailed; and
 - (3) Signs, which shall be provided by the Commission, shall be installed by the applicant, securely fastened or staked, be clearly visible from each public roadway abutting the land subject to the hearing and be maintained as such until such hearing has concluded. Failure of the applicant to comply with this requirement may be grounds for denial of the application, with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign.

§ 290-10. Considerations for decision.

- A. The Commission may consider the following in making its decision on an application:
 - (1) The application and its supporting documentation.
 - (2) Reports from other agencies and commissions, including but not limited to the Town of Ashford:
 - (a) Conservation Commission.
 - (b) Planning and Zoning Commission.
 - (c) Building Official.
 - (d) Director of Health.⁶
 - (3) The Commission may also consider comments on any application from the Eastern Connecticut Conservation District, the Northeastern Connecticut Council of Governments, agencies in adjacent municipalities which may be affected by

5. Editor's Note: Amendment pending.

6. Editor's Note: Amendment pending.

the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.⁷

- (4) Non-receipt of comments from state agencies and commissions listed in Subsection A(2) and (3) above within the prescribed time shall neither delay nor prejudice the decision of the Commission.
 - (5) For an application for which a public hearing is held, public comments, evidence and testimony.
- B. Criteria for decision. In carrying out the purposes and policies of §§ 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including but not limited to:
- (1) The environmental impact of the proposed regulated activity on wetlands or watercourses;
 - (2) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
 - (3) The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
 - (4) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity, including but not limited to measures to prevent or minimize pollution or other environmental damage, maintain or enhance existing environmental quality, or, in the following order of priority, restore, enhance and create productive wetland or watercourse resources;
 - (5) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
 - (6) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.
- C. In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Commission shall consider the facts and circumstances set forth in

7. Editor's Note: Amendment pending.

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-10

§ 290-10

Subsection B of this section. The finding and the reasons therefor shall be stated on the record in writing.

- D. In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate, provided that this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- E. For purposes of this section, "wetlands and watercourses" includes aquatic, plant or animal life, and habitats in wetlands or watercourses, and "habitats" means areas or environments in which an organism or biological population normally lives or occurs.
- F. The Commission shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- G. In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision.
- H. In the case of an application where the applicant has provided written notice pursuant to § 290-7L(1) of these regulations, the holder of the restriction may provide proof to the Commission that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Commission shall not grant permit approval.
- I. In the case of an application where the applicant fails to comply with the provisions of § 290-7L(1) or (2) of these regulations:
 - (1) The party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than 15 days after receipt of actual notice of permit approval, file an appeal with the Commission, subject to the rules and regulations of the Commission relating to appeals. The Commission shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or
 - (2) The state agency that holds such restriction may, not later than 30 days after receipt of actual notice of permit approval, file an appeal with the Commission, subject to the rules and regulations of the Commission relating to appeals. The Commission shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.
- J. Nothing in § 290-7L(1) or (2) of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

§ 290-11. Decision process and permit.

- A. The Commission, or its duly authorized agent acting pursuant to § 290-12 of these regulations, may, in accordance with § 290-10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would prevent or minimize pollution or other environmental damage, maintain or enhance existing environmental quality, or, in the following order of priority, restore, enhance and create productive wetland or watercourse resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided that the Commission, or its agent, determines that such restrictions are necessary to carry out the policy of the Act.
- B. No later than 65 days after receipt of an application, the Commission may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within 35 days of its commencement. Action shall be taken on applications within 35 days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within 65 days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided that the total extension of all such periods shall not be for longer than 65 days, or may withdraw the application. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.
- C. The Commission shall state upon its record the reasons and bases for its decision.
- D. The Commission shall notify the applicant and any person entitled to such notice of its decision within 15 days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within 10 days thereafter.
- E. If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under § 8-3(g), 8-3c or 8-26 of the Connecticut General Statutes, the Commission shall file a copy of the decision and report on the application with the Town of Ashford Planning and Zoning Commission within 15 days of the date of the decision thereon.
- F. Any permit issued by the Commission for the development of land for which an approval is required under Chapter 124, 124b, 126 or 126a of the Connecticut General Statutes shall be valid until the approval granted under such chapter expires or for 10 years, whichever is earlier. Any permit issued by the Commission for any activity for which an approval is not required under Chapter 124, 124b, 126 or 126a of the

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-11

§ 290-12

Connecticut General Statutes shall be valid for not less than two years and not more than five years.

- G. Notwithstanding the provisions of § 290-11F of these regulations, any permit issued by the Commission prior to July 1, 2011, that was in effect and did not expire prior to May 9, 2011, shall be valid for a period not less than nine years after the date of such approval.
- H. The Commission shall be notified of any assignment or transfer of the permit. It is the permit holder's responsibility to notify the Commission of any change in ownership, including an assignment or transfer of the permit. Such notice shall include the name and contact information of the new permit holder.
- I. If a bond or insurance is required in accordance with § 290-13 of these regulations, the Commission may withhold issuing the permit until such bond or insurance is provided.
- J. General provisions in the issuance of all permits.
 - (1) The Commission has relied in whole or in part on information provided by the applicant, and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - (2) All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of Ashford, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
 - (3) If the activity authorized by the Commission's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under § 8.3(g), 8-3c or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
 - (4) In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
 - (5) The Commission shall be notified when any permit(s) is assigned or transferred. Such notice shall include the name and contact information of the new permit holder.

§ 290-12. Action by duly authorized agent.

- A. The Commission may delegate to its duly authorized agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses, provided that such agent has completed the comprehensive training program developed by the Commissioner of Energy and Environmental Protection pursuant to § 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the

Commission and shall contain the information listed under § 290-7E of these regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing of applications prescribed in §§ 290-8, 290-9 and 290-11 of these regulations, such agent may approve or extend such an activity at any time.

- B. Any person receiving such approval from such agent shall, within 10 days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Commission within 15 days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting, provided that such meeting is no earlier than three business days after receipt by such Commission or its agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with § 290-7 of these regulations.

§ 290-13. Bond.

- A. The Commission may require as a permit condition the filing of a bond with such surety in such amount and in a form approved by the Commission.
- B. The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions, and limitations established in the permit.

§ 290-14. Enforcement.

- A. The Commission may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease-and-desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Commission or its duly authorized agent shall take into consideration the criteria for decision under § 290-10B of these regulations.
- B. The Commission or its agent may make regular inspections at reasonable hours of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- C. In the case in which a permit has not been issued or a permit has expired, the Commission or its agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.
- D. If the Commission or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Commission or its duly authorized agent may:
- (1) Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within 10 calendar days of the issuance of such order the Commission shall hold a hearing to

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-14

§ 290-15

provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and, within 10 days of the completion of the hearing, notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to § 22a-44(b) of the Connecticut General Statutes, as amended.

- (2) Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation and the jurisdiction of the Commission and prescribing the necessary action and steps to correct the violation, including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection D(1) or other enforcement proceedings as provided by law.
- E. The Commission may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application, including application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within 15 days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

§ 290-15. Amendments.

- A. These regulations and the Inland Wetlands and Watercourses Map for the Town of Ashford may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Energy and Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- B. An application filed with the Commission which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt, and any appeal from the decision of such Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken

effect on or after the date of such receipt. The provisions of this subsection shall not be construed to apply to:

- (1) The establishment, amendment, or change of boundaries of inland wetlands or watercourses; or
 - (2) Any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- C. These regulations and the Town of Ashford Inland Wetlands and Watercourses Map shall be amended in the manner specified in § 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Energy and Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least 35 days before the public hearing on their adoption.
- D. Petitions requesting changes or amendments to the Inland Wetlands and Watercourses Map, Ashford, Connecticut, shall contain at least the following information:
- (1) The petitioner's name, mailing address and telephone number;
 - (2) The address, or location, of the land affected by the petition;
 - (3) The petitioner's interest in the land affected by the petition;
 - (4) Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
 - (5) The reasons for the requested action.
- E. Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Ashford, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. If such person is the owner, developer, or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in Subsection D, the petition shall include:
- (1) The name, mailing address and telephone number of the owner(s) of such land and the owner's agent or other representative;
 - (2) The names and mailing addresses of the owners of abutting land;
 - (3) Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall, at a minimum, include the report of the soil scientist documenting the location of wetland soils on the land and a map of said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
 - (4) Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-15

§ 290-18

- F. Watercourses shall be delineated by a soil scientist, geologist, ecologist, or other qualified individual.
- G. A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two days, the first not more than 15 days nor less than 10 days and the last not less than two days before the date set for the hearing. All materials, including maps and documents, relating to the petition shall be open for public inspection.
- H. The Commission shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within 65 days after receipt of such petition. The hearing shall be completed within 35 days after commencement. The Commission shall act upon the changes requested in such petition within 65 days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided that the total extension of all such periods shall not be for longer than 65 days, or may withdraw such petition. Failure of the Commission to act within any time period specified in this subsection or any extension thereof shall not be deemed to constitute approval of the petition.
- I. The Commission shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

§ 290-16. Appeals.

- A. Appeal of actions of the Commission shall be made in accordance with the provisions of § 22a-43 of the Connecticut General Statutes, as amended.
- B. Notice of such appeal shall be served upon the Commission and the Commissioner of Energy and Environmental Protection.

§ 290-17. Conflict and severability.

- A. If there is a conflict among the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision, or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.
- B. If there is a conflict between the provisions of these regulations and the provisions of the Act, the provisions of the Act shall govern.

§ 290-18. Other permits.

Nothing in these regulations shall obviate the requirement for the applicant to obtain any other assents, permits, or licenses required by law or regulation by the Town of Ashford, the

State of Connecticut or the government of the United States, including any approval required by the Connecticut Department of Energy and Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits, or licenses is the sole responsibility of the applicant.

§ 290-19. Fees.

- A. All fees required by these regulations shall be submitted to the Commission by certified check or money order payable to the Town of Ashford at the time the application is filed with the Commission.
- B. No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to § 290-19I of these regulations.
- C. The application fee is not refundable.
- D. As used in this section, the following terms shall have the meanings indicated:

COMMERCIAL USES — Activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.

OTHER USES — Activities other than residential uses or commercial uses.

RESIDENTIAL USES — Activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

- E. Application fees shall be based on the following schedule:

Item	Fee
Permitted uses as of right and non-regulated uses	No fee
Residential uses	\$60
Residential uses involving subdivision	\$170 plus \$30 per lot
Commercial uses	\$170
Logging review - with wetlands involvement	\$60
All other uses	\$170
Regulation and/or map amendments	\$170
Wetlands Agent approval	\$60
Modification of prior wetlands permit	\$75
State fee	As set per statute

- F. The Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts.

FINAL DRAFT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

§ 290-19

§ 290-20

The Commission or the duly authorized agent shall estimate the complex application fee which shall be paid pursuant to § 290-19A of these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the Commission's decision.

- G. The application fee for any regulated activity commenced without a permit shall be in an amount equal to twice the amount of the regular fee for said activity. In addition, an applicant for any activity commenced without a permit shall be responsible for paying for any inspections required to be performed by the Wetlands Agent, which inspections shall be billed at the Wetlands Agent's contracted hourly rate.⁸
- H. Boards, commissions, councils, and departments of the Town of Ashford are exempt from all fee requirements.
- I. The applicant may petition the Commission to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this subsection.
 - (1) The Commission may waive all or part of the application fee if the Commission determines that:
 - (a) The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; or
 - (b) The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
 - (2) The Commission shall state upon its record the basis for all actions under this subsection.

§ 290-20. When effective.

These regulations are effective upon filing in the office of the Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of Ashford.

8. Editor's Note: Amendment pending.

INLAND WETLANDS AND WATERCOURSES REGULATIONS

290 Attachment 1

Town of Ashford

Appendix A

Connecticut General Statutes § 1-1(q):

Except as otherwise specifically defined, the words "agriculture" and "farming" shall include 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, the production of honey, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other mulluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

Chapter 295

SUBDIVISION REGULATIONS

**ARTICLE I
General Provisions**

- § 295-1. Statutory authority.
- § 295-2. Policy.
- § 295-3. Purpose.
- § 295-4. Jurisdiction.
- § 295-5. Interpretation.
- § 295-6. Procedure.
- § 295-7. Conflicts; higher standards to control.

**ARTICLE II
Definitions**

- § 295-8. Word usage and definitions.

**ARTICLE III
Preliminary Subdivision Proposal**

- § 295-9. General provisions.
- § 295-10. Preliminary plan and review.
- § 295-11. Preliminary layout specifications for application drawings.

**ARTICLE IV
Formal Subdivision Plan Proposal**

- § 295-12. Formal subdivision plan conditions.
- § 295-13. Formal subdivision plan procedures.
- § 295-14. Required submittals for formal subdivision plan application.
- § 295-15. Specifications for application drawings.
- § 295-16. Plan-profile drawings and data.

- § 295-17. Grading, fill and removal plan.
- § 295-18. Soil erosion and sediment control plan
- § 295-19. Hydraulic study.
- § 295-20. Statement of passive solar energy techniques considered and employed.
- § 295-21. Flood-control measures.

**ARTICLE V
Open Space**

- § 295-22. Open space disposition.
- § 295-23. Size of open space.
- § 295-24. Sites of archaeological significance.
- § 295-25. Method of dedication.
- § 295-26. Fee in lieu of open space.
- § 295-27. Referrals.
- § 295-28. Condition of open spaces.
- § 295-29. Enforcement bonding.
- § 295-30. Homeowners' association.
- § 295-31. Legal transfer.
- § 295-32. Dedication for other municipal purposes.
- § 295-33. Open space exemptions.

**ARTICLE VI
Open Space Subdivision - Plan Proposal**

- § 295-34. Purpose.
- § 295-35. General provisions.
- § 295-36. Requirements for submitting formal open space subdivision plan.
- § 295-37. General density limitations.
- § 295-38. Open space use limitations.

ASHFORD CODE

- § 295-39. Design standards for open space subdivision.
- § 295-40. Dedication of open space.
- § 295-41. Exceptions.
- § 295-42. Procedures.

ARTICLE VII
Water Supply and Sanitary Waste Disposal

- § 295-43. Water supply.
- § 295-44. Sanitary waste disposal.

ARTICLE VIII
Public Improvement Specifications; Additional Design Criteria

- § 295-45. Incorporation of Public Improvement Specifications.
- § 295-46. Construction.
- § 295-47. Streets.
- § 295-48. Lots.
- § 295-49. Storm drainage.
- § 295-50. Inspections.
- § 295-51. Street monuments.

ARTICLE IX
Insurance; Bond Requirements; Agreement for Installation of Improvements

- § 295-52. Applicant to execute agreement.
- § 295-53. Insurance.
- § 295-54. Performance bond.
- § 295-55. Certificate of zoning compliance.
- § 295-56. Application of bonds.

- § 295-57. Bond release.
- § 295-58. Agreement for installation of public improvements.

ARTICLE X
Lot Line Revisions

- § 295-59. Lot line revision in approved subdivision plans.
- § 295-60. Lot line revision in other lots.

ARTICLE XI
Waiver of Regulations

- § 295-61. Conditions for approval of modification or waiver.
- § 295-62. Request for modification or waiver.

ARTICLE XII
Subdivision Design Standards

- § 295-63. Purpose.
- § 295-64. Public health standard.
- § 295-65. Standards for open space.
- § 295-66. Standards for street design.
- § 295-67. Standards for protection of natural resources.
- § 295-68. Standards for protection of historic resources.

ARTICLE XIII
Miscellaneous Provisions

- § 295-69. Penalties for offenses.
- § 295-70. Amendments.
- § 295-71. Severability.
- § 295-72. Enactment; short title; repealer.

[HISTORY: Adopted by the Planning and Zoning Commission of the Town of Ashford effective 5-3-2010. (Subdivision Regulations for the Town of Ashford were first adopted 1-2-1959.) Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 295-1. Statutory authority.

These regulations have been prepared and adopted pursuant to the authority granted in Chapter 126 of the Connecticut General Statutes of the State of Connecticut, hereinafter referred to as "C.G.S."

§ 295-2. Policy.¹

It is the policy of the Ashford Planning and Zoning Commission to consider land subdivision as part of a plan for the orderly, efficient and coordinated growth of the Town so as to further the general welfare and well-being of its people. The Planning and Zoning Commission, through the application of standards and conditions set forth in these regulations, the Ashford Zoning Regulations, the Ashford Public Improvement Specifications and the Plan of Conservation and Development, shall determine whether to approve, modify and approve, or deny any subdivision or resubdivision application after applying such standards and conditions to reasonably protect the rights of individuals, property values, public health, public safety and public welfare.

§ 295-3. Purpose.

The Town of Ashford, through its Planning and Zoning Commission, shall enforce these Subdivision Regulations to maintain the rural character of the Town in keeping with the public expression as determined through the Plan of Conservation and Development process and will establish appropriate standards for the design and implementation of subdivisions and the construction of streets and other improvements and has adopted these regulations to accomplish the following:

- A. Provide that the land to be subdivided shall be of such character that it can be used for building purposes without danger to public health or safety and not result in soil, water or air pollution, excessive noise, or other menace.
- B. Provide that proper provisions are made for water supply, sewage disposal, fire protection and other appropriate utility services and drainage, including the upgrading of any downstream ditch, culvert or other drainage structure which, through the introduction of additional drainage due to such subdivision, becomes undersized and creates the potential for down drainage flooding.
- C. Provide that proper provisions are made for the prevention of flooding through flood-control protective measures in areas contiguous to brooks, rivers or other bodies of water. Land subject to flooding shall not be put to any use that will aggravate flood hazard conditions.
- D. Ensure that proposed streets are built to the Ashford Public Improvement Specifications and are in harmony with existing or proposed principal thoroughfares shown on the

1. Editor's Note: Amendment pending.

Plan of Conservation and Development, as per C.G.S. § 8-23. This is especially important to maintain safe intersections with such thoroughfares and provide that such streets be arranged and of such width to provide an adequate and convenient system for present and prospective traffic needs.

- E. Provide for the creation of open spaces and parks when, and in places, deemed appropriate and proper by the Commission.
- F. Provide that proper provisions are made for soil erosion and sediment control in accordance with C.G.S. § 22a-329.
- G. Provide that solar access and passive solar energy techniques are considered and included in the design of any new subdivision and require applicants for subdivision or resubdivision approval to demonstrate to the Commission that they have incorporated solar access and passive solar energy techniques in the design of the subdivision. See Article IV, § 295-20.
- H. Encourage energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation.
- I. Provide for the protection of state and federally listed species and significant natural communities, prime farmland and farmland of additional statewide importance, and high-yielding and potentially high-yielding aquifers.
- J. Encourage protection of the rural character of Ashford by maintaining existing stone walls, historical features, scenic views, walking paths, tree-lined streets, open fields, and active agriculture.

§ 295-4. Jurisdiction.

These regulations shall apply to the subdivision and resubdivision of land, as herein defined, located within the corporate limits of the Town of Ashford, Connecticut. No subdivision or resubdivision of land shall be made by any person, firm, or corporation until an application for such subdivision or resubdivision has been submitted to and approved by the Town Planning and Zoning Commission and a map thereof has been endorsed by the Commission and filed by the applicant in the office of the Ashford Town Clerk.

§ 295-5. Interpretation.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

§ 295-6. Procedure.

The Commission, in reviewing any proposed subdivision or resubdivision, and the person proposing a subdivision or resubdivision shall follow the procedures hereinafter specified. The Commission shall not approve any subdivision or resubdivision unless it conforms to the standards hereinafter specified or to such other standards approved by the Commission pursuant to these regulations.

§ 295-7. Conflicts; higher standards to control.

These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provisions of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

ARTICLE II**Definitions****§ 295-8. Word usage and definitions.**

A. For purposes of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; a "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is always mandatory; "may" is permissive; a "building" includes a "structure"; a "building or structure" includes any part thereof; and "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." Accepted highway usage definitions may be found in the publication of the American Association of State Highway and Transportation Officials titled "AASHTO Highway Definitions (1968)," as amended. Definitions of terms pertaining to planning may be found in Title 8, Chapter 126, of the Connecticut General Statutes. In the event a term's definition is in question, accepted nomenclature and applicable state statutes will be consulted.

B. For purposes of these regulations, certain terms and words used in these regulations shall be interpreted and defined as set forth in this subsection:

ABUTTER — Adjacent landowners. Property sharing a common boundary line with the property proposed to be subdivided or resubdivided and for these regulations all property in any direction within 200 feet of any boundary line of the proposed subdivision. Includes all adjacent landowners within the Town of Ashford or any other town.

APPLICANT — Any person, firm, corporation, partnership, or other legally recognized entity which shall apply to the Commission for approval of a subdivision, either on the applicant's own behalf or as an agent for one or more or successor in interest.

APPLICATION — A request for approval of a specific subdivision plan, including an application form as may be prescribed by the Commission, accompanied by all supporting information, documents, reports, and the like which may be required by these regulations.

AQUIFER — Any geological formation, such as bedrock, sand and gravel, or glacial till, capable of yielding usable amounts of groundwater.

BACK LOT — See "interior lot."

BOARD OF SELECTMEN — The Board of Selectmen of the Town of Ashford.

BUILDABLE LAND/LOT/AREA — That area of land within a lot or parcel meeting the requirements of the Ashford Zoning Regulations.

CENTER ISLAND — Strip or corridor of land at least eight feet wide running from the beginning of a cul-de-sac to the turnaround between two one-way streets.

CHECKLIST — Lists found in Appendix A² that will assist in keeping track of various drawing requirements, submissions and procedures for a complete formal subdivision plan proposal application.

COMMISSION — The Planning and Zoning Commission, Town of Ashford, Connecticut.

CONSERVATION COMMISSION — The Conservation Commission of the Town of Ashford, Connecticut.

CONSERVATION EASEMENT — See "easement."

CONVENTIONAL SUBDIVISION — A subdivision design that is consistent with the provisions of the Ashford Zoning Regulations and Ashford Subdivision Regulations. Specifically a conventional subdivision is a subdivision or resubdivision of land into lots for single-family detached dwelling units that meets the frontage and minimum two-acre buildable land requirements of the Ashford Zoning Regulations. Not an open space subdivision.

CUL-DE-SAC — A street having only one outlet to a through road. A street with a temporary or permanent turnaround at the end.

DATE OF RECEIPT — The day of the first regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Commission, or its agent, or 35 days after such submission, whichever is sooner.

DESIGN ADVISORY BOARD — An ad hoc committee whose members are appointed by the Commission to provide guidance with site plan and architectural design of nonresidential, multifamily and open space subdivision buildings and structures.

DEVELOPER — Same as "subdivider."

DEVELOPMENT FOR AGRICULTURAL PURPOSES — Development exclusively for use as agricultural land, as that term is defined in C.G.S. § 22-26bb.

DISTURBED AREA — An area where the natural vegetative ground cover is destroyed, moved or removed.

EASEMENT — A right, established by deed or other legal means, of one party to use a designated portion of a second party's land for a specific, limited purpose.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity. Human activities can aggravate and accelerate erosion.

2. Editor's Note: Appendix A is available at the Land Use Office.

FINAL SUBDIVISION PLAN — The Mylar maps, drawings, and all supporting data as approved by the Commission, containing all modifications and revisions required by such approval, and ready for endorsement by the Commission and for filing with the Town Clerk pursuant to C.G.S. § 8-25.

FLAG LOT — See "interior lot."

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal water.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FORMAL SUBDIVISION PLAN — The map, drawings, and all supporting data required by these regulations upon which a formal (i.e., non-preliminary) plan of subdivision is presented to the Commission for action.

HALF STREET — A proposed street, or any extension of an existing street, along and roughly parallel to a property line such that less than the entire required right-of-way and street improvements, longitudinally, would be located on one property. (Prohibited)

IMPROVEMENT — Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these regulations, or any approval granted hereunder, or rendering the site more suitable for development and/or habitation. As used in these regulations, improvements include but are not limited to construction and installation of roadways, paved streets, curbs, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, buildings, driveways, septic systems, water supplies, earth filling or removal, seeding, plantings and grading.

INLAND WETLANDS AND WATERCOURSES AGENCY — The Inland Wetlands and Watercourses Commission of the Town of Ashford.

INTERIOR LOT — A lot that does not meet the minimum lot frontage requirements. Special permit required. Not allowed in open space subdivisions. See Zoning Regulations.

KEYSTONE — A linkage property between two or more properties and/or a property of large acreage that abuts other unfragmented properties.

LOOP STREET — A street intersecting with the same street twice.

LOT — A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such yards, open spaces, and buffer areas as are required by the Ashford Zoning Regulations, and which meets the frontage requirements of these regulations and the Ashford Zoning Regulations.³

LOT, CORNER — A lot located at the intersection of two roads, or a lot bound on two sides by a curving road, any two chords of which form an angle of 120° or less.

3. Editor's Note: Amendment pending.

OPEN SPACE — Land defined to include, but not be limited to, land left in its natural, undisturbed, or undeveloped state; land used for managed forest land or agriculture; and land containing important farmland soils as defined in the report "Important Farmlands - Windham County Connecticut, U.S. Department of Agriculture, Soil Conservation Service." Open space land may include areas and facilities for passive or active recreation; land areas for wildlife habitat, groundwater recharge, watershed protection, or scenic view or vista preservation; lands having the presence of an endangered or threatened species or other natural resources and/or archaeological or historically significant features and the like; forests; parks; reservoirs; and wetlands. "Open space" does not necessarily mean open and accessible to the public. "Open space" may include private property with permanent conservation easements and other protections (e.g., Connecticut Farmland Preservation Program where development rights are acquired by the state).

OPEN SPACE SUBDIVISION — A cluster development, as defined by C.G.S. § 8-18, in which the dimensions that would otherwise be required for lots and buildable land under the Ashford Zoning and Subdivision Regulations may be reduced for the purposes of encouraging the dedication and preservation of additional open space. Specifically, an open space subdivision is a subdivision or resubdivision of land into lots for single-family detached dwelling units that meets the frontage and minimum one-acre contiguous buildable land requirements of the Ashford Zoning Regulations. Interior lots are prohibited.

PASSIVE SOLAR ENERGY TECHNIQUES — The utilization of building features, materials and systems, building orientation, street and/or lot layout, vegetation, natural or man-made topographical features and the protection of solar access within a subdivision as tools for maximizing solar heat gain, minimizing heat loss, and providing thermal storage within a building during the heating season and for minimizing heat gain and providing for natural ventilation during the cooling season.

PLAN AND PROFILE — The drawing(s) depicting respectively the horizontal and vertical design for street construction and drainage and containing all information required by Article IV, § 295-14, of these regulations.

PLAN OF CONSERVATION AND DEVELOPMENT — The Plan of Conservation and Development of the Town of Ashford, as it may be adopted and amended from time to time, in accordance with C.G.S. § 8-23, as amended.

PRE-APPLICATION CONFERENCE — A meeting between the Commission, or its designee, and a potential subdivider, resubdivider, applicant, or property owner for the purpose of discussing conceptually a possible subdivision or resubdivision of land.

PRELIMINARY LAYOUT — The preliminary map(s), drawing(s) and all required supporting data indicating the proposed manner and layout of a subdivision or resubdivision likely to be submitted to the Commission for consideration as a formal subdivision plan.

PRINT — A blueprint, photostat, lithoprint, or other copy which reproduces exactly the data on the original drawing(s) from which it is made.

PUBLIC IMPROVEMENT SPECIFICATIONS — Those requirements covered in the Ashford Public Improvement Specifications document relating to roads, streets, driveways, storm drainage, etc.

REGULATIONS, THESE — Town of Ashford Subdivision Regulations, including amendments thereto.

REQUIRED SUBMITTALS — The complete list of documents, certifications, reports, statements, study results, letters of recommendation, etc., that must be submitted for a complete subdivision application.

RESERVE STRIP — Land to be set aside for dedication to the public upon future development. Reserve strips may include land to be set aside for streets, street connections, pedestrianways, parks, or other land dedicated to public use.

RESUBDIVISION — A change in a map of an approved or recorded subdivision or resubdivision if such change affects any street layout shown on such map, affects any area reserved thereon for public use, or diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

RIGHT-OF-WAY — The distance between property lines measured across and perpendicular to a street or, where no right-of-way has been established, 25 feet on either side of the center line of the street pavement as defined below.

ROAD REGULATIONS — The standards, specifications and details for construction of streets, driveways, drainage, etc., as specified in Ashford Public Improvement Specifications. The word "road" is interchangeable with the word "street." Both "road" and "street" mean the same thing in these regulations.

SEDIMENT — Solid material, either mineral or organic, that is transported, or has been moved from, its site of origin. (See "erosion.")

SLOPE RIGHTS — The two fifteen-linear-foot rights-of-way, adjacent to both sides of the street right-of-way, reserved for remedying drainage problems.

SOLAR ACCESS — Where feasible the access to unobstructed sunlight required by solar collectors for efficient operation. Solar access shall be considered adequately available for 75% of the time between 7:34 a.m. and 3:08 p.m. local time on December 21.

STREET — A street, avenue, lane, road or other right-of-way dedicated and legally accepted by the Town, the State of Connecticut or a private association for the purpose of public travel. All new streets and streets serving new streets must meet the minimum standards of the Ashford Public Improvement Standards. "Road" means the same thing as "street" in these regulations.

STREET PAVEMENT — The wearing or exposed surface of the roadway used by vehicular traffic.

STREET TREES — Those trees, six-inch diameter at breast height or greater, along existing and proposed streets that maintain and enhance the rural character of the roadway and are within 30 feet of the center line of the street.

STREET WIDTH — The width of the street pavement.

SUBDIVIDER — The person or other legally recognized entity primarily responsible for implementing an approved final subdivision plan. The applicant may or may not be the subdivider.

SUBDIVISION — The division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation, or agricultural purposes, and includes resubdivision. Building development includes development for residential, commercial, or industrial purposes. See Zoning Regulations for divisions of less than three lots.

SUBDIVISION APPLICATION — The body of forms, drawings, studies, engineering, and other required submittals that must be submitted to request the subdivision of land.

TOWN — The Town of Ashford, County of Windham, Connecticut.

TOWN CLERK or OFFICE OF TOWN CLERK — The office or officer of the Ashford Town Clerk.

TRAVELED WIDTH — The distance between curb faces, or the width of the street pavement, measured in a direction perpendicular to the street.

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

ZONING REGULATIONS — The Town of Ashford, Connecticut, Zoning Regulations.⁴

ARTICLE III

Preliminary Subdivision Proposal

§ 295-9. General provisions.

- A. It is highly recommended and encouraged that anyone wishing to subdivide or resubdivide land begin by following the preliminary subdivision proposals.
- B. Whenever any subdivision or resubdivision is proposed to be made and before any streets are constructed or contract for sale or an offer to sell any lot in such subdivision or resubdivision shall have been negotiated, and before any permit for the erection of a structure shall be granted, the subdividing owner or agent shall apply, in writing, on the form prescribed, to the Planning and Zoning Commission for approval of such subdivision or resubdivision. After said subdivision or resubdivision has been approved and/or recorded, the subject tract shall not be further divided into one or more building lots without the prior resubdivision approval of this Commission.

4. Editor's Note: See Ch. 300, Zoning.

- C. Before a subdivision or resubdivision is made the applicant should become familiar with these regulations and those related to such as contained in the Town Zoning and Inland Wetlands and Watercourses Regulations.
- D. Subdivisions may be developed, upon approval, in a conventional form or open space form of subdivision.

§ 295-10. Preliminary plan and review.

- A. Pre-application conference. An applicant should review with the Town Land Use Office staff in a preliminary and informal manner any proposal for subdivision or resubdivision prior to submission of a preliminary and/or formal application.⁵
 - (1) The purpose for using the preliminary procedure is to look in more detail at the proposal and provide guidance to the subdivider to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision.
 - (2) During informal discussions, the applicant may submit or the Town staff may request such information, plans, and maps as may lead to non-binding recommendations.
- B. Recommended preliminary layout procedure. The Commission strongly recommends any proposed subdivision or resubdivision of three or more lots to follow the preliminary procedure.
- C. Presentation of the preliminary plan shall not constitute "formal" application within the meaning of Title 8, Chapter 126, of the Connecticut General Statutes, as amended, and the Commission's review of said preliminary plan and its comments, if any, shall not be deemed to be the official "action" or "decision" within the meaning of said title and chapter.
- D. The preliminary layout design shall include a rendition of a conventional subdivision design, for all proposed subdivisions, as well as an open space subdivision design, if six lots or more are proposed. The submission of both designs will allow the Commission to recommend which design best suits the property and recommend which design should be presented in the formal subdivision application. Required open space dedication shall ordinarily be a minimum of 20% of the property under consideration for a conventional subdivision plan and 50% for an open space subdivision plan.

§ 295-11. Preliminary layout specifications for application drawings.

- A. The applicant shall provide a preliminary plan conforming to the Ashford Zoning and Subdivision Regulations and the Ashford Public Improvement Specifications.⁶

5. Editor's Note: Amendment pending.

6. Editor's Note: Amendment pending.

B. The preliminary plan shall show existing conditions, the proposed road, and lot layout of the subdivision. The preliminary plan shall show at least the following information, with the understanding that more detailed preliminary plan discussions could result in minor to substantial changes in the plan. The preliminary plan should encompass the overall tract, even if only part is being proposed for subdivision. The submission of a preliminary plan does not alter the requirements and procedures of a final plan. The preliminary plan of a proposed subdivision or resubdivision should be presented in a legible format and show:

- (1) The subdivision or resubdivision name, boundaries, North point, date (word and graphic), Assessor's map, block and lot number of the original parcel, scale, legend and title "Preliminary Plan";
- (2) The names and contact information of the record owner and the applicant and the name and contact information of the designer, engineer, or surveyor;
- (3) Acreage and zoning district;
- (4) The existing and proposed lines of streets, ways, easements and any public areas within the development in a general manner;
- (5) The proposed system of drainage, including adjacent existing natural waterways, in a general manner;
- (6) The approximate boundary lines of proposed lots, with approximate location and dimensions;
- (7) The names, approximate locations, and widths of existing adjacent streets;
- (8) The topography of the land in a general manner;
- (9) Principal wooded areas, any ledge outcrops and existing stone walls and fences within the subdivision, and existing trails;
- (10) Location and limits of areas subject to potential flooding; boundaries of any flood hazard areas and floodways and the base flood elevation data thereof; and the lowest floor elevations that would be applicable for a building on any lot in the flood hazard area;
- (11) Conceptual building area envelopes (potential areas for house, driveway, septic system, well, etc.) and potential areas to be retained as public or private open space;
- (12) Soil delineations and symbols as per the current United States Department of Agriculture (USDA) Natural Resources Conservation Service Soil Survey for Windham County, Connecticut;
- (13) Abutting dedicated open space and conservation or scenic easement areas, if any;
- (14) The location and approximate dimensions and area of all property proposed to be set aside for open space; and

- (15) The location, approximate dimensions, and approach for meeting the firefighting water supply requirement of the Ashford Zoning Regulations, as may be amended.

ARTICLE IV

Formal Subdivision Plan Proposal**§ 295-12. Formal subdivision plan conditions.**

The following are conditions for designing, submitting and implementing all subdivision or resubdivision proposals.

A. Responsibility.

- (1) If an applicant wishes to subdivide or resubdivide land in the Town of Ashford it is the applicant's responsibility to submit a complete application with both a conventional subdivision plan design and an open space plan design, if six or more lots are proposed. Such plan(s) shall demonstrate compliance with all criteria and requirements of these regulations and the Ashford Zoning Regulations, and, accordingly, the applicant shall submit such additional reports or information as may be required to satisfy that responsibility. It is highly recommended a pre-application conference with the Commission be undertaken and then the preliminary layout procedure be followed. (See Article III.) This approach may be favorable because the Commission shall, in that process, make a recommendation as to which design, conventional subdivision plan design or an open space subdivision plan design, the applicant should submit.
- (2) Required open space shall ordinarily be a minimum of 20% of the property under consideration for a conventional subdivision plan and 50% for an open space subdivision plan.
- (3) Any application found to be incomplete in any submittal requirement shall be denied by the Commission without prejudice to a future complete application.

B. Subdivision plan approval and sale of lots. All plans for the subdivision or resubdivision of land must be submitted to the Commission for approval. No certificate of zoning compliance (zoning permit) shall be issued for any use nor shall any building permit for the erection or enlargement of any building be granted without the prior approval of the subdivision or resubdivision plan, or any amendment thereof, by the Commission and the filing of the endorsed final subdivision plan in the office of the Town Clerk. No lot proposed in a subdivision or resubdivision of any tract or parcel of land shall be sold or offered for sale or used for any building development without the Commission's approval of the final subdivision plan.

C. Penalties. Any person, firm, corporation, partnership or association making the subdivision or resubdivision of land without approval of the Commission shall be liable to a fine of \$500 for each lot sold or offered for sale. In the event that any subdivider, contractor or person in the employ or acting on the behalf of the subdivider violates these regulations, or the conditions or requirements of any subdivision approved hereunder, the Commission may, following a public hearing with notice by certified

mail to the violator, void, in whole or in part, any such subdivision approval and may cause notice thereof to be filed in the Ashford Land Records. Any person, firm, corporation, partnership or association not paying such penalty within 30 days of notification of the assessment of such penalty shall not retain the privilege of representing any future land development project before the Commission until such penalty, plus current monthly interest charges, is paid to the Town Clerk. Any subdivider or resubdivider with any existing planning and/or zoning violation(s) on any parcel of property in the Town of Ashford, where that person, firm, corporation, partnership or association owns an interest, may not apply for any new applications until all violations are corrected.

- D. Streets. In the case of subdivisions requiring new streets, the applicant shall construct all new streets to meet the established Town of Ashford standards defined in the Public Improvement Specifications and all design requirements of Article VIII of these regulations. Any new street that provides access to new lots shall be required to meet the Public Improvement Specifications.
- E. Homeowners' association. All loop streets and cul-de-sac streets shall be owned and maintained by an approved homeowners' association meeting the criteria of Article V, § 295-30.
- F. Wetlands. All applicants requesting to subdivide or resubdivide shall apply to the Ashford Inland Wetlands and Watercourses Commission for review of wetland regulated area(s) that may occur within the parcel proposed to be subdivided. If an application involves land regulated as an inland wetland or watercourse, the applicant shall submit an application to the Ashford Inland Wetlands and Watercourses Commission no later than the day the application is filed with the Planning and Zoning Commission for the subdivision or resubdivision. The Commission shall not act on any subdivision or resubdivision application until it has received a report from the Ashford Inland Wetlands and Watercourses Commission.
- G. Notice to abutters/landowners. At no more than seven days after the Commission has received the application, the applicant shall send written notice to all landowners whose property is within 200 feet of any boundary of the property that is proposed for subdivision or resubdivision. The applicant shall acquire a certificate of mailing from the post office, which shall be delivered to the Commission prior to the public hearing, to document such notices have been sent to all landowners meeting the abutting 200-foot criteria. Landowners shall be identified through the use of the property records of the Ashford Assessor or, in the case of landowners in another town, the appropriate office of that town. This notice shall include a brief description of the proposed subdivision or resubdivision and the date, time and place of commencement of the public hearing at which the subdivision is to be considered by the Commission. The notice also shall reference the fact that the complete application is available for public review at the Town Land Use Office. The applicant or an authorized representative shall attend any and all public hearings. In the event the Commission does not schedule a public hearing, the applicant shall still notify all landowners in accordance with this regulation.
- H. Notice of public hearing signs. Sign(s) meeting zoning requirements shall be installed and placed, one each, on all streets fronting the proposed subdivision. Such sign(s) shall

indicate the intent to subdivide or resubdivide and include the hearing date, place, and time. All such signs shall be placed within seven days after the Commission's receipt of the application for subdivision or resubdivision. Signs shall be located prominently and remain in place throughout the formal subdivision plan application process. Contact the Zoning Enforcement Officer for details.

- I. Notification to adjoining towns pursuant to C.G.S. § 8-7d(f), as may be amended. In situations where a request, plan and/or application has been received by the Commission and involves any of the following criteria noted below, the Commission shall notify, by certified mail, return receipt requested, within seven days of the receipt of the request, plan and/or application, the Clerk of any adjoining municipality of the pendency of the request, plan and/or application that involves any of the following criteria:
- (1) Any portion of the property affected by a decision of the Commission is within 500 feet of the boundary of an adjoining municipality;
 - (2) A significant portion of the traffic to a completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - (3) A significant portion of the sewer or water drainage from the project site will flow through and impact the drainage or sewer system within the adjoining municipality; or
 - (4) Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- J. Notification to regional council of governments pursuant to C.G.S. § 8-26b, as may be amended. Whenever a subdivision of land is planned, the area of which will abut or include land in two or more municipalities one or both of which are within a region having a regional council of governments, the Planning and Zoning Commission shall, before approving the plan, give written notice of such subdivision plan to the regional council of governments of the region in which it and the other municipality are located. Such notice shall be given as provided in C.G.S. § 8-26b. A regional council of governments receiving such notice shall, at or before the hearing, report to the Planning and Zoning Commission and to the proponent of such subdivision on its findings on the intermunicipal aspects of the proposed subdivision, including street layout, storm drainage, sewer and water service and such other matters as it considers appropriate. If such report of the regional council of governments is not submitted at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed subdivision. The report of such regional council of governments shall be purely advisory.⁷
- K. Construction plans. All construction plans for proposed roads, lots, drainage and other improvements shall be submitted to and approved by the Commission prior to the start of any on-site work in any proposed subdivision. Plan and profile drawings of all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, swales, watercourses, headwalls, sidewalks, curbs, gutters, and other structures shall be submitted with the subdivision application. All plans shall be prepared in accordance

7. Editor's Note: Amendment pending.

with the Ashford Public Improvement Specifications, the Ashford Zoning Regulations and these Subdivision Regulations. All improvements shall bear the seal of a qualified professional engineer registered in the State of Connecticut.

- L. Plans for grading, fill and removal activities. All subdivision applications shall include specific plans and information regarding all grading, fill and removal activity associated with a proposed subdivision, including but not limited to road construction, drainage, open space, driveways and septic system construction. The plans shall address all applicable requirements and approval criteria of these regulations and the Ashford Public Improvement Specifications. The grading, fill and removal plan shall be prepared by a qualified professional engineer or professional surveyor registered in the State of Connecticut.
- M. Phased subdivision implementation. If a subdivision is proposed to be completed in phases, general design information shall be provided to the Commission indicating the time frame for each phase and a draft outline as to what each phase shall look like, including street layout, number of lots and their location, etc.
- N. Sidewalks. All subdivisions shall be required to install streetside sidewalks at the discretion of the Commission. Sidewalks shall meet the requirements of the Ashford Public Improvement Specifications.
- O. Driveways. Where the choice exists, lots shall be laid out so that driveways have access to local streets and not arterial or collector streets, "arterial" and/or "collector" streets as defined by the Connecticut Department of Transportation. The Commission reserves the right to require the applicant/subdivider/developer to install any or all driveways, including drainage control structures or systems, prior to the sale of the lot(s).
- P. Affordable housing. All subdivision proposals may contain affordable housing as defined in C.G.S. § 8-39a.
- Q. Vegetation. For the purposes of enhancing property values and to minimize the potential for erosion, the disturbance of existing vegetation shall be kept to a minimum and allowed only to accommodate construction of improvements, utilities, roads and driveways. The preservation and protection of street and shade trees throughout the subdivision shall be encouraged. Woodlands and vegetated buffers should be used along roadways, property lines and watercourses to contribute to the aesthetic and natural character of the site, and to protect water quality.
- R. Design and visual impact. Developers shall consider visual impact and aesthetic quality of the completed subdivision to the surrounding neighborhood and must present to the Commission the basis for the design. The design and layout of the subdivision shall follow the vision of the Plan of Conservation and Development for that area. This includes a balance of visual relationships to existing buildings, encouraging pedestrian traffic, designing streets that reduce traffic speed and encourage parking in the rear, and incorporate natural, scenic and historic features.
- S. Building sites. The orientation of individual building sites should be such as to maintain maximum natural topography and cover. Structures should be oriented to allow for the use of passive and active solar energy techniques.

- T. Topsoil. The removal or disturbance of topsoil or other excavated material from the premises, other than that necessary to construct the improvements, and then only to the depths shown on the approved plan, is prohibited. Topsoil removed or disturbed at the site shall be the minimum amount required for construction purposes; topsoil removed from the parcel shall not be removed from Town or sold and may only be used to provide topsoil to another development site in Ashford where needed. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be reseeded and stabilized. At least six-inch depth of topsoil shall be provided to cleared areas around each building site.
- U. Stone walls. Subdivisions shall be designed to preserve all existing stone walls. Portions removed shall be used to enhance other existing walls on the property. Stone walls fronting any existing public or private street shall be maintained intact except for driveway cuts. Stone walls and other natural and man-made features should be used to delineate lot boundary lines and proposed street right-of-way, where possible.
- V. Native plantings. Native plantings shall be used where plantings are to be utilized, and clearing of any existing vegetation should be kept to a minimum to accommodate only improvements. For the purposes of fire protection, dense underbrush, not trees, should be cleared to a distance of 100 feet from any building(s).
- W. Street trees. Trees found along existing streets adjacent to any subdivision shall be accorded the protection as per the Ashford Tree Warden Manual. No roadside trees over six inches in diameter at breast height and within 30 feet of the existing road center line shall be removed unless the removal is necessary to provide suitable sight lines, to establish driveway cut or roadside drainage, or to provide suitable underground utility service. New streets shall have street trees planted, when trees are absent, in the density size category, species and locations determined by and at the discretion of the Commission. Generally street trees shall be planted 40 to 50 feet apart on both sides of the street, subject to variations made necessary by the location of driveways, street corners and sidewalks. Trees to be planted shall be three-inch caliper or larger, have a minimum height of 10 feet, and shall be planted, protected and maintained using good horticultural practices. The species of trees shall be native types and subject to the approval of the Commission. Where the existing street trees are in a state of deterioration, new street trees shall be planted in between the existing trees and it may be required to trim the existing trees to permit the growth of the new trees.
- X. Site contours. Finished site contours shall depart only minimally from the character of the natural site and surrounding properties. All buildings and structures shall be sited to minimize disruption of the topography. The grading or removing of earth materials to alter the land slope of a parcel for the purpose of meeting the buildable land requirement is not permitted.
- Y. Final grading condition. The land located within a subdivision shall be properly graded and left in a condition that will be free of rubble and debris and properly stabilized to eliminate erosion. Stumps, logs, construction materials, and other debris are not to be buried on site. Such materials shall be collected and stored at an approved temporary location on site and properly removed and disposed of in a lawful manner.

§ 295-13. Formal subdivision plan procedures.

Applications for formal subdivision must be submitted to the Zoning Enforcement Officer no later than 10 days prior to the next scheduled Planning and Zoning Commission meeting in order to be received at that meeting. All items on the required submittals list (Article IV, § 295-14) and specifications for applications (Article IV, § 295-15) and Appendix A⁸ must be completed and initialed by the Zoning Enforcement Officer before the proposed plan shall be received.

- A. Action by the Inland Wetlands and Watercourses Commission. In the case of any application involving an area regulated under the Ashford Inland Wetlands and Watercourses Regulations, the Commission shall not act on the subdivision application until it has received a report from the Inland Wetlands and Watercourses Commission pursuant to C.G.S. § 8-26.
- B. Public hearing schedule. Except as otherwise provided herein, the Commission shall take action on the formal subdivision plan application in accordance with C.G.S. § 8-7d, as may be amended. Upon written consent of the applicant, the time period outlined in C.G.S. § 8-7d may be extended by the Commission one or more times, so long as the total period of any such extension or extensions does not exceed 65 days, all in accordance with C.G.S. § 8-7d, as may be amended. Such action shall consist of approval, modification and approval, or disapproval of the application. "Modification," as used in this section, may include conditions that must be satisfied prior to endorsement and filing of the final subdivision plan, prior to the issuance of certificates of zoning compliance, prior to the release of bonds, or at other appropriate points in time.
- C. Consideration of formal subdivision application. The Commission will review the formal subdivision plan application and all accompanying reports, and other documents, and any new information or changed conditions that might necessitate alteration of the application prior to the Commission's decision thereon. However, in those cases in which a public hearing has been held, the Commission shall receive no further testimony or information, orally or in writing, in public or in private, once the public hearing has been closed, other than from the Commission's staff, or disinterested Town, state, or federal agencies, advisors, or officials.
- D. Notification of action. Within 15 days after action by the Commission, the Commission shall notify the applicant by registered or certified mail of the action taken by the Commission and shall also cause a notice to be published in a newspaper of general circulation in the Town of Ashford. Such notice shall be a simple statement giving the date of action by the Commission and whether such application was approved, modified and approved, or disapproved, together with the date of such action.
- E. Endorsement of final subdivision plan. Following Commission approval of a formal subdivision plan application the applicant shall promptly provide a final subdivision plan on Mylar or other material suitable for filing in the office of the Town Clerk. Such plan shall incorporate any modification attached to such approval and shall be accompanied by any documents or other requirements of these regulations, such as bonds, road deeds, conservation and drainage easements, and the like. Any conveyance

8. Editor's Note: Appendix A is available at the Land Use Office.

to the Town of Ashford shall be accompanied by a current certificate of title, prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage, lien, restriction, or other encumbrance. The plan on Mylar shall include, reproduced on the face thereof, a copy of the Commission's decision to approve, including any conditions or modifications made a part thereof. Upon determining that the final subdivision plan properly incorporates all matters required by the Commission's decision and by these regulations, the Commission Chairperson and Secretary or other authorized official shall endorse the Commission's approval on the plan.

- F. Filing of plan. Following the endorsement of the final subdivision plan in accordance with the preceding subsection, the applicant shall file the endorsed Mylar of the plan with the Town Clerk and pay any necessary filing fees. In addition, all final approved plans shall be submitted in digital form ArcView Shapefile, DXF (digital exchange format), CT State Plane NAD 83 feet, or compatible form acceptable to the Town of Ashford. Such filing must be made within 90 days after the expiration of the fifteen-day appeal period as set forth in C.G.S. § 8-8 or, if an appeal is taken under that statute, within 90 days of termination of the appeal by dismissal, withdrawal, or judgment in favor of the applicant. The Commission may, upon request of the applicant, grant up to two extensions of up to 90 days each for such filing. Any final subdivision plan not so filed shall become void. The Commission shall have no responsibility to retain any final subdivision plans rendered void by operation of this provision.
- G. Modification of approved subdivision plans. The Commission may approve a modification of an approved final subdivision plan that does not constitute a resubdivision upon written application. If the proposed modification involves or includes any change in a property line, improvement or other physical feature shown on the approved final subdivision plan, the applicant must submit up to four copies of a proposed amended final subdivision plan at the discretion of the Commission. For each application, the applicant shall also submit such additional information and documents as is reasonably necessary, or as the Commission may require, to understand the nature and purpose of the proposed modification. All provisions of the original approved subdivision or resubdivision shall be complied with, except as specifically approved by the Commission. No modified subdivision shall be deemed final until an endorsed modified final subdivision plan showing all approved changes from the originally approved final subdivision plan has been filed in the office of the Town Clerk.
- H. Alteration of endorsed final subdivision plan prior to its filing with Town Clerk. If the final subdivision plan is altered, changed, erased or revised in any way between the time the Commission's approval is endorsed thereon and the time the plan is filed with the Town Clerk, the approval shall be void unless the alteration has been approved by the Commission and so indicated on the plan.
- I. Alteration of endorsed final subdivision plan after filing with Town Clerk. If the final subdivision plan is altered, changed, erased, or revised in any way after the time the plan is filed with the Town Clerk, such changes shall be deemed ineffective and void unless they have been approved by the Commission and a new Mylar plan showing such changes has been endorsed and filed with the Town Clerk. If the Commission finds that any such changes were made by the applicant or the applicant's successor in

interest, the Commission may, after a hearing at which the applicant or applicant's successor in interest is given an opportunity to be heard, revoke and terminate its approval of the final subdivision plan.

- J. Order of bonding and work. The following sequence shall be followed for the implementation of any approved subdivision. No site or road work shall commence without required bonding in place and only then shall the subdivision build-out begin.
- (1) Bonding.
 - (2) Sediment and erosion control measures.
 - (3) Roads/drainage/sidewalks and associated landscaping.
 - (4) Utilities/services/lighting.
 - (5) Houses/water supply/septic/driveways.
 - (6) Landscaping of house lots and along streets.

§ 295-14. Required submittals for formal subdivision plan application.

The filing of a formal subdivision plan application to subdivide or resubdivide property in the Town of Ashford shall be submitted to the office of the Commission and include the following items in the quantities indicated:

- A. A completed and signed checklist(s), found in Appendix A, of drawing requirements for preliminary layout subdivision plan proposals (if used), formal subdivision plan proposals; a required submittals checklist and the procedures checklist. Blank copies of Appendix A checklists are available from the Land Use Office. The purpose of these lists is to assist the applicant in meeting the requirements and for the Commission to track and to ensure completeness of the application. Please note these checklists are general summaries. (One original.)⁹
- B. An application on forms provided by the Commission, signed by both the applicant and the owner(s) of the land to be subdivided or their respective authorized agents. (One original)
- C. A nonrefundable application fee, in the form of a check made payable to the Town of Ashford. (One time.)
- D. A letter of recommendation from the Board of Selectmen stating Town funding is assured for street improvements, when necessary. (One original.)
- E. If an application involves land regulated as an inland wetland or watercourse, a report, including reports or conditions, if any, from the Ashford Inlands Wetlands and Watercourses Commission pursuant to C.G.S. § 8-26 must be submitted prior to the Planning and Zoning Commission's action on the application. (One original.)
- F. A formal subdivision plan application design consisting of:

9. Editor's Note: Amendment pending.

- (1) Drawing(s), renderings, and maps conforming to the specifications in accordance with Article IV, § 294-15, of these regulations. (Four copies.)
 - (2) A plan and profile for roads and/or streets conforming to Article IV, § 295-16, of these regulations. (Four copies.)
 - (3) A grading, fill and removal plan. (Four copies.)
 - (4) An erosion and sediment control plan, in accordance with Article IV, § 295-18, of these regulations. (Four copies.)
 - (5) A hydrological and hydraulic study conforming with Article IV, § 295-19, of these regulations and the Ashford Public Improvement Specifications. (Four copies.)
 - (6) A passive solar energy statement demonstrating how, what and where solar access and energy-efficient home design techniques are to be employed to meet the recommendations of C.G.S. § 8-25 and conforming to Article IV, § 295-20. (One copy.)
 - (7) A flood hazard measure report as per the requirements the Ashford Zoning Regulations and Article IV, § 295-21, of these regulations. (One copy.)
 - (8) A statement describing if the site has historical or archaeological significance as per the Ashford Zoning Regulations. (One copy.)
 - (9) Where the proposed subdivision includes only a portion of an existing tract, or only a portion of the applicant's property, a preliminary plan of any future street(s) and lot pattern for the remainder of the tract or property. (Four copies.)
- G. All applicants shall make written inquiry of the office of the State Archaeologist to determine if there is existing evidence, or a reason to believe evidence exists, of sites of archaeological significance within the proposed subdivision or resubdivision. Such inquiry shall be made by certified mail, return receipt requested. Proof of such mailing shall be provided to the Commission at the time of submitting the subdivision application. Any significant sites shall be left undisturbed and may be considered in meeting the minimum open space requirements. If no reply from the State Archaeologist is received within 30 days after receipt of the notice, it shall be presumed that the State Archaeologist has determined that the area is not located within an area of archaeological significance. All requirements of the applicable provisions of the Ashford Zoning Regulations shall apply. (One copy.)
- H. Copy of the agreement made with the Connecticut Department of Transportation when a proposed street or storm drain joins with a state highway. (One original.)
- I. A statement from the Town Engineer and public utility companies, as appropriate, approving public improvements and utilities. (One original.)
- J. A report from the Director of Health or his respective designees indicating that each and every lot depicted upon the formal subdivision plan meets water supply and sanitation requirements of the Public Health Code.¹⁰ (One original.)

10. Editor's Note: See § 19-13-B1 et seq. of the Regulations of Connecticut State Agencies.

- K. A certified copy of a certificate of public convenience and necessity in accordance with C.G.S. § 8-25a if water is to be supplied by means of a "water company," as that term is defined in C.G.S. § 16-262m(a), and issued for the subdivision by the Connecticut Public Utilities Regulatory Authority. (One original.)¹¹
- L. A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances that run with the land, including the identity of the dominant and servient estates, the volume and page of the Ashford Land Records where the same are recorded, and the date upon which they will expire, if any. (One original.)
- M. Technical approval or report. In addition, the applicant shall provide from a licensed sanitary or civil engineer a written report stating the adequacy of the water supply and sewerage arrangements and from a licensed engineer the proposed grades, drainage arrangements and drainage easements as shown on the plan profiles and the formal subdivision plan(s). The applicant shall also obtain from the appropriate Town officers such other reports as the Commission may require in order for the Commission to evaluate compliance with these regulations. Where significant environmental impact may be involved, as determined by the Commission, the Commission may request a review of the application by other public or private consultants at the applicant's expense. (Four copies.)
- N. Except as otherwise provided in this article, all subdivision plans and applications submitted must meet the procedural and substantive requirements of these regulations and the Ashford Zoning Regulations, as well as any other certifications as required by any law or regulation, including approvals or waivers from a federal, state, regional, county, or local agency having jurisdiction over any matters related to the legal subdivision or land development.

§ 295-15. Specifications for application drawings.

The formal subdivision plan submitted to the Commission for approval shall be a clear and legible print which may be composed of multiple sheets or sets of sheets showing the following data and information items in map, drawing, text and tabular form:

- A. Title block. Each sheet shall contain a title block with name(s) and address(es) of applicant, legal owner(s), the equitable owner(s) and subdivider(s); proposed subdivision name or identifying title; date of the drawing; and the name, license number and seal of the land surveyor and professional civil engineer responsible for this proposal on all drawings. In addition there shall be a North arrow and scale for each map and a signature box for each sheet. See signature box example in Subsection L of this section.
- B. Title search. A brief history of the parcel(s), including any ownership changes and date of that change that have occurred since July 1, 1959, to the present.
- C. Drawings. Graphical renderings, drawings and maps on sheets 24 inches by 36 inches to be submitted shall contain the following:

11. Editor's Note: Amendment pending.

- (1) A locus reference map to the scale of one inch equals 1,000 feet showing the proposed subdivision and tie-in to the nearest street intersection(s) and the position of the proposed subdivision within the Town-wide boundaries.
 - (2) A map of the subdivision, which may appear on the same sheet, at the scale of one inch equals 200 feet showing the outline of all of the applicant's, owner's, and subdivider's adjacent and nearby land holdings, including any optioned lands, and total acreage of each and all parcels. In addition, all abutting subdivisions and their names and approval dates; all nearby parcels of existing dedicated open space; state- and Town-owned land and property under conservation or agricultural easement; designated historic districts, historic buildings, and scenic roads; and other streets abutting and/or within 500 feet of the parcel shall be shown.
 - (3) The details of the formal subdivision plan proposal shall be displayed at a scale of one inch equals 40 feet on sheets 24 inches by 36 inches and shall include all items outlined in this § 295-15. If the subdivision is to be undertaken in phases, these phases shall also be delineated with their proposed road system and lot layout at a scale of one inch equals 40 feet on this same rendering. In reviewing the proposed subdivision, the Commission shall consider the proposed subdivision, all phases and any remainder tract(s) and their relationship.
- D. Property and adjacent parcels. The map(s) submitted must have the surveyed location and dimensions of all existing property lines of the proposed subdivision with reference to monuments, pipes, drill holes, foundations or other points of reference of a fixed or semipermanent nature. The map(s) must also show the Assessor's map, block and parcel numbers for each parcel; utility poles within 50 feet of any property line and their numbers; surveyed easements of record and surveyed proposed easements; all existing structures, water wells and septic systems; the names and addresses of present record owners of abutting properties and all owners of property within 200 feet, including those property record owners on any streets opposite the proposed subdivision, as indicated in the current records of the Town Assessor; water wells and septic systems of abutting property owners, if available and if they may be impacted by the proposed subdivision; on-site historical foundations, dumps and archaeological sites; stone walls and fences; cemeteries, burial plots and graves; and any community water supplies and septic systems of abutting subdivisions.
- E. Natural features.
- (1) Drawings must clearly show the following: detailed soil series, types and phases, including any data published for each soil relating to its suitability for septic system leaching trenches; water bodies, watercourses, intermittent streams and their watershed boundaries; delineation of prime farmland and farmland of additional statewide importance soils; inland wetlands and watercourses, including the buffer zones as defined in the Ashford Inland Wetlands and Watercourses Regulations; any flood zones in accordance with the most current Federal Flood Insurance Rate Map; and all areas containing bedrock (ledge or outcropping) exposed at the land surface and bedrock that is four feet or less below the natural land surface.

- (2) In addition, the general vegetative cover conditions for the property, including cultivated land, meadows, pasture, old field, hedgerow, and woodland canopy, and areas with potential state and federally listed endangered, threatened or special concern species as per the current state and federal listed species and significant natural communities maps on file with the Connecticut Department of Energy and Environmental Protection shall be shown.¹²
 - (3) Also ridgelines and scenic views, existing and proposed contours at intervals of two feet or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented, and all land surface slopes of 15% or greater shall be displayed. This information shall be prepared by a professional land surveyor or professional engineer and confirmed by an actual field survey of the site. (Must meet T-2 accuracy standard.)
 - (4) In addition, all trees over 10 inches or more in diameter at breast height (dbh) located within any proposed driveways and within any area to be disturbed and all street trees 10 inches in diameter or more at breast height (dbh) within 30 feet of the center line of existing and proposed street(s) shall be plotted.
- F. Proposed subdivision streets. Lines of proposed and existing streets, their names, location and any lines of highway rights-of-way on file with the office of the Town Clerk, lengths and bearings of all straight lines and adequate data for all curves to meet the Ashford Public Improvement Specifications shall be shown, as well as existing and proposed road drainage, slope easements, and sidewalks. Proposed street names shall not duplicate or be readily confused with already existing names being used in Ashford unless it is extension of an existing road.
- G. Proposed subdivision lots.
- (1) The delineation of all proposed lots, including the location of the buildable land, shall be depicted in map and chart form in square feet and acres. Each lot shall be numbered sequentially and its dimensions on all sides given. If a side is a curved line, a single dimension shall, nevertheless, be given in addition to any subordinate dimensions. The proposed location for all structural foundations, garages, outbuildings and driveways and, if building sizes are not known, a representative dwelling of 30 feet by 60 feet must be shown, with all setback distances. The proposed location for all septic systems, including tank, primary, and reserve leaching fields; the location of all deep observation hole and percolation tests conducted; the results of all such tests in tabular form, including all approved and failed test sites and pits; and the designation, on the final subdivision plan, of any lot for which an engineered system is required pursuant to these regulations shall be shown.
 - (2) In addition, all land to be set aside for community wells, if any; the proposed location of all dwelling water supply wells and a circle with a seventy-five-foot radius using the well location as the center; the location and point of outfall of all footing and curtain drains, drainage swales, culverts, and stormwater and runoff management structures to be used when necessary; and the location and

12. Editor's Note: Amendment pending.

description of any temporary sediment and erosion control measures to be used shall be shown.

- (3) Also a statement describing the application of passive solar energy techniques to be utilized, as set forth in Article IV, § 295-20, hereafter, shall be provided and any additional data necessary, together with the aforesaid data, to enable a licensed surveyor to determine readily the location of every street line, lot line, and boundary line, and to reproduce such lines upon the ground to the A-2 Standard.
- H. Proposed subdivision open space. The location, dimensions and acreage of all proposed open space, any proposed recreation or park areas or other public or community use areas shall be displayed. The minimum area of open space to be dedicated within a conventional subdivision shall be 20% of the total area of the parcel being subdivided. In addition, the area of open space to be dedicated must contain at least 20% of the total area of the parcel that does not comprise wetlands, watercourses or floodplain areas. As an example, if a parcel containing 100 acres is subdivided, and 30 acres of the parcel consists of wetlands, watercourses, or floodplain areas, the minimum open space dedication shall be 20 acres (100 acres x 0.20), and at least 14 acres (70 acres x 0.20) of the dedicated area must not be wetlands, watercourses or floodplain areas. Nothing in this section shall prohibit a subdivider from dedicating additional land consisting of wetlands, watercourses or floodplain areas, so long as the minimum amount of other types of land is also provided. For instance, in the example given above, the subdivider could dedicate 30 acres (not just six acres) of wetlands, so long as the dedication also included the minimum 14 acres of land that did not consist of wetlands, watercourses or floodplain areas. The Commission encourages subdividers to dedicate or otherwise preserve as much of the wetlands, watercourses and floodplain areas as possible.
- I. Proposed subdivision; other areas. All areas where blasting is anticipated and where the existing topography is proposed to be altered showing original and proposed final grading as well as the volume of material to be removed and/or brought on site (plan for grading, fill and removal activities) shall be shown. The location of any temporary storage site for rubble, stumps, logs, construction materials, or other debris that is to be removed and the time frame for proper disposal shall be given. The locations of existing and proposed fire hydrants, fire ponds and/or water storage tanks as required under firefighting water supply of the Ashford Zoning Regulations and all structures and temporary methods to be used as part of the sediment and erosion control plan are required.
- J. There shall be certification by seal of a Connecticut-licensed professional engineer as to the adequacy of proposed public improvements and a Connecticut-licensed land surveyor that the final subdivision map has been prepared pursuant to the Regulations of Connecticut State Agencies §§ 20-300b-1 through 20-300b-20 and the Minimum Standards for Surveys and Maps in the State of Connecticut as adopted by the Connecticut Association of Land Surveyors, Inc.
- K. Final plans shall be on a material that shall conform to all requirements for filing with the Town Clerk as part of the Land Records of the Town.
- L. A printed signature box as follows shall be displayed on each drawing or sheet:

APPROVED

ASHFORD PLANNING AND ZONING COMMISSION

Chairperson	Date
Secretary	Date
THE APPROVAL PERIOD EXPIRES ON	
SEE COMMISSION MINUTES OF _____ FOR SPECIFIC CONDITIONS OF APPROVAL.	

§ 295-16. Plan-profile drawings and data.

When new roads or improvements of existing roads are involved in a subdivision, the formal subdivision plan(s) shall be accompanied by complete plan-profiles of each such road drawn on a sheet which shall be 24 inches by 36 inches at a scale of one inch equals 40 feet and a vertical scale of one inch equals four feet. The following plan-profile drawings and data shall include and display the following and all standards of the Public Improvement Specifications:

- A. An accurate layout of existing and proposed streets, easements or rights-of-way, including those for utilities, sewers, and drainage either on or off site, with accurate bearings and distances, including arc length, radii and central angle of all curves.
- B. An accurate location of all monuments, with accurate references to an established governmental marker or to the Connecticut Coordinate System.
- C. The location of all existing and proposed storm sewers, catch basins, manholes, bridges and culverts. Pipe sizes and invert elevations of all drainage structures shall be shown, together with outfall into existing sewers or natural watercourses.
- D. Road profiles, showing accurate existing and finished grades, cross sections and other detailed road construction plans, including drainage structures.
- E. Watershed data and calculations for the design of drainage structures.
- F. Existing ground surface on the center line, the proposed line grade, and existing elevations at both road lines.
- G. Elevations at each high and low point.
- H. By proper notation, location and elevations of bench marks, based on USCGS datum.
- I. All grades shall be expressed as percentages.
- J. There shall be stations at high and low points, at center-line intersections, and at suitable intervals.
- K. Data showing disposition of surface water, water and sanitary sewer pipes (if any), including sufficient data to permit checking of drainage designs.

- L. Typical cross section of each road indicating location, dimensions and materials of proposed paved improvements and utilities.
- M. The location of street, name, speed limit, and stop, dead-end, and other street signs, as recommended by the Town Engineer and/or the Director of Public Works, shall be shown.¹³
- N. A certificate under seal of a Connecticut-licensed professional engineer as to the adequacy of proposed public improvements shall be provided.

§ 295-17. Grading, fill and removal plan.

The applicant shall provide a grading, fill and removal plan in accordance with Article IV, § 295-12, of these regulations.

§ 295-18. Soil erosion and sediment control plan

The applicant shall provide a soil erosion and sediment control plan consistent with the Public Improvement Specifications and the Ashford Zoning Regulations, as may be amended.

§ 295-19. Hydraulic study.

The applicant shall provide a hydraulic study sufficient to demonstrate compliance with the Public Improvement Specifications.

§ 295-20. Statement of passive solar energy techniques considered and employed.

The applicant/subdivider shall demonstrate to the Commission that he or she has considered and employed, in developing the subdivision plan, the use of passive solar energy techniques as recommended by C.G.S. § 8-25(b). The applicant/subdivider shall develop a statement, to be made a part of the application proposal, describing whether solar access techniques are possible on this site and which techniques are best suited for each lot proposed. Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site techniques shall include, but shall not be limited to, house orientation; street and lot layout; house location with existing vegetation; natural and man-made topographical features; and protection of solar access within the development. These techniques are to be used where feasible but not where they would cause unreasonably adverse impacts to the natural environment.

§ 295-21. Flood-control measures.

On land that is contiguous to brooks, rivers, or other bodies of water subject to flooding, proper provision shall be made by the developer for protective flood-control measures in

¹³. Editor's Note: Amendment pending.

connection with the applicable provisions of the Ashford Zoning Regulations and the Ashford Public Improvement Specifications.

ARTICLE V
Open Space

§ 295-22. Open space disposition.

For any subdivision or resubdivision of land under these regulations, the Commission shall require of the applicant/subdivider the conveyance and official dedication of appropriately located and sized open space. Open space should compliment good subdivision design and not be used to designate land that does not have the capability of being developed in a sound and sustainable manner due to proposed design or limiting natural features.

- A. The identification and selection of open space area(s) within the proposed subdivision shall be discussed at the pre-application conference (preliminary layout which is recommended) or determined at the formal subdivision plan application phase. The Commission reserves the right to select that portion of the proposed subdivision to be dedicated for open space, and it may reject or modify any area that may be proposed by the applicant and require an alternative, as provided under these regulations.
- B. In determining the appropriateness of an open space disposition, the Commission shall consider the objectives and goals of the most recent Plan of Conservation and Development, the most recent Open Space Plan and any other Town, state or regional plan(s).
- C. The Commission shall assess and select open space land when one or more of the following criteria are met:
 - (1) The land under consideration shall be worthy of conservation and capable of long-term protection by the parties in receipt of the dedication.
 - (2) Protects and/or provides a buffer or linkage to already protected lands.
 - (3) Extends existing protected land.
 - (4) Adds to an existing trail corridor, completes a trail link, or initiates or adds to a walking trail.
 - (5) Protects or adds to a large, unfragmented parcel of farm, forest, or wildlife habitat.
 - (6) Represents a keystone property that abuts or links land that has the potential for conservation.
 - (7) Protects waterways, lake frontage, public water supply watershed and/or a wildlife habitat corridor.
 - (8) Provides opportunities for active and passive public recreation, such as fishing, hunting, walking, cross-country skiing, bird watching, photography, nature observation, hiking, etc.

- (9) Protects habitat areas of threatened or endangered species and/or areas of known productive wildlife habitats and/or corridors.
 - (10) Protects locally important or unique geographical features, trees and other flora, ridges, ridgelines, ravines, scenic views, historic or archaeological sites, unpaved roads, stone walls, and other natural and man-made features that maintain and exemplify the rural character of Ashford.
- D. The applicant/subdivider shall provide a documentation report of baseline data which shall include reports, maps, photographs, drawings and other documentation depicting the boundaries and existing condition of the open space land to be dedicated. Such documentation report shall be completed and made part of the final and formal subdivision plan prior to any Commission action on the proposed subdivision application. This report is particularly important in the case of any dedicated easement(s) the Town or other party(ies) may receive for monitoring and enforcing against future encroachment or disturbance to the open space.
- E. The Commission reserves the right to enter the proposed open space land to verify the contents of the documentation report of baseline data as submitted prior to any action by the Commission on the final subdivision plan application.

§ 295-23. Size of open space.

Open space dedication shall be deemed appropriate for all subdivisions or resubdivisions of land when three or more lots are proposed for subdivision. The required open space areas shall be determined by the Commission based on the site's value and importance in meeting the objectives cited in Article V, § 295-22, and the scope of the subdivision proposal. Required open space land shall ordinarily be a minimum of 20% of the area of the property under consideration for a conventional subdivision plan and be 50% of the total parcel(s) area proposed in an open space subdivision plan. In determining total land to be reserved as open space, the Commission may consider the tract or tracts of land to be immediately subdivided. Areas to be reserved as open space shall be shown on the final subdivision plan.

§ 295-24. Sites of archaeological significance.

- A. All applicants shall make written inquiry of the Office of State Archaeologist to determine if there is existing evidence, or a reason to believe evidence exists, of sites of archaeological significance within the proposed subdivision or resubdivision. Such inquiry shall be made by certified mail, return receipt requested. Proof of such mailing shall be provided to the Commission at the time of submitting the subdivision application. Any significant sites shall be left undisturbed and may be considered in meeting the minimum open space requirements of this article. If no reply from the State Archaeologist is received within 30 days after receipt of the written inquiry, it shall be presumed that the State Archaeologist has determined that the proposed subdivision or resubdivision is not located within an area of archaeological significance. All requirements of the applicable provisions of the Ashford Zoning Regulations shall apply.

- B. The Commission may require an environmental assessment where it determines that the subdivision may contain significant natural and/or cultural resources, based on the National Resources Inventory, Conservation Commission, Open Space Report, Plan of Conservation and Development, State Archaeologist's report, or other pertinent information reviewed by the Commission.

§ 295-25. Method of dedication.

The Commission shall review the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Conservation and Development and the objectives cited in Article V, § 295-22, the desirability and suitability of public access and use and the scope of the subdivision proposal. Any conservation easements or other open space covenants or restrictions shall be subject to the approval of the Commission in form and content. The following disposition options may be utilized by the Commission:

- A. Conveyed in fee simple to the Town.
- B. Conveyed in fee simple to the State of Connecticut for open space, provided the State of Connecticut has agreed to accept the dedication.
- C. Conveyed in fee simple to a land trust (at the option of the subdivider), as long as the land trust has agreed to accept the dedication.
- D. Dedication in fee simple to a homeowners' association for open space purposes (see Article V, § 295-30).
- E. Utilization of conservation easement(s), with or without public access, using the form set forth in Appendix G.¹⁴
- F. Utilization of an agricultural use restriction easement, to the Town, state, or a private nonprofit entity.
- G. Private ownership for open space purposes with the appropriate conveyance of development rights.
- H. Any combination of the above or any suitable alternative approved by the Commission.

§ 295-26. Fee in lieu of open space.

As set forth in C.G.S. § 8-25, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town, in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that conditions such as subdivision size, population densities, existing open space in the neighborhood, topography,

14. Editor's Note: Appendix G is available at the Land Use Office.

soils, or other characteristics are such that on-site open space is not as desirable as a fee in lieu of open space.

A. Amount. Such fee or combination of fee and the fair market of land transferred shall be equal to not more than 10% of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value of such land shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.

B. Procedure. To employ the fee in lieu of open space option, the following procedures shall be used:

- (1) The applicant shall submit to the Commission a written proposal to pay a fee or transfer land to the Town in lieu of providing open space.
- (2) The Commission shall determine whether it is willing to consider the applicant's proposal further or whether it would be willing to consider a different combination of land transfer and fee. The Commission's determination at this stage shall not be binding on either the Commission or the applicant.
- (3) If the Commission and applicant agree on further consideration of a fee, transfer of land, or both, they shall jointly select an appraiser to submit a report.

Steps (1) through (3) may be accomplished as part of the consideration of a preliminary layout or at the time of acceptance of a formal subdivision application.

- (4) The applicant shall submit the appraisal prior to the completion of the Commission's review of the formal subdivision application. If the Commission holds a public hearing on the application, the applicant must submit the appraisal before the close of the public hearing.
- (5) The Commission, as part of the action on the application, may either accept the fee in lieu proposal or a combination of fee and land transfer proposal or it may require an open space dedication.

C. Payment. The method of payment of any fees under this section shall be one of the following two options:

- (1) The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of the approved final subdivision Mylars with the Town Clerk; or
- (2) The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot, and a notation describing this requirement shall be placed on the final subdivision map filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be paid to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien

shall secure the amount of the fee in lieu and provide for partial release of lots sold as the fractional part of the fee is paid.

- D. Building permits. No building permits shall be issued until such fractional part payments are paid as to any lot sold in the subdivision.
- E. Dedicated fund. Fees submitted under this section shall be deposited by the Town in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space.

§ 295-27. Referrals.¹⁵

The Commission may refer for review and comment any subdivision plan and proposal for the provision of open spaces to the Conservation Commission, Eastern Connecticut Conservation District, or any other appropriate agency.

§ 295-28. Condition of open spaces.

- A. Land to be provided as open space shall be left in a natural state by the applicant/subdivider/developer unless otherwise specified by the Commission. Except for such improvements as may be required by the Commission, open space areas shall not be graded, cleared or used as a parking or temporary storage area during any construction process or used as a repository for brush, stumps, earth, building materials or debris, nor shall earth materials be mined or removed.
- B. Open space areas shall typically abut or have direct public access to a public street and, as appropriate, any existing park or public land. The Commission may require access areas to be graded and improved in a manner suitable for safe pedestrian and/or vehicular traffic. Access roadways shall conform to Town specifications for a two house driveway. See also Ashford Zoning Regulations.
- C. When site improvements are required, they shall be clearly shown on the subdivision plan maps and they shall be approved by the Commission prior to the filing of the final subdivision plan.
- D. The boundary lines of all areas to be dedicated shall be set in the field and marked by monuments and Commission-approved plaques where such lines intersect any lot line, road, or perimeter line within the proposed subdivision and at such other points as may be required by the Commission to ensure identification in the field. All monuments shall be topped with a capital "A" (designation for Ashford) and meet the requirements of the Ashford Public Improvement Specifications.

§ 295-29. Enforcement bonding.

To ensure proper construction of any required improvements in areas to be dedicated pursuant to this Article V, the Commission shall require the subdivider to include in the performance bond an amount sufficient to ensure completion of such improvements. All

¹⁵ Editor's Note: Amendment pending.

required improvements of open space land shall be completed prior to the issuance of any building permits.

§ 295-30. Homeowners' association.

- A. The Commission may, upon the request of the subdivider, permit the ownership and maintenance of the open space to be transferred to an association of property owners. The document providing for such transfer must:
- (1) Establish a mandatory participation in an association of property owners to maintain the land reservation for open space with power to assess all members for all necessary costs.
 - (2) Be binding on all future property owners.
 - (3) Be perpetual.
 - (4) Not be affected by any change in zoning or land use.
 - (5) Assure adequate maintenance.
 - (6) Provide for enforcement by the Town by appropriate legal action.
 - (7) Provide that if maintenance or preservation of the dedication no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.
 - (8) Comply with the Connecticut Common Interest Ownership Act (CIOA)¹⁶ and other relevant state laws and regulations.
- B. After approval by the Town Attorney and Commission, the document shall be filed by the subdivider in the office of the Town Clerk simultaneously with the endorsed final subdivision plan.

§ 295-31. Legal transfer.

Properly executed legal documents, including warranty deeds for any title transfer to the Town of Ashford, shall be prepared in accordance with the provisions of this Article V and shall be submitted in triplicate with the final subdivision map to be filed. All documents must be acceptable to the Town Attorney and Zoning Enforcement Officer and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Town Meeting. In the event that acceptance is rejected by the Town Meeting, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the open space areas. In no case shall the acceptance of any deed by the Commission or an employee of the Town prior to a Town Meeting approval be deemed as acceptance of the open space by the Town.

¹⁶ Editor's Note: See C.G.S. § 47-200 et seq.

§ 295-32. Dedication for other municipal purposes.

In the event the subdivider proposes to transfer to the Town land for municipal purposes other than open space, the Commission may, in its discretion, approve such dedication as a credit toward any open space disposition requirements under this article.

§ 295-33. Open space exemptions.

In accordance with C.G.S. § 8-25, the following instances shall be exempt from the provisions of this Article V:

- A. Where the transfer of all land in a subdivision of less than five lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents will be filed in the Land Records along with the final subdivision plan. If the Commission determines subsequent to the approval of such subdivision that such transfers were intended to be temporary and for the sole purpose of evading the requirements of this article, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval and may cause notice thereof to be filed in the Land Records; and
- B. Where the subdivision is to contain affordable housing, as defined in C.G.S. § 8-39a, as amended and as covered in these regulations. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval and may cause notice thereof to be filed in the Land Records.

ARTICLE VI

Open Space Subdivision - Plan Proposal**§ 295-34. Purpose.**

- A. The purpose of this Article VI is to provide design standards to:
 - (1) Maintain and enhance the conservation of natural and scenic resources;
 - (2) Protect natural streams and water supplies;
 - (3) Promote conservation of soils, wetlands, and other significant natural features and landmarks;
 - (4) Provide the opportunity to create large blocks of open spaces;
 - (5) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces;
 - (6) Preserve historic sites; and

- (7) Promote orderly development.
- B. These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land to facilitate the preservation of open space, natural resources, and community character.

§ 295-35. General provisions.

- A. The number of lots allowed under an open space subdivision design proposing less than 10 lots shall be the same number that would be allowed by the Commission in the development of the conventional subdivision design. For open space subdivision plans proposing 10 or more lots, the lot yield may be increased by 10%, provided that all other requirements under this article and these Subdivision Regulations are met.
- B. An open space subdivision is a cluster development, as defined by C.G.S. § 8-18, in which the dimensions that would otherwise be required for lots under the Ashford Zoning Regulations and Ashford Subdivision Regulations may be reduced for the purposes of encouraging the dedication and preservation of additional open space. Specifically, an open space subdivision is a subdivision or resubdivision of land into lots for single-family detached dwelling units that meets the frontage and minimum one-acre contiguous buildable land requirements of the Ashford Zoning Regulations. Interior lots are prohibited.
- C. The minimum area of open space to be dedicated within an open space subdivision shall be 50% of the total area of the parcel being subdivided. In addition, the area of open space to be dedicated must contain at least 50% of the total area of the parcel that does not comprise wetlands, watercourses or floodplain areas. As an example, if a parcel containing 100 acres is subdivided and 30 acres of the parcel consists of wetlands, watercourses, or floodplain areas, the minimum open space dedication will be 50 acres (100 acres x 0.50), and at least 35 acres (70 acres x 0.50) of the dedicated area must not be wetlands, watercourses or floodplain areas. Nothing in this section shall prohibit a subdivider from dedicating additional land consisting of wetlands, watercourses or floodplain areas, so long as the minimum amount of other types of land is also provided. For instance, in the example given above, the subdivider could dedicate 30 acres (not just 15 acres) of wetlands, so long as the dedication also included the minimum 35 acres of land that did not consist of wetlands, watercourses or floodplain areas. The Commission encourages subdividers to dedicate or otherwise preserve as much of the wetlands, watercourses and floodplain areas as possible.

§ 295-36. Requirements for submitting formal open space subdivision plan.

- A. An applicant shall submit a conventional subdivision plan that conforms to all requirements of the conventional subdivision regulations and the Ashford Zoning Regulations. In addition, except as otherwise provided in Article VI, § 295-41, Exceptions, every applicant proposing to subdivide or resubdivide a parcel of land containing six or more lots in any zoning district allowing residential development shall submit an open space subdivision plan that meets the requirements of this article and the other relevant provisions of these regulations and the Ashford Zoning Regulations. All preliminary layout and formal subdivision specifications for submittal of a

conventional subdivision plan, as defined in Articles III and IV, apply to open space subdivision plans, as appropriate. In the case of a resubdivision the Commission may give consideration for any previous open space conveyances. For purposes of determining the size of the parcel proposed for subdivision, all land within the parcel, including any land not immediately proposed for use as building lots, shall be included.

- B. The Commission recommends that prior to the submission of an official application for formal open space subdivision approval the applicant initiate a pre-application conference with the Commission and subsequently prepare and present preliminary layout plans for a conventional subdivision plan and an open space subdivision plan, for informal consideration by the Commission. The preparation of the preliminary layout plans is recommended to facilitate the general consideration of factors and problems affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans, and documents required for formal consideration by the Commission. The presentation of preliminary layout plans will more readily facilitate alterations and changes recommended by the Commission. Neither the pre-application conference nor the formal consideration of preliminary layout plans shall be deemed to constitute any portion of the official and formal procedure of applying for approval of any final subdivision plan. If the preliminary layout plan process is followed, the Commission will recommend if a conventional subdivision plan or an open space subdivision plan is the appropriate design for submission under the formal submission procedure.
- C. Open space subdivisions will utilize a homeowners' association for the management, maintenance and upkeep of all retained common area(s), sediment and erosion control structures, and street network within the subdivision. All streets shall be constructed to the Ashford Public Improvement Specifications. The homeowners' association will conform to the requirements of Article V, § 295-30, of these regulations. Open space associated with the subdivision may be retained, managed and maintained by a homeowners' association or any of the other open space disposition options outlined in Article V, § 295-25.

§ 295-37. General density limitations.

For plans proposing less than 10 lots, the maximum number of lots for an open space subdivision shall be determined by taking the number of buildable lots that would result for the same parcel in a conventional subdivision design plan and applying this resulting number to a cluster of lots to be located on land with a minimum of one acre of buildable land per lot. For open space subdivision plans proposing 10 or more lots, the lot yield may be increased by 10%, each lot to be a minimum of one acre of buildable land per lot.

§ 295-38. Open space use limitations.

- A. Minimum percentage of open space. The minimum percentage of land that shall be designated as permanent open space shall be 50%. The Commission reserves the right to select that portion of the proposed subdivision to be dedicated for open space and it may reject or modify any area(s) proposed by the applicant. In determining total land to be reserved as open space, the Commission may consider the tract or tracts of land to be immediately subdivided. Areas to be reserved as open space shall be shown on the

final subdivision map. All designated open space shall be located through the placement of permanent monuments at the location of every direction change as per Article VIII, § 295-51, and meet the requirements of the Ashford Public Improvement Specifications.

- B. Use of open space areas. The purposes for which open space areas are proposed shall be documented by the applicant.
- (1) Stormwater management ponds or basins may be included as part of open space, provided that such pond:
 - (a) Shall contain water for less than 48 hours;
 - (b) Is a fire protection pond approved by the Fire Chief or his or her designee; or
 - (c) Is a permanent body of water which is designed and landscaped to simulate a natural pond.
 - (2) Land within the rights-of-way for underground utility lines may also be included as part of open space. However, land within the rights-of-way of overhead power lines, streets, driveways or other surface utilities shall not be included in open space.

§ 295-39. Design standards for open space subdivision.

- A. The dimensional requirements for lots in an open space subdivision shall be as specified in the Ashford Zoning Regulations. In designing an open space subdivision, the applicant should consider the purposes set forth in Article V, § 295-22, of these regulations, the provisions and standards set forth in this Article VI, the provisions in the Ashford Zoning Regulations and the following factors:
- (1) Proposed lots and improvements should be designed and situated to minimize alteration of the natural site features to be preserved.
 - (2) Proposed open space areas should include natural features located in the tract.
 - (3) Individual lots should be arranged and situated to relate to surrounding properties, to improve the view from and the view of prospective home sites, to minimize the area devoted to motor vehicle access and travel, and to take advantage of passive and active solar heating opportunities.
 - (4) The development should have design features that reflect the rural character of the immediate area, whether it is historic, agricultural or residential.
 - (5) A conceptual rendering of the proposed clustered dwellings shall be provided for review by the Design Advisory Board appointed by the Commission.¹⁷
- B. The Commission may modify any application so as to designate open space in locations other than those proposed, if it determines that such modified location(s) will better

17. Editor's Note: Amendment pending.

serve the purposes and satisfy the applicable criteria and standards of these regulations and the Ashford Zoning Regulations.

§ 295-40. Dedication of open space.

Open space areas within an open space subdivision shall be dedicated using one of the methods outlined in Article V, § 295-25. The application shall suggest which of the foregoing entities is proposed to own the open space, but the Commission, as part of any approval of such application, may modify such designation to require ownership by an entity set forth above. The provisions of the Ashford Zoning Regulations set forth applicable criteria and limitations for such matters as development restrictions and covenants, instruments of open space conveyance, boundary designations, recording, rights to enforce, and association requirements, but the Commission shall review the proposed method for final disposition of all open space.

§ 295-41. Exceptions.

- A. An applicant may apply to the Commission for an exception to the open space subdivision plan requirements. The purpose of the exception is to provide flexibility with regard to parcels of land for which an open space subdivision plan would be impractical due to existing physical conditions or limitations, would create an undue hardship, or would be substantially detrimental to the character of, or property values in, surrounding areas. In evaluating, approving or disapproving an application for such an exception, the Commission may consider the following criteria:
- (1) The nature of the proposed development;
 - (2) The nature of the resources present on the land;
 - (3) The size of the subdivision;
 - (4) Road access;
 - (5) The shape of the parcel;
 - (6) Any undue hardships that the creation of an open space subdivision would cause; and
 - (7) Any other factors the Commission deems appropriate.
- B. An applicant who is granted an exception under this section may submit a formal application for a conventional subdivision plan.

§ 295-42. Procedures.

Except as otherwise provided in these regulations, all open space subdivision plans and applications as well as conventional subdivision plans and applications submitted must meet the procedural and substantive requirements of these regulations and the Ashford Zoning Regulations, as may be amended.

ARTICLE VII

Water Supply and Sanitary Waste Disposal**§ 295-43. Water supply.**

- A. Every proposed lot must be suitable for the installation of an adequate water supply consisting of a drilled well, artesian well or community water supply. Where evidence before the Commission indicates that water supply may not be adequate, whether because of poor quality, insufficient quantity or other reason, the subdivider may be required to submit additional information demonstrating the adequacy, quality and quantity of the proposed water supply. Such information shall be submitted to the Town Director of Health or other appropriate Town official for review and comment. The Commission may also require the installation of test wells in one or more locations prior to issuing approval of any final subdivision plan.
- B. If the use of a community water supply system is proposed, the subdivider shall submit a plan in compliance with evidence of an approval by the Town Director of Health.

§ 295-44. Sanitary waste disposal.

- A. No lot requiring an individual septic system for sewage disposal shall be considered for approval by the Commission until the lot has been approved by the Eastern Highlands Health District, Town Director of Health, or other appropriate Town official as suitable for the system. Percolation tests, soil reports, and the relevant Town official's report must be submitted with the subdivision application. Where evidence indicates special cause for concern, the Commission may require additional information in applications, including but not limited to a permeability analysis and/or renovation analysis of bacteria, phosphates, or other pollutants.¹⁸
- B. It is the responsibility of the subdivider to contact the Town Director of Health or Eastern Highlands Health District to prove that the lot area is adequate to permit the installation and operation of an individual sewage disposal system. The subdivider shall provide the necessary equipment and labor for the making of any and all tests required by Town health officials. When Town health approval is given subject to conditions, such conditions shall be noted on the record map.¹⁹
- C. A minimum of one deep observation hole and percolation test shall be performed in each proposed primary and in each proposed reserve septic system leaching area indicated on the subdivision plans.

18. Editor's Note: Amendment pending.

19. Editor's Note: Amendment pending.

ARTICLE VIII

Public Improvement Specifications; Additional Design Criteria**§ 295-45. Incorporation of Public Improvement Specifications.**

The Commission hereby adopts and incorporates herein, as though fully set forth, all of the provisions of the Town of Ashford Public Improvement Specifications and the additional requirements as set forth in the following sections of this article.

§ 295-46. Construction.

- A. The improvements set forth in this Article VIII shall be required in all subdivisions and/or resubdivisions except where waived by the Commission pursuant to Article XI of these regulations.
- B. All construction will be done in accordance with the Ashford Public Improvement Specifications and shall be performed under the supervision and direction of the Board of Selectmen or its designee. In addition the following sections shall apply.

§ 295-47. Streets.

- A. Layout. The street and highway layout shall conform to the Plan of Conservation and Development for streets and highways. All streets shall be designed to accommodate prospective traffic and to afford satisfactory access for police, firefighting, snow removal, sanitation, and street maintenance equipment, as well as school buses. Streets shall be coordinated to compose a convenient system and to minimize adverse impacts on adjoining properties.
- B. New streets. Where the subdivision adjoins land susceptible to being subdivided, the Commission may require new streets to be carried to the boundaries of any proposed subdivision. All new streets shall employ traffic calming measures. It is preferred streets be designed to be curvilinear rather than linear. Street crossings over wetlands, swamps, brooks and watercourses shall be designed to have the least impact and cross at the narrowest width possible consistent with good design. The street(s) shall be appropriately related to the topography and terrain, both within the subdivision and the surrounding lands. Streets and lots shall be arranged so as to obtain as many as possible of the building lots at or above the grades of the street. Grades of streets shall conform as closely as possible to the original topography. Streets having steep grades, high fills or deep cuts shall be avoided. Streets and lots shall be carefully designed to minimize the need for regrading and defoliation of the site.
- C. Reserved rights-of-way. When required by the Commission, the owner shall dedicate to the Town reserved rights-of-way for future street connections to adjoining property susceptible to being subdivided. Such reserved rights-of-way shall be included in an agreement by and between the Town of Ashford and the owner and shall include slope rights of 15 linear feet outside of the street right-of-way. These rights-of-way shall have necessary radial intersections. Lots adjoining these rights-of-way shall be laid out so that access to the house or garage shall not be over the reserved right-of-way.

- D. Slope rights. Where new Town-owned streets abut private property, slope rights of 15 feet on each side of the street right-of-way shall be obtained by the applicant, and these slope rights shall be shown on the final subdivision plan submission to the Commission. Such slope rights shall be transferred in the form of an easement to the Town of Ashford. The applicant shall investigate the effect of cuts or fills on adjacent private property within the slope right areas. The applicant shall provide the Town with evidence that no drainage problems or other problems will arise on adjacent property due to construction or fill operations.
- E. Street designation. The designation for each new or existing street as arterial, collector or local will be determined by the Commission after evaluating the following factors:
- (1) The type of land use permitted in the subject zone and/or proposed for the subdivision, such as residential, commercial, industrial, or institutional.
 - (2) The residential density and/or development intensity of any permitted and/or proposed land uses.
 - (3) The number of acres or residential units or nonresidential buildings to be served, both immediately and in the future, including potential extensions of existing or proposed streets.
 - (4) The physical characteristics of the property through which the street is proposed, such as topography, geology, water table, and the like.
 - (5) The recommendations of the Plan of Conservation and Development, including traffic calming measures.
- F. Street widening. Where a subdivision abuts or contains an existing street that does not comply with the specified width requirements, the owner shall dedicate the necessary area to the Town or association, as the case may be, for street widening and the applicant shall show such widening on the formal subdivision plan.
- G. Street signs. One street sign and supporting post shall be installed at all new street intersections at the expense of the subdivider and shall conform to the requirements of the Town of Ashford.
- H. Cul-de-sac streets.
- (1) A cul-de-sac street shall not originate at a loop street or another cul-de-sac street. Culs-de-sac shall not exceed 800 feet in length which shall be measured from the center line of the through street it intersects at its origin. There shall be no more than two culs-de-sac to any subdivision. There shall not be any lots that do not meet the minimum frontage requirements of the Ashford Zoning Requirements.
 - (2) Cul-de-sac streets serving more than eight lots shall have two segments of street pavement 20 feet wide load bearing, 16 feet of which is paved, on each side of a dividing island at least eight feet in width. A native shrub planting plan for the center island shall be presented to the Commission. The developer/subdivider shall be required to set up a properly funded homeowners' association or other legally effective mechanism for continuous future maintenance of the center island at no expense to the Town. This mechanism and the person(s) or title(s) of person(s) responsible shall be described on the subdivision plan. An appropriate

document, legally sufficient to establish and continue the maintenance mechanism, shall be presented to the Commission in draft form at the time the subdivision application is filed. The document shall provide for adequate funding and shall give the Town of Ashford the right to perform such necessary maintenance and secure reimbursement of the appropriate funds in the event the responsible person(s) does not fulfill their obligations. The final document shall be properly executed and filed in the Ashford Land Records as a condition of final subdivision approval. There is a bond requirement for implementation and completion of the island, and no home construction may begin until the Town has approved the completed street and island.

- (3) When a cul-de-sac street is proposed as a temporary measure pending future development of adjoining property, it shall be so designed as to be feasible of continuation in the adjacent tract.
- (4) Where a cul-de-sac street does not extend to the boundaries of a parcel, it shall be generally separated from such boundaries by a distance not less than the minimum lot depth required by the Zoning Regulations.
- (5) A cul-de-sac street shall be provided with a turnaround designed and constructed to the Ashford Public Improvement Specifications.

I. Street turnaround.

- (1) Any street shall require a temporary turnaround where it can reasonably be expected the street will continue into adjoining land in the future or where a permanent cul-de-sac street is shorter than allowed and said street is likely to be extended to provide access to additional allowable lots. Culs-de-sac having an island in the center of the vehicular turnaround may be permitted on a case-by-case basis. Temporary turnarounds shall be constructed to meet the requirements of the Ashford Public Improvement Specifications.²⁰
- (2) Land for a temporary turnaround shall be provided to the legal entity responsible for the street in the form of an easement which shall contain a condition for automatic termination of the easement upon extension of the street.
- (3) Pavement of the temporary turnaround shall be removed upon termination of the easement and as a condition of the projection of the street into the adjoining property. The pavement for the temporary turnaround shall be removed by the subdivider who provides the extension of the street, and the same subdivider shall also improve the street in the area of the temporary turnaround to meet the requirements of the Ashford Public Improvement Specifications.
- (4) When there is a possibility of extension of a street, all portions of the street, including pavement, slope rights, grass strip, and sidewalk, that fall outside of the limits of the normal right-of-way width shall occupy the space by virtue of an easement delivered to the Town before acceptance of the street.
- (5) The applicant (subdivider) extending any street shall be required to remove the existing pavement outside of the standard traveled way, loam and seed the area in

²⁰ Editor's Note: Amendment pending.

which pavement has been removed, extend any curbs and sidewalks, extend existing driveways, and relocate mail and paper boxes in the original street area in accordance with Town requirements and all at the subdivider's expense.

- J. Loop streets. Loop streets shall not originate at another loop street or a cul-de-sac street. Loop streets shall not provide access to more than 20 lots. No lot within the loop shall have its rear line fronting on the loop street.
- K. Existing street improvements/access. Whenever a subdivision is proposed for land accessible only by an unpaved street which does not conform to minimum requirements of grade, alignment, width or construction set forth in these regulations, and/or the Public Improvement Specifications, the Commission may determine that approval of the subdivision plan would be contrary to the public safety unless such street is altered or improved where it fronts the proposed subdivision or beyond the limits of the proposed subdivision.
- L. Scenic roads, stone walls, stone foundations, and street trees. Frontage improvements, as described in the preceding subsection, may be modified by the Commission in order to achieve the objectives of Chapter 247, Article III, Scenic Roads, of the Town Code. In addition, the Commission shall consider the existence and preservation of stone walls, stone foundations, and street trees which are part of Ashford's historic character.
- M. Specification and details. All street improvements shall be constructed in accordance with the Town of Ashford Public Improvement Specifications.
- N. Homeowners' association. All loop streets and cul-de-sac streets shall be owned and maintained by an approved homeowners' association meeting the criteria of Article V, § 295-30.
- O. Utilities. All utilities for new streets, and for new dwellings on existing streets with aboveground utilities, shall be installed underground. Such utilities include, but are not limited to, those required for electrical, communication, lighting and cable television sources and related facilities, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, and high-capacity electric and communication feeder lines, which may be placed above ground. The subdivider shall make all necessary arrangements with the service utility to provide the underground services. The method of installation shall be approved by the particular utility company and be in conformance with the utility location requirements of these regulations. The Commission shall have final review of all utility screening and landscaping.
- P. In making the determination set forth in the preceding subsections, the Commission shall take into account the street's ability to handle the increased volume of traffic which will be generated by the proposed subdivision, the ability of school buses and emergency vehicles to travel the street safely, the drainage conditions of the street, and the ability of any vehicle to use the street safely.

§ 295-48. Lots.

- A. Adjacent land. If the owner of a proposed subdivision also owns adjacent land that does not meet the minimum requirements for a lot in the respective zone, such adjacent land

must be incorporated into the proposed subdivision. The Commission shall not approve any subdivision containing one or more fragments or parcels that would not meet the minimum requirements for a developable lot unless such fragments or parcels are expressly intended to be dedicated to a public use acceptable to the Commission.

- B. Useless land. No lot, regardless of size, which is rendered useless for building due to utility easements, right-of-way, watercourses, wetlands, topography, geologic condition or lack of compliance with the Public Health Code²¹ shall be shown as a building lot on any subdivision. Except as provided in Article X and Article XI, such property shall be included in adjoining lots.
- C. Lot lines. Side lines of lots shall, insofar as practicable, be either at right angles or radial to street lines. Variations from this rule will be made only where it is impractical to do otherwise and shall require approval in accordance with the Ashford Zoning Regulations.
- D. Off-street parking. Space shall be provided on all lots for off-street parking.
- E. Lot boundary markers. A lot boundary marker shall be placed by the subdivider's surveyor on each lot corner and also at any point where a change of a lot line occurs. Such marker may be a steel rod, iron pin, drill hole, or other equally permanent method and it shall be clearly marked with an indelible paint. The permanent marker location shall be shown on the final subdivision plan map and must be placed on the site prior to the issuance of a final certificate of zoning compliance on the subject lot. Upon the specific request of the applicant in the subdivision application form, the Commission may waive this requirement on extraordinarily large lots or remaining tracts of property in accordance with Article XI of these regulations.²²
- F. Lot size. To ensure that all proposed subdivision lots have an adequate area for on-site water and sewerage systems, house and accessory building locations, driveways and parking area and usable recreation space; to minimize drainage problems and facilitate groundwater discharge; and to minimize potentially detrimental encroachments upon watercourses, water bodies, wetland soils and floodplain areas, all proposed subdivision lots, except as otherwise permitted under the Ashford Zoning Regulations, as may be amended, shall comply with the requirements of the Ashford Zoning Regulations.
- G. Lot frontage. No lot shall be approved which does not have the required frontage as per the Ashford Zoning Regulations. All approved lots shall only have access on a street which is constructed or bonded for construction in conformance with the Ashford Public Improvement Specifications. Interior lots, back lots and so-called flag lots are prohibited in open space subdivisions.
- H. Driveways.
 - (1) An application for the approval of a subdivision or resubdivision plan that involves the construction or installation of driveways, including associated drainage improvements, shall constitute an agreement by the applicant/subdivider to be responsible for the construction and completion of any or all driveways,

21. Editor's Note: See § 19-13-B1 et seq. of the Regulations of Connecticut State Agencies.

22. Editor's Note: Amendment pending.

including common driveways, the Commission may deem necessary to serve any lot(s) to be conveyed following approval of the plan.

- (2) In addition the Commission may require a one- or more year maintenance bond, as set forth in Article IX, upon completion of any driveway(s) to insure such driveway(s), including drainage improvements, functions properly. The amount of the bond shall be in an amount determined by the Commission. The Commission's ability to call a subdivision bond or other surety pursuant to C.G.S. § 8-26c(c) shall not prevent the Commission from seeking to enforce the responsibility of the applicant/subdivider to complete driveway improvements.

I. Common driveways.

- (1) Common driveways shall be allowed in accordance with the Ashford Zoning Regulations.
- (2) A driveway easement shall be filed on the deeds of the affected lots to clearly establish liability and maintenance agreements in the form set forth in Appendix F.²³ Said deed restriction shall be approved by the Town of Ashford Planning and Zoning Commission and filed on the Land Records prior to the issuance of a certificate of zoning compliance on any of the subject lots.²⁴

§ 295-49. Storm drainage.

(Please see Ashford Public Improvement Specifications.)

- A. Storm drainage systems constructed under these regulations shall provide for the proper drainage of the tributary area so as to prevent flooding, scouring, siltation or insufficient flows to brooks, lakes, ponds, and other watercourses, intermittent streams and water bodies, and other adverse impacts. The subdivider shall make provisions for preventing the creation of stagnant water within the limits of the proposed subdivision.
- B. All land development, redevelopment and land conversion activities shall maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, and property damage and to maintain the integrity of stream channels and aquatic habitats.

§ 295-50. Inspections.

(Please see Ashford Public Improvement Specifications.)

- A. All subdivision improvements to be dedicated to the Town shall be inspected by the Commission or such agent as may be designated by the Commission, in consultation with the Board of Selectmen.
- B. Inspections shall be made at the following stages of construction:

23. Editor's Note: Appendix F is available at the Land Use Office.

24. Editor's Note: Amendment pending.

- (1) When rough grading is complete.
 - (2) When drainage and all other underground facilities are installed, but prior to any backfilling.
 - (3) During construction of street base courses.
 - (4) During construction of bituminous concrete surface and binder courses.
 - (5) During the placing of concrete for sidewalks.
 - (6) When curbing is complete.
- C. A final inspection shall be made when all improvements are complete and before acceptance by the Town.

§ 295-51. Street monuments.

(Please see Ashford Public Improvement Specifications.) Street monuments shall be placed at all block corners, at angle points, and the points of curves in streets and at such intermediate points as may be necessary to identify the street line in the field. The location of all street monuments shall be indicated on the final subdivision plan. They shall be installed and their accuracy certified by a licensed land surveyor. The monuments shall be made of concrete and shall meet all requirements of the Public Improvement Specifications.

ARTICLE IX

Insurance; Bond Requirements; Agreement for Installation of Improvements

§ 295-52. Applicant to execute agreement.

Any person who submits an application for final approval of a subdivision based upon the provision of a bond in lieu of the completion of all required improvements and utilities shall be deemed to have read, understood and accepted all of the terms in this article. The Commission shall not issue any final approval of a subdivision application based upon the provision of a bond unless the applicant agrees to abide by these provisions and executes the restrictive agreement described in Appendix B.²⁵

§ 295-53. Insurance.

- A. The subdivider shall file with the Commission, on a form provided by the Town, a general liability insurance policy. This policy shall have a term no less than that of the performance bond and shall be extended in conformance with any extension of the performance bond.
- B. The policy shall insure the Town of Ashford and the subdivider against all claims for damage or injury to persons or property that may arise from any and all aspects of the construction, installation, or maintenance, or lack thereof, of any subdivision

²⁵. Editor's Note: Appendix B is available at the Land Use Office.

improvements, or from any operations in the development or completion of the subdivision, including but not limited to clearing, removal of vegetation, grading, excavating, filling, inspection, testing, water well installation, sediment and erosion control measures, and road construction and improvements. The policy shall have the following limits:

- (1) Property damage (including automobile), each accident: not less than \$1,000,000.
- (2) Bodily injury (including automobile).
 - (a) Each person: not less than \$1,000,000.
 - (b) Each accident: not less than \$1,000,000.

§ 295-54. Performance bond.

- A. A performance bond in such form and amount as the Commission shall require in accordance with these regulations shall be posted by the subdivider prior to the commencement of construction of any improvement or work on any lot to insure the completion of required improvements and utilities in the event the subdivider shall fail timely to install the same.
 - (1) The term of any performance bond proposed by the developer should be the same as the normal duration of the subdivision approval pursuant to state law. Any developer who proposes to submit a performance bond having a shorter term shall be deemed to have accepted the risk that the bond will not be renewed and that the approval of the subdivision shall lapse and become null and void if it is not renewed.
 - (2) The developer shall be entitled to complete all required subdivision improvements within the time allowed by state law, provided the developer continuously maintains the performance bond, or a substitute performance bond acceptable to and approved by the Commission in accordance with these regulations, for the full duration of such time.
 - (3) If, at any time, the performance bond lapses, is terminated or withdrawn, or ceases to be effective or in force, regardless of whether the developer is responsible for such circumstances, the subdivision approval shall, after notice to the subdivider and the opportunity to be heard, lapse and become null and void except as provided hereafter.
 - (4) Within 30 days after the date of any such lapse, termination, withdrawal, or cessation of the effectiveness of any such performance bond, the developer may submit to the Commission a written request for approval of a substitute performance bond. No such request shall be granted unless the developer or a designated agent or representative of the developer attends the meeting of the Commission at which the matter is to be considered. It shall be the developer's responsibility to be aware of the date, place and time of such meeting. The Commission may deny such request if it determines that such proposed substitute performance bond does not provide adequate security for the timely completion of all required subdivision improvements and utilities or if it determines that the

developer has failed to comply with any terms or conditions of the subdivision approval or any of these regulations that are applicable to the subdivision approval. The Commission may also approve the provision of a substitute performance bond different in form and amount than that requested by the developer. In the event the Commission approves the provision of a substitute performance bond, the developer shall be allowed 30 days following the date of such approval to submit the substitute performance bond. The Commission may, upon the developer's written request, extend the time within such substitute performance bond may be provided by no more than an additional 30 days. If the developer fails to provide the substitute performance bond within such period of 30 to 60 days, or if the developer fails to submit a written request for approval of a substitute performance bond within the time set forth above, the subdivision approval shall become immediately null and void.

- (5) Nothing in this section will prevent or prohibit subsequent subdivision of the property.
- B. Separate sedimentation and erosion control bond. Measures and facilities specified on the approved soil erosion and sediment control plan shall be guaranteed by a separate cash or savings account bond assigned to the Town. No development shall commence until said bond shall be posted. In the event the developer fails to maintain proper sedimentation and erosion controls on the subdivision site, the security required under this section may be used by the Town to stabilize eroding areas, remove sediment, and otherwise correct sedimentation and erosion problems on site at the sole discretion of the Planning and Zoning Commission or its designated agent.
- C. Restoration. In the event the subdivision approval terminates or lapses before all required subdivision improvements and utilities have been completed, the Commission may, in its discretion, and subject to any contrary provisions of state law, use the funds available in the performance bond to restore all or any portion of the site to a natural condition. The Commission shall not use the performance bond to restore the site if the cost to complete all required improvements and utilities would be less than the cost of performing such restoration. The Commission shall not make any decision to use a performance bond for restoration without obtaining an estimate for the costs of oversight of the project and any additional engineering costs to complete all required improvements and utilities from the Town Engineer or a similarly qualified consultant.
- D. In computing the amount of a performance bond, the Commission shall consider the following items:
 - (1) The construction cost of all required improvements, including storm drainage system, roads and pavements, sidewalks and curbs, roadside landscaping and trees, grading, setting of monuments, and any other requirements made as a condition for subdivision approval or depicted on the endorsed final subdivision plan, plan profile, and erosion and sedimentation control plan.
 - (2) Costs for the Town to advertise and award a contract for construction of the improvements or site restoration, and the costs for the Town to oversee and manage such contract(s).

- (3) Costs shall be projected to a point at the end of the performance bond term. Any extension of the term of the performance bond may result in an adjustment as to the bond total.
 - (4) The total estimated cost of the performance bond shall also include an addition of 15% to cover contingencies and engineering plus an inflation factor that is equal to the current Consumer Price Index measure of inflation.
 - (5) Where a subdivision is to be developed in phases, the subdivider may petition the Commission in writing for permission to post a performance bond covering the costs itemized in Subsection D(1) through (4) above related to those improvements and utilities located within or required to serve one or more phases rather than for the entire development. Similar permission shall be obtained by the subdivider prior to commencing development of any or all additional phases. Where the subdivider bonds in phases as authorized in this subsection, no improvement, as that term is defined in these regulations, shall be commenced in any phase for which no bond has been posted, and no lots shall be sold in such phase.
- E. As used in these regulations, the term "performance bond" shall refer to one of the following methods of assuring completion of subdivision improvements:
- (1) Cash in the form of a certified check; a passbook, assigned to the Town by assignment forms prescribed by the Commission's legal counsel; or a letter of credit in favor of the Town in the form included as Appendix D of these regulations.²⁶ The bank ("surety") or lending institution issuing the passbook or letter of credit shall be one maintaining offices in Hartford, Windham or Tolland County in the State of Connecticut.
 - (2) A surety company bond in sum and form satisfactory to the Commission. Such company ("surety") shall be one maintaining offices in the State of Connecticut.
- F. The bond forms set forth in the preceding subsection shall be as provided by the Town and shall be the only ones acceptable to the Commission. The amount of the bond shall be the sum the Commission shall require. The completion date of all required improvements shall be the end of the term of the bond or any extension thereof, but in no event longer than the period set forth in C.G.S. § 8-26c.
- G. For all performance bond documents, if the subdivision applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or letter of credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so. If the subdivision applicant is a partnership, then a partnership resolution must be provided indicating that the partner executing the bond documents has authority to do so. Any corporation shall provide a certificate of good standing from the Connecticut Secretary of the State; any limited partnership shall provide a certificate of legal existence from the Connecticut Secretary of the State; out-of-state applicants shall present evidence from the Secretary of the State that they are authorized to do business in Connecticut.

²⁶ Editor's Note: Appendix D is available at the Land Use Office.

- H. If at any time the bond required by this section shall not be in effect because of incomplete or unaccepted public improvements, the Commission may file a caveat on the Land Records warning potential purchasers of such fact.

§ 295-55. Certificate of zoning compliance.

Before any certificate of zoning compliance may be issued for any building in such subdivision on a lot that fronts on a subdivision road that has not been accepted by the Town as a public road, the subdivider must complete such road, in accordance with all applicable specifications, up to a cul-de-sac or intersection with an existing road, to a stage in construction at which only the final asphalt surface course of the road remains to be done before completion of the road. The foregoing condition shall not apply to street trees, sidewalks, or other types of road-related improvements not required for vehicular travel, but shall apply to the installation of street name signs to facilitate the provision of emergency services. The balance of the work on such road, and all other public improvements, must also be bonded in accordance with the provisions of this Article IX. In addition, water supplies and effluent disposal systems shall be operational and accepted by the appropriate Town or state agencies prior to the issuance of a certificate of zoning compliance allowing the occupancy of a dwelling on any lot.

§ 295-56. Application of bonds.

The Commission may call any surety bond and apply the proceeds of such bond to the construction and installation of required subdivision improvements and utilities in any of the following circumstances:

- A. The Commission may call the bond at any time within 60 days before the expiration or termination date of the bond, as that date may have been extended, if any portion of the required subdivision improvements or utilities has not been completed. If the Commission has called the bond under this subsection, and the expiration or termination date of the bond is subsequently extended for a period of no less than one additional year, or a replacement bond of equivalent or greater amount is subsequently provided in a form satisfactory to the Commission, the Commission shall have the option of proceeding to complete any portion of the required subdivision improvements and utilities under the original bond or accepting the extended or replacement bond in lieu of completing such improvements.
- B. The Commission may call the bond at any time within 60 days before the date, as it may have been extended, on which the approval of the subdivision is scheduled to expire under any applicable provision of state or local law if any portion of the required subdivision improvements or utilities has not been completed.

§ 295-57. Bond release.

- A. Prior to the release of the performance bond the subdivider shall present a cash maintenance bond equal to 10% of the full amount (i.e., the highest amount set by the Commission before any subsequent reductions) of the performance bond. The maintenance bond shall be for a period of three years after all construction activity has

been completed and shall guarantee the improvements installed against defects in materials or workmanship, or damage caused to the improvements by any construction activity in the subdivision. The three-year period shall commence upon the effective date of the acceptance of any road or other public improvements by the Town of Ashford, as recommended by the Planning and Zoning Commission and Department of Public Works.

- B. Application for the release of any bond upon completion of all required improvements shall include the submission of properly scaled as-built drawings, which shall include all changes in the plans as authorized by the Commission or its engineer during the course of construction. The as-built drawings shall be signed and sealed by a Connecticut registered land surveyor licensed in the State of Connecticut.
- C. Upon submission of a written report from the engineer that all or a certain specified stage in the construction of improvements has been satisfactorily completed, the developer may request that the Commission reduce any outstanding bond to reflect the cost of construction of the remaining improvements. The Commission may refuse such reductions if it finds the construction of any improvements in violation of any provision of these regulations or the plans, terms, or conditions for any subdivision approved hereunder.

§ 295-58. Agreement for installation of public improvements.

An application for approval of a subdivision plan that involves the construction or installation of public improvements shall constitute an agreement by the subdivider to be personally responsible for the completion of any portions of the improvements the Commission may deem necessary to serve any lots that may be conveyed following approval of the plan. The Commission's ability to call a subdivision bond or other surety pursuant to C.G.S. § 8-26c(c) shall not prevent the Commission from seeking to enforce the personal responsibility of the applicant to complete the necessary improvements. The Commission shall not approve any subdivision plan that involves the construction or installation of public improvements unless the applicant signs an agreement acknowledging the foregoing personal responsibilities. The form of such agreement shall be as set forth in Appendix E.²⁷

ARTICLE X

Lot Line Revisions

§ 295-59. Lot line revision in approved subdivision plans.

The revision of any lot line or lot lines shown in a subdivision plan that has been previously approved by the Commission shall be deemed to constitute a modification of the approved subdivision plan. Any and all such modifications must be reviewed and approved by the Commission. The Commission shall not hold a public hearing on any such proposed lot line revision unless the proposed revision would result in a resubdivision, as defined in § 8-18 of

27. Editor's Note: Appendix E is available at the Land Use Office.

the Connecticut General Statutes, as amended. The Commission shall approve a proposed lot line revision unless it determines either that:

- A. One or more of the proposed reconfigured lots would not meet any applicable requirements of the Zoning Regulations; or
- B. The proposed modification would result in a lot or lots that would be significantly more difficult to develop or use because of the location of such physical features as wetlands, watercourses, or steep or rocky areas within the reconfigured lot or lots.

§ 295-60. Lot line revision in other lots.

The revision of lot lines for adjoining, legally existing lots that predate the enactment of subdivision regulations in the Town of Ashford or that were lawfully created without subdivision approval shall not be deemed to be a subdivision and shall not require the review or approval of the Commission unless such revision results in the creation of a greater number of lots or parcels than existed before the revision.

ARTICLE XI

Waiver of Regulations

§ 295-61. Conditions for approval of modification or waiver.

The Commission recognizes that each parcel of property is unique in location, dimensions, orientation, topography, etc., and the various factors in the design of subdivisions are variable with relation to each other and to the above characteristics of the property. Therefore, in accordance with C.G.S. § 8-26, the Commission may modify or waive, subject to appropriate conditions, such requirements as, in its judgment of the special circumstances and conditions, are not requisite to the interest of public health, safety and general welfare. In considering a modification or waiver under this article, the Commission shall, by a three-fourths vote of all the members of the Commission, approve such modification or waiver upon a finding that all of the following conditions are met:

- A. Conditions exist on the subject property that are not generally applicable to other land in the Town;
- B. Said conditions would render the subject property, or some significant portion thereof, unusable for any viable use permitted in the subject zone if these regulations were strictly applied;
- C. The granting of the modification or waiver would be in harmony with the purpose and intent of these regulations; and
- D. The granting of the modification or waiver would not have a significant adverse impact on adjacent properties' values, or the public health, safety, and welfare, and would not be in violation of the recommendations of the Plan of Conservation and Development, as the same may be amended from time to time.

§ 295-62. Request for modification or waiver.

Any request for modification or waiver under this article shall be set forth on the subdivision application form and, if granted, shall be noted on the final subdivision plan with a reference to the lot(s) affected and the section of these regulations modified or waived, and the extent or nature thereof. In granting or denying any request under this article, the Commission shall state upon the record the reasons for such action.

ARTICLE XII

Subdivision Design Standards**§ 295-63. Purpose.**

The subdivision design standards set forth in these regulations are intended to fulfill the requirements of C.G.S. §§ 8-25 and 22a-19 and specifically to assure that land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety; that proper provision is made for water, drainage, and sewerage and, in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, that proper provision is made for protective flood-control measures; that proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Town's Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares, and are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that reasonable provision is made for the creation, maintenance, and preservation of open spaces; and that the design of any subdivision does not unreasonably pollute, impair, or destroy, or create an unreasonable risk of polluting, impairing, or destroying, the public air, water, or other natural or historic resources of the state.

§ 295-64. Public health standard.

The standards for the protection of public health shall be as set forth in Article VII of these regulations, titled "Water Supply and Sanitary Waste Disposal."

§ 295-65. Standards for open space.

The standards for the provision of open spaces shall be set forth in Article V of these regulations, titled "Open Space."

§ 295-66. Standards for street design.

The standards for the provision of adequate access and street systems include those set forth in the Ashford Public Improvement Specifications, as made part of these regulations. In addition, the Commission shall apply the following standards:

- A. All streets in a proposed subdivision plan shall be designed to allow their incorporation into a safe, practical and effective Town street and highway system.

- B. Street layouts shall be designed with reasonable consideration for future access to adjoining parcels of land. Culs-de-sac shall be disfavored if adjoining undeveloped parcels should be more easily and practically developed by a through road connection and if the use of culs-de-sac would be likely to require emergency vehicles to traverse a substantially longer route to reach adjoining properties.
- C. In approving a subdivision application, the Commission may require the dedication of land along existing Town streets if necessary to provide the street right-of-way with an adequate width and meet drainage needs and slope rights requirements.

§ 295-67. Standards for protection of natural resources.

- A. The Commission may modify a proposed subdivision or resubdivision plan prior to approval if it deems such modification(s) necessary to protect specifically identified natural resources, or the Commission may deny a proposed subdivision or resubdivision if it deems such denial is necessary to protect specifically identified natural resources, such as, but not limited to:
 - (1) Inland wetlands, watercourses and their riparian zones, in accordance with the Ashford Inland Wetlands and Watercourses Commission's report and/or permit;
 - (2) Habitat of rare or endangered plant or animal species;
 - (3) Significant stands of mature trees or particularly large or unusual trees;
 - (4) Significant geological features, such as rock outcrops, fault lines and glacial forms;
 - (5) Vista points and ridgelines;
 - (6) Floodplains and flood zones;
 - (7) High-yielding or potentially high-yielding aquifers;
 - (8) Prime farmland or farmland of additional state-wide importance; and
 - (9) Abutting open space, parkland and/or protected land.
- B. The Commission may modify or deny any proposed subdivision or resubdivision based on the Ashford Inland Wetlands and Watercourses Agency report as submitted in accordance with C.G.S. § 8-26.

§ 295-68. Standards for protection of historic resources.

The standards for the protection of historic resources shall include those standards set forth in Article V, § 295-24, of these regulations, titled "Sites of archaeological significance." In addition, the Commission may modify a proposed subdivision or resubdivision plan prior to approval if it deems such modification(s) necessary to protect specifically identified historic resources, or the Commission may deny a proposed subdivision or resubdivision if it deems

such denial is necessary to protect specifically identified historic resources, such as, but not limited to:

- A. Stone walls or fences;
- B. Foundations or other evidence of historic settlements within the Town;
- C. Native American or other burial grounds; and
- D. Historic structures or landmarks, as defined by C.G.S. § 22a-19a.

ARTICLE XIII

Miscellaneous Provisions

§ 295-69. Penalties for offenses.

- A. Failure to obtain subdivision approval. See § 295-12C, Penalties.²⁸
- B. Violation of subdivision approval. Any person, firm, corporation, partnership or association that violates any provision of these regulations or any condition of modification of any subdivision approval or fails to comply with the plans and other documentation submitted in accordance with these regulations shall be provided notice of such violation by registered mail, return receipt requested. Said notice shall indicate the date of a regular or special meeting at which the Commission shall consider such violation, and the subdivider shall have the opportunity to be heard and present evidence at such meeting. If, following such meeting, the Commission determines that a violation as described in this subsection has occurred, the Commission may take any or all of the following actions:
 - (1) Allow a fifteen-day period for the initiation of correction of the violation(s), after which a fine of \$100 per day will be assessed for each violation.
 - (2) Void the subdivision for any lots which have not been conveyed to purchasers not affiliated with the subdivider.
 - (3) Call any bonds or letters of credit which have been placed to secure compliance with these regulations and any approval granted hereunder.
 - (4) Direct the Zoning Enforcement Officer to withhold any certificate of zoning compliance for any such lot(s) in the subdivision.
 - (5) Refuse to accept any public improvement in connection with such subdivision.
 - (6) Refuse to grant any extension of time for the completion of improvements in such subdivision.
 - (7) Require additional bonding.
 - (8) Require additional engineering or other studies to evaluate the scope and nature of the violation.

²⁸. Editor's Note: Amendment pending.

- (9) Bring legal action seeking injunctive relief or such other relief as may at law or equity pertain.
- C. When fines are assessed there shall be a monthly interest rate penalty after the first 30 days and after each successive thirty-day period at the established Town rate for nonpayment. After three months, if fines and penalties are not paid, a lien shall be placed on all lots covered under Subsections A and B of this section. In addition, any outstanding violation(s) of the Ashford Subdivision or Zoning Regulations will preclude the Commission from accepting any new applications from such entity until violations are corrected and until all fines and penalties have been paid in full.

§ 295-70. Amendments.

These regulations may be amended by the Commission in accordance with the procedures set forth in C.G.S. § 8-25.

§ 295-71. Severability.

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

§ 295-72. Enactment; short title; repealer.

The Ashford Planning and Zoning Commission acting under authority of the General Statutes of the State of Connecticut hereby adopts and enacts these regulations as the "Subdivision Regulations of the Town of Ashford." The provisions of the Subdivision Regulations heretofore in force and any amendments thereof, so far as they are the same as in these regulations, are to be deemed continued and not as new enactments. Any and all provisions of the regulations as originally enacted which are inconsistent with the provisions of these regulations are hereby repealed, but this shall not affect any violations thereof already existing or any penalty incurred, and the same may be prosecuted as if these regulations had not been adopted.

Chapter 300

ZONING REGULATIONS

ARTICLE I Authority, Purpose and Intent

- § 300-1. Authority; power of Planning and Zoning Commission.
- § 300-2. Purpose.
- § 300-3. Ashford Plan of Conservation and Development.

ARTICLE II General Provisions

- § 300-4. Regulations embody Plan of Conservation and Development.
- § 300-5. General regulations.
- § 300-6. Construction of language.
- § 300-7. Higher standards to govern.
- § 300-8. Severability.
- § 300-9. Illegal use.
- § 300-10. Nonconforming uses, structures and lots.
- § 300-11. Effect on existing zoning permit, special permit or variance.
- § 300-12. Enforcement.
- § 300-13. Effective date.

ARTICLE III Definitions

- § 300-14. Word usage and definitions.

ARTICLE IV Zoning Districts

- § 300-15. Establishment of zoning districts.
- § 300-16. Zoning Map.

- § 300-17. Residential - Agricultural Zone (RA).
- § 300-18. General Commercial Zone (GC).
- § 300-19. Interstate Interchange Development Zone (IID).
- § 300-20. Technology Development Zone (TD).

ARTICLE V Application Process

- § 300-21. General provisions.
- § 300-22. Zoning permit.
- § 300-23. Special permits.
- § 300-24. Amendment of permits and site plans.
- § 300-25. Amendment of regulations or Zoning Map.
- § 300-26. Fees.
- § 300-27. Notices.

ARTICLE VI Special Standards

- § 300-28. Soil and erosion control.
- § 300-29. Signs.
- § 300-30. Outdoor lighting.
- § 300-31. Parking and traffic requirements.
- § 300-32. Earth removal and filling.
- § 300-33. Cluster subdivision.
- § 300-34. Temporary or portable storage containers.
- § 300-35. Recreational vehicles.
- § 300-36. Floodplain protection.
- § 300-37. Security for completion of improvements.

§ 300-38. Wireless telecommunication sites.

ARTICLE VII
Zoning Board of Appeals

§ 300-39. Powers and duties.

§ 300-40. General rules.

[HISTORY: Adopted by the Planning and Zoning Commission of the Town of Ashford effective 8-1-2020. (Zoning Regulations for the Town of Ashford were first adopted 4-10-1972.) Amendments noted where applicable.]

ARTICLE I

Authority, Purpose and Intent

§ 300-1. Authority; power of Planning and Zoning Commission.

- A. These Zoning Regulations for the Town of Ashford are and have been adopted in accordance with and for the purposes set forth in Chapter 124 of the Connecticut General Statutes, as amended. Pursuant to Chapter 124, there is established a Planning and Zoning Commission, hereafter known as the "Commission."
- B. In accordance with Chapter 124 of the General Statutes of the State of Connecticut, as amended, the Commission shall have the power:
 - (1) To establish and amend Zoning Regulations and zoning districts or boundary areas.
 - (2) To enforce the provisions of the Zoning Regulations.
 - (3) To hear and decide upon all applications including special exceptions (special permits).
- C. Once established, the regulations, restrictions and boundaries set forth in the Zoning Regulations may, from time to time, be amended, supplemented or repealed by the Commission in accordance with the General Statutes either on the initiative of the Commission or by petition from property owners, interested parties, or residents of the Town of Ashford.
- D. The provisions of these regulations shall be administered and enforced by the Ashford Planning and Zoning Commission or its duly authorized agent as provided under these regulations.

§ 300-2. Purpose.

The Town of Ashford is geographically located in an area known as "The Last Green Valley" and also "The Quiet Corner" of Connecticut. This area is scenic and peaceful, with clean water, clean air and dark skies. It contains some of the largest areas of unfragmented wildlife habitat in the region. Its natural environment supports rural economic activities, including farms and orchards, the forest products industry and tourism. The Commission's goal is to conserve these desirable features for future generations while also respecting landowners'

development rights. With these goals in mind, the Zoning Regulations and districts or boundaries are established for the following purposes:

- A. To protect and promote the public health, safety, welfare, and property values from fire, panic, flood, environmental damage and other dangers;
- B. To lessen congestion in the streets and prevent the overcrowding of land;
- C. To provide adequate light, air and water;
- D. To avoid undue concentration of population;
- E. To facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements;
- F. To preserve and protect the unique character of the Town of Ashford by protecting sites and features of historic, natural and archaeological significance;
- G. To conserve and protect existing and potential surface water and groundwater drinking supplies and other valuable natural resources, including preserving Ashford's dark sky;
- H. To prevent unnecessary soil erosion and sedimentation;
- I. To provide adequate housing opportunities for all citizens of Ashford consistent with soil types, terrain, infrastructure capacity, and the rural character of the Town; and
- J. To further the vision, goals and objectives of the Ashford Plan of Conservation and Development, as amended from time to time.

§ 300-3. Ashford Plan of Conservation and Development.

The Ashford Plan of Conservation and Development represents the Town's blueprint for future development and is a statement of the Town's policy regarding a range of issues important to the Town. Persons using these regulations should, as the Commission does in its application of the regulations, understand the vision, goals, and objectives of the Plan of Conservation and Development.

ARTICLE II General Provisions

§ 300-4. Regulations embody Plan of Conservation and Development.¹

The Zoning Regulations established hereunder, including the Official Zoning Map, are in accordance with and are hereby declared to embody the Plan of Conservation and Development of the Town of Ashford.

1. Editor's Note: Amendment pending.

§ 300-5. General regulations.

- A. No land, building, structure or premises shall be used and no building, structure or part thereof shall be erected, altered, enlarged or moved except in conformity with these regulations. No lot shall be less in area, depth or width or have smaller yards or setbacks, and no buildings or structures shall occupy in the aggregate a greater percentage of the lot area, accommodate a larger number of families, contain less livable floor area, or be greater in height, than as prescribed by the regulations applicable to the zone in which such lot, building or structure is situated. No lot or parcel of land shall be subdivided, resubdivided or otherwise diminished in area, width or length, nor shall any yard or required open space be reduced, except in conformity with these regulations.
- (1) Any applicant with any existing planning and/or zoning violation(s) on any parcel or property in the Town of Ashford where that person, firm, corporation, partnership or association owns an interest may not be approved for any new applications with regard to said parcel or property until all violations are thereon corrected (unless the purpose of the application is to correct or eliminate the existing violation).
 - (2) Uses not specifically listed in these regulations are prohibited, except for uses lawfully established prior to the effective date of these regulations (August 1972).
 - (3) No land use shall be established or changed and no building or structure shall be used, erected, constructed, moved, enlarged, or altered, in whole or in part, until a zoning permit has been issued by the Commission or its authorized agent. No building permit shall be issued without certification in writing from the Zoning Enforcement Officer that the proposed building, structure or use is in compliance with the Ashford Zoning Regulations.
- B. No change shall be made in the use of any building, structure or land unless an application for such change is submitted to the Commission or the Zoning Enforcement Officer as its designated agent for review and action.

§ 300-6. Construction of language.²

- A. As used in these regulations:
- (1) The word "shall" is intended to be mandatory, and the word "may" is permissive.
 - (2) The terms "used" and "occupied" include the meanings "designed to be used (or occupied)" and "intended to be used (or occupied)."
- B. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary, table, or illustrative table, the text shall control.

2. Editor's Note: Amendment pending.

§ 300-7. Higher standards to govern.

Wherever the terms of these regulations require a higher standard for development or use than is required in any other statute, local ordinance or regulation, the provisions of these regulations shall govern. Wherever the provisions of any other statute, ordinance or regulation require a higher standard for development or use, the provision of such statute, ordinance or regulation shall govern.

§ 300-8. Severability.

If any section, clause, provision or portion of these regulations shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the whole regulation or any section, clause, provision or portion other than the part so decided to be invalid or unconstitutional.

§ 300-9. Illegal use.

Nothing in these regulations shall be interpreted as authorization for or approval of the continuation of the use of land, buildings, structures or premises in violation of the Zoning Regulations in effect up to the effective date of these regulations or any amendment thereof.

§ 300-10. Nonconforming uses, structures and lots.

- A. It is the intent of these regulations that nonconforming uses, structures and lots not be extended, altered, or enlarged unless authorized by the Commission in accordance with this section and by special permit, that they should be changed to conformity as quickly as the fair interest of the owners permits, and that the existence of any present nonconformity anywhere in the Town shall not in itself be considered grounds for the approval of a variance for any other use, building or other structure or lot.
- B. Any use, building or other structure, lot or site development, or part thereof, which existed lawfully, by variance or otherwise, on the date these regulations, or any amendment hereto, became effective and fails to conform to one or more of the provisions of these regulations, or such amendment hereto, may be continued subject to the provisions and limitations of this section.
- C. No lot or land shall be subdivided, sold, encumbered or transferred so as to make a lot nonconforming or more nonconforming, to make any use, building or other structure nonconforming or more nonconforming, to reduce any setback, open space or off-street parking and loading spaces to less than is required by these regulations or to make any nonconforming setback, open space or off-street parking or loading spaces more nonconforming.
- D. Nonconforming uses.
 - (1) No use that conforms to these regulations may be changed to a nonconforming use. A nonconforming use may be changed to a less nonconforming use by special permit. When a nonconforming use has been changed to a less nonconforming use by the Commission, the use shall not thereafter be changed

back to the original use. Whenever a nonconforming use has been changed to a conforming use it shall not thereafter be changed to a use that does not conform to these regulations.

- (2) No nonconforming use shall be extended or enlarged inside or outside any building or structure except as otherwise provided herein.
- (3) No nonconforming use of a building or structure may be moved to any other part of the lot or parcel of land.
- (4) No nonconforming use of land, buildings or other structures which shall have either ceased or been discontinued for a continuous period of three years or more with evidence of an intent to abandon shall be resumed or replaced by any other nonconforming use.
- (5) A building or structure containing a nonconforming use may be altered, improved, repaired, and/or reconstructed as made necessary by wear and tear or deterioration, provided the alteration, improvement, repair and/or reconstruction conforms to these regulations and further provided the area occupied by the nonconforming use is not enlarged.

E. Nonconforming buildings or structures.

- (1) No extension or enlargement of any nonconforming building or structure shall be made which increases the nonconformity of such building or structure.
 - (a) Notwithstanding the foregoing exception, no extension or enlargement of any building shall be permitted in a designated 100-year floodplain.
 - (b) Nonconforming buildings or structures may be enlarged in any direction that will not increase their nonconformity.
 - (c) Nonconforming structures or buildings may be increased in height; however, there shall be no cantilevers, eaves or other architectural protrusions into the area of the nonconformity.
- (2) Any nonconforming building or structure which is in structural disrepair may be torn down and rebuilt to the same dimensions, floor area, cubic volume, bulk and site location as was existing immediately prior.
- (3) No change of title, possession or right of possession shall be deemed to affect the right to continue a nonconforming building or other structure.
- (4) Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, or act of God or public enemy may be restored to the same dimensions and floor area existing immediately prior to such damage or destruction, provided such restoration is commenced within 12 months after such damage or destruction.

F. Nonconforming lots.

- (1) Where two or more adjacent nonconforming lots exist in single ownership at the effective date of these regulations, such lots shall be merged in such a manner as

to conform or more closely conform to the area, frontage and setback requirements as defined in these regulations.

- (2) Any lot of record which does not meet the requirements of these regulations as to lot area and/or lot frontage may be utilized for any residential use permitted in the zone in which such lot is located, provided that all of the other provisions and requirements of these regulations are or have been complied with as to such lot, and provided further that all applicable subdivision regulations of the Town of Ashford are or have been complied with as to such lot.³

§ 300-11. Effect on existing zoning permit, special permit or variance.

- A. Nothing in these regulations or any amendment thereof or in any subsequent change in zoning classification shall be deemed to require any change in the plans, construction or designated use of a building, structure or premises for which a zoning permit, special permit or variance has been issued prior to the effective date of the relevant regulations, amendment or change in zoning classification, provided a building permit is obtained from the Building Official within one year from such effective date, substantial construction is commenced within one year of the date of issuance of such building permit, and the entire building or structure is completed according to the approved plans within two years from the date of issuance of the building permit. If any of the foregoing provisions are not complied with, such zoning permit, special permit or variance shall become null and void.
- B. Notwithstanding the foregoing provisions, no improvements or proposed improvements shown on a site plan for residential property which has been approved prior to the effective date of a change in the Zoning Regulations or zoning classification and filed or recorded with the office of the Ashford Town Clerk shall be required to conform to such change.
- C. This section shall not alter or affect a nonconforming use or structure as provided in § 300-10 above.

§ 300-12. Enforcement.

- A. These regulations shall be enforced and interpreted by the Ashford Planning and Zoning Commission or its duly appointed Zoning Enforcement Officer, in such a manner as set forth in § 8-12 and other applicable sections of the Connecticut General Statutes, as amended, and in such a manner as set forth in these regulations.
- B. If any building or structure has been erected, constructed, altered, or maintained, or any building, structure or land has been used, in violation of these regulations, the Planning and Zoning Commission or the duly appointed Zoning Enforcement Officer, in addition to other remedies, may do any or all of the following:
- (1) Institute an action or proceeding to prevent such unlawful erection, construction, alteration, maintenance or use, or to restrain, correct or abate such violation, or to

3. Editor's Note: See Ch. 295, Subdivision Regulations.

prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct or use in or about such premises;

- (2) Cause any building, structure, place or premises to be inspected and examined and order in writing the remedying of any condition found to exist therein or thereon in violation of these regulations or, when the violation involves either grading of land, removal of earth, or soil erosion and sediment control, issue in writing a cease-and-desist order to be effective immediately; and
- (3) Revoke any zoning permit or special permit if, after written notice to the applicant, landowner, or other person conducting such use, and an opportunity for a hearing, the Commission or the Zoning Enforcement Officer makes a finding that any condition or other term of the permit or of these regulations has been violated or has not been complied with.

§ 300-13. Effective date.

- A. These Zoning Regulations of the Town of Ashford and any future amendments shall take effect upon their passage and publication of legal notice in accordance with the Connecticut General Statutes.
- B. The effective date of these regulations is August 1, 2020.

**ARTICLE III
Definitions**

§ 300-14. Word usage and definitions.⁴

In the interests of clarity and brevity, the following terms shall, unless otherwise stated, have the meaning herein indicated for all purposes of these regulations. Words used in the present tense shall include the future tense. When the context so requires, words in the masculine, feminine, or neuter gender shall include any gender, and words in the singular or plural shall include both singular and plural numbers. The captions set forth in these regulations are for convenience and reference only and shall not be deemed to define or limit the provisions hereof or to affect in any way their construction or application.

ABANDONMENT — The discontinued use of any structure or land for a period of three years. A structure shall be considered abandoned if it is fully or partial demolished. The use of a structure or land shall be considered abandoned if the activity or operation ceases.

ABUTTING — Separated by no intervening private property; properties separated by a public or private street shall be deemed to be abutting.

ACCESS POINT — Any public/private roadway/driveway established for the purpose of entry to the development or residences.

ACCESSORY BUILDING OR STRUCTURE — A non-attached building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental

4. Editor's Note: Amendment pending.

to, and located upon the same lot as, the principal building or on a contiguous lot under the same ownership. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the bulk regulations to such building.

ACCESSORY USE — A use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use or on a contiguous lot under the same ownership.

ACCESSWAY — An area that extends from the road or street to an interior lot.

AGRICULTURAL BUILDINGS AND STRUCTURES (PERMANENT) — Immovable buildings or structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies.

AGRICULTURAL STRUCTURES (NON-PERMANENT) — Buildings and structures used in connection with agriculture such as hoop houses, high tunnels, run-in sheds, birthing sheds, pump houses, and similar buildings or structures that are easily moved and not permanently mounted to the ground.

AGRICULTURAL WASTE — Waste produced as a result of agricultural activities.

AGRICULTURE — The cultivation of land, including planting and harvesting of crops, tillage, horticulture, forestry, raising and management of livestock and anything else included in the definition of "agriculture" under § 1-1(q) of the Connecticut General Statutes, and the storing, processing and sale of agricultural and horticultural products and commodities as defined under § 1-1(q) of the Connecticut General Statutes, as incidental to agricultural operations.

ALTERATION — Any human-induced action which impacts the existing condition of the land or structures.

ANTENNA — An exterior or interior device used to transmit and/or receive electromagnetic waves.

APPLICANT — A person who applies for any permit to do anything governed by these regulations and who has legal standing to apply for a permit or approval on the specific property.

AS-BUILT — A drawing in an acceptable GIS format, certified by a Connecticut-licensed engineer, which represents the true size and location of what is being measured or has already been built in the field.

BANKING AND FINANCIAL INSTITUTIONS — A bank and trust company, savings bank or savings and loan association chartered or organized under the laws of the State of Connecticut.

BED-AND-BREAKFAST — A dwelling that provides sleeping units and meals for transient guests and that is managed and occupied by the owner of the property. The definition of "bed-and-breakfast" shall exclude a hotel and a short-term rental.

BEST MANAGEMENT PRACTICES — Methods, measures or practices selected by an agency to meet its nonpoint source control needs. Best management practices (BMPs) include

but are not limited to structural and nonstructural controls and operation and maintenance procedures.

BOARDING, ROOMING OR LODGING QUARTERS — A portion or portions of a dwelling which is occupied by the owner and in which accommodations are offered or provided for compensation.

BOUNDARY LINE — A lot line or property line that legally separates two adjoining lots or parcels of land.

BUFFER, BUFFER AREA or BUFFER STRIP — A strip of land free of any building, structure or use other than natural woody growths, landscaping, fencing or screening designed to shield or block noise, lights or other disturbances.

BUILDABLE AREA — The contiguous area of a lot exclusive of wetland soils, visible ledge, and slopes greater than 20% and containing a rectangle with minimum dimensions of 100 feet by 125 feet.

BUILDING — Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, animals or materials.

BUILDING CODE — The provisions of Chapter 541 of the Connecticut General Statutes and any state and local regulations adopted pursuant thereto and in force in the Town of Ashford, as the same may be amended from time to time.

BUILDING COVERAGE — The total percentage of a parcel covered by buildings or structures as measured along the outside wall at ground level.

BUILDING HEIGHT — The vertical distance measured from the mean level of the ground (finished grade) surrounding the building to the highest point of the roof.

BUILDING LINE — The line along the front of a building that is parallel to the street at a distance equal to or greater than the required front yard setback, as legally established by the Town.

BUILDING OFFICIAL — The Building Official, also known as the "Building Inspector," of the Town of Ashford.

BUILDING PERMIT — A permit which must be obtained from the Building Official before construction of any building may start.

BULK — The size and shape of buildings, structures and use areas and the physical relationships of their exterior walls or spatial limits with lot lines and other buildings, structures and uses, or with the other walls of the same building, or other portions of the same structure or use.

CERTIFICATE OF OCCUPANCY — A certificate granting the right to occupy or use a building, structure or land and attesting to the applicant's having met all the requirements of these regulations and other applicable laws. The Building Official may issue such certificate only after a final inspection.

CERTIFICATE OF ZONING COMPLIANCE — A certificate granting the right to occupy or use a building, structure or land and attesting to the applicant's having met all the

requirements of these regulations. This certificate may be used where a certificate of occupancy is not used or may not be appropriate.

CHANGE OF USE — Any proposed use which substantially differs from the existing use of a building, structure or lot by having different zoning requirements or is otherwise categorized differently in these regulations.

CIVIC BUILDING — A building operated by nonprofit organizations dedicated to arts, culture, education, or recreation, government, transit, and municipal parking, or for use operated by the Town.

CLUB — An association of persons for some common purpose, but not including groups organized primarily to render a service that is customarily carried on as a business.

CLUSTER SUBDIVISION — A special permit granted by the Commission, after holding a public hearing, which allows a subdivision with reduced lot sizes and reduced minimum required lot frontage if all the requirements and standards of the cluster subdivision permit are met by the applicant. In addition, the applicant must meet the all the requirements of the Subdivision Regulations.⁵

CO-LOCATION — Locating wireless communication facilities from more than one provider on a single tower.

COLLEGES; UNIVERSITIES; BUSINESS COLLEGES; TECHNICAL OR TRADE SCHOOLS — A use including sub-uses such as classrooms, dormitories, student housing, eating facilities, research laboratories, athletic facilities, libraries, faculty and other offices, museums, auditoria and other facilities of public assembly, parking, and other similar uses.

COMMERCIAL USE — An activity involving the production, preparation or sale of goods or services.

COMMISSION — The Ashford Planning and Zoning Commission.

COMMUNITY RESIDENCE — A residential dwelling that houses those in need of special services as regulated by Connecticut General Statutes and licensed by the Department of Public Health. Local zoning issues shall be regulated by Connecticut General Statutes § 8-3e.

COMPUTER AND DATA PROCESSING CENTERS — A use where much of the space is occupied by computers and/or related equipment and where information is processed, transferred and/or stored.

CONNECTICUT-GROWN — Farm products grown or produced in Connecticut as noted under § 22-38 of the Connecticut General Statutes as amended.

CONTAINED RECTANGLE — A rectangle 100 feet by 125 feet fully contained within the buildable area.

CONVENTIONAL SUBDIVISION — A residential or commercial subdivision of a parcel of land that meets all the requirements and standards of the Subdivision Regulations of the Town of Ashford.⁶

⁵ Editor's Note: See Ch. 295, Subdivision Regulations.

⁶ Editor's Note: See Ch. 295, Subdivision Regulations.

DARK SKY — Night sky with no or minimal light pollution with visible stars.

DATE OF RECEIPT — The date of the next regularly scheduled meeting of such Commission immediately following the date of submission of the application, request or appeal, or 35 days from the date of application, request or appeal, whichever is sooner as cited in § 8-7d of the Connecticut General Statutes.

DENSITY — A ratio of dwelling units or commercial structures to lot area, usually expressed in terms of dwellings/structures per acre or square feet of land area per dwelling unit/commercial structure.

DEVELOPMENT — All buildings, structures, uses or other alterations or modifications of the natural landscape occurring above or below ground or water on a particular lot.

DISTURBED AREA — An area where the ground cover is altered, destroyed or removed leaving land subject to accelerated erosion.

DRIVEWAY — A private way that affords, or is intended to afford, vehicular access from a public or private street to the principal structure on a lot or parcel of land.

DWELLING — Any building designed and/or used for human habitation on a closed, solid foundation, using permanent weatherproof exterior materials, constructed with ceilings and walls finished on the interior with lath and plaster or some comparable material; with facilities which are used or intended to be used for living, sleeping, cooking and eating; connected to a safe water supply with adequate sanitary sewage disposal facilities; and equipped with at least one furnace or other customary form of heating apparatus.

DWELLING UNIT — One or more rooms in a residential building which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, including a lawful cooking space and sanitary facilities reserved solely for use by the occupants of said dwelling unit.

EASEMENT — A non-possessory interest in land. The owner of an easement has a right to use the land of another for a special purpose, as distinguished from a right to possess that land.

EASTERN CONNECTICUT CONSERVATION DISTRICT — The soil and water conservation district established under Subsection (a) of § 22a-315 of the Connecticut General Statutes.

EATERY — An establishment located on a farm where patrons consume food prepared on the premises and is subordinate to the farming use.

ENLARGEMENT or TO ENLARGE — Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

EROSION — The process whereby the soil and rock are worn away by the action of water, wind, rain, or ice activity.

EXCAVATION — The digging out, extraction, regrading, or removal of earth, whether exposed or covered by water, so as to alter its contour.

EXTEND or TO MAKE AN EXTENSION — An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a nonconforming seasonal use, or of a seasonal dwelling on a nonconforming lot, and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any nonconforming, nonresidential use of land, buildings, or structures.

FALL ZONE — The area within a circle described about the base of a tower with a radius equal to the height of the tower plus any antennas that may protrude above the tower.

FAMILY — Any number of individuals related by blood, marriage, civil union, or adoption living together as a single housekeeping unit, or a group of not more than four persons, not so related by blood, marriage, civil union or adoption, living together as a single housekeeping unit.

FARM — The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. As noted under § 1-1(q) of the Connecticut General Statutes.

FARM BREWERY — Any building, use, or structure that is located on a farm in which beer is manufactured and sold as noted under Connecticut Public Act 17-160.

FARM DISTILLERY — Any building, use, or structure that is located on a farm in which distilled spirits or alcohol is manufactured and sold as noted under Connecticut Public Act 17-232.

FARM EQUIPMENT AND GARDEN CENTERS — An establishment primarily engaged in retailing to the general public:

- A. Trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, landscaping materials and other garden supplies; and
- B. Animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other farm supplies.

FARM STAND — A movable structure located on a farm site in the Town, used by a farm for the temporary, seasonal sale of raw and/or processed agricultural products.

FARM STORE — A permanent structure located on a farm site that is used by a farm for the sale of raw and/or processed agricultural products.

FARM WINERY — Any building, use, or structure that is located on a farm in which wine is manufactured or sold as noted under Connecticut Public Act 08-187.

FARMERS' MARKET — In accordance with Connecticut General Statutes § 22-6r as amended, a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season or that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products in conformance with the applicable regulations of Connecticut state agencies and where the

farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.

FENCE — A structure designed of any material or combination of materials erected to enclose, separate, screen or buffer areas of land.

FILLING — The process of depositing clean fill such as soil, sand, gravel, rock or clay.

FITNESS, DANCE, OR SPORT TRAINING FACILITIES — A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. A fitness center may also include incidental accessory uses such as child care for patrons, professional physical therapy services, and incidental food and beverage sales.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

A. **100-YEAR FLOOD** — A flood of such magnitude which occurs on the average once in any 100-year period, or which has a one-in-one-hundred chance of occurring in any year.

FLOODPLAIN — See § 300-36.

FLOOR AREA, GROSS — The total floor area contained within a building, outdoor storage area or outdoor display area, whether covered or not, as measured to the outside surface of the exterior walls or outside perimeter of the display or storage area. "Floor area, gross" shall not include:

- A. Cellar crawl space, except that any such space used for a nonresidential use shall be included for the purpose of calculating the required off-street parking spaces for such use;
- B. Elevator shafts and stairwells, accessory water tanks and cooling towers; and
- C. Patios, terraces, unroofed open porches/decks, and outside uncovered steps.

FLOOR AREA, LIVABLE — That portion of the gross floor area of a dwelling which is adequately provided with heat, light and ventilation so as to be suitable for residential use and occupancy. "Floor area, livable" shall include finished basement or attic spaces and enclosed porches but shall exclude garage space; cellar space; terraces/patios, unroofed open porches, steps, and similar unenclosed or unfinished spaces; and stairways and halls serving more than one dwelling unit.

FOOTPRINT — The total horizontal cross area as would be shown on the plan view of the first floor of a residence, excluding porches and garages.

GOLF CLUBS or SPORTING CLUBS — Land area and buildings containing golf courses, recreational facilities, a clubhouse, and other customary accessory uses, either open to the public or open only to members and their guests.

GRADE, FINISHED — The elevation of a lot after completion of development.

GRADING — Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

GROUP AND CHILD DAY-CARE CENTERS — A facility offering day-care services as defined by Connecticut General Statutes § 19a-77 and regulated under §§ 19a-79 through 19a-87f.

GUIDELINES FOR SOIL EROSION AND SEDIMENTATION CONTROL — A document (DEEP Bulletin 34, ISBN 0-942085-10-8) prepared and amended by the Connecticut Council on Soil and Water Conservation in cooperation with the Connecticut Department of Energy and Environmental Protection.

HAZARDOUS MATERIALS OR WASTE — Any substance or combination of substances which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of or released into or on any land or water in the Town of Ashford. The list of hazardous materials and waste is maintained by the State Department of Energy and Environmental Protection (DEEP) and the Federal Environmental Protection Agency (EPA).

HEIGHT OF A TOWER — The vertical distance measured in feet from the average existing level of the ground surrounding the tower, or structure a tower is mounted on, to the topmost point of the tower, including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

HOME OCCUPATION — Accessory use conducted for compensation by the occupant(s) of a residential dwelling and wholly within such dwelling which complies with the provisions of these regulations.

IMPERVIOUS SURFACE — The total area of a parcel covered by materials that prevent the infiltration of surface water into the ground beneath.

IN-LAW APARTMENT — An accessory dwelling unit within a single-family dwelling.

INTERIOR LOT — A parcel with an accessway fronting on a street with the buildable area located at the back.

JUNKYARD — Parcel, with or without buildings, used, either as a principal or accessory use, or occupied by the outdoor storage of used or discarded materials such as wastepaper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing salvage, sale or other use or disposition of the same. A deposit or the outdoor storage on a lot of two or more wrecked or unregistered vehicles, or vehicles otherwise not in a condition for legal use on public highways, or parts of two or more such vehicles, shall be deemed a junkyard.

KENNEL, AVOCATIONAL/COMMERCIAL — A place, open or enclosed, in which a total of three or more pets, limited to dogs, are kept for breeding, boarding, grooming, or medical attention.

LIGHTING BLOOM — The lighting from below of dust particles or moisture in the atmosphere causing a glow in the sky when viewed from a distance.

LIGHTING GLARE — Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

LIGHTING SHIELDING — A luminaire from which no direct glare is visible at normal viewing angles by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn booms, baffles, louvers, skirts or visors.

LINE OF SIGHT — The maximum unobstructed distance at which it is possible to reasonably visually distinguish and recognize individuals.

LOADING AREA — An area off the street, on the same lot with a building, for the temporary parking of trucks or other motor vehicles while materials or merchandise is loaded or unloaded, to be taken to or from the building.

LOT — A parcel of land occupied or capable of being occupied by a principal building or, where permitted, a group of buildings and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these regulations. The term "lot" includes the term "parcel," but the term "parcel" does not include the term "lot."

LOT AREA — The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT COVERAGE — The total area of all structures and impervious surfaces on a lot.

LOT FRONTAGE; LOT FRONTAGE LINE — The length of the shortest straight line between side lot lines and located entirely within the lot and passing through any point(s) of the front lot line. In the case of an interior lot, the lot frontage shall be measured at that point closest to the street from which the lot derives its principal access. In the case of a corner lot, the lot must have full frontage along at least one street.

LOT LINE — Same as "boundary line."

LOT LINE, FRONT — That lot line being along the street which that lot abuts. In the case of rear lot, that lot line being closest to the street from which the lot derives its principal access.

LOT LINE, REAR — The lot line which is generally opposite the front lot line, or, if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line not less than 10 feet long lying wholly within the lot and farthest from the front lot line.

LOT LINE, SIDE — Any lot line not a front lot line or a rear lot line extending directly or indirectly from the front lot line.

LOT OF RECORD — A lot for which a deed has been recorded in the office of the Town Clerk, which lot met the requirements of these regulations and of the Subdivision Regulations, as the same were in force at the time of such recording, or a parcel of land under unified ownership and separately described on the Land Records prior to the adoption of such regulations.

LOT, CORNER — A lot of which two adjacent sides face a street or streets so that the interior angle of the intersection is less than 135°, provided that the corner of any such intersection is not rounded by a curve having an inside radius greater than 50 feet.

MANUFACTURING — The making, processing, assembling or fabrication of materials, goods, and wares by manual labor or machinery.

MEETING AND CONFERENCE CENTERS — A commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, or lodges.

MOTELS, HOTELS and INNS — A building or group of buildings providing transient lodging with parking conveniently located to each unit, which may also include incidental uses such as meeting rooms, restaurants, and recreational facilities.

NONCONFORMING BUILDING OR STRUCTURE — A building or structure legally existing immediately prior to the effective date of these regulations, which met all requirements of the Zoning Regulations then in force, if any there were, on said effective date, but does not meet the current requirements of these regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these regulations.

NONCONFORMING LOT — A lot of record which does not meet the requirements of Article IV of these regulations for the district in which it is located.

NONCONFORMING USE — The use of land, buildings, or premises which is not a use permitted by these regulations for the zone in which such use is occurring but which was legally existing and conformed to all requirements of the regulations then in force, if any, on the effective date of these regulations or on the effective date of any amendment hereto which caused the use to cease to meet the requirements of these regulations.

OFFICE — A room, group of rooms or a building used primarily for conducting the affairs of a business, profession, service, industry or government.

OPEN SPACE — An unoccupied space open to the sky on the same lot as the subject building or structure.

OUTDOOR CAFE — A place that is a direct extension of a permitted restaurant for the consumption of food or drink at a table that is not located within a structure, which table is made available for use in conjunction with a restaurant or other food service business.

PARCEL — Any contiguous piece of land, including one or more contiguous lots of record, unified under the same ownership, whether or not every said piece of land was acquired at the same time; excluding, however, any parcel which is a lot, as that term is defined in these regulations.

PARKING AREA — Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING LOT — An area designed or intended for the temporary parking of a motor vehicle, not including aisles and driveways giving access thereto, located in other than a public street or other public way and having a permanent means of access to a public street without requiring passage through another parking area.

PERSON — An individual, firm, partnership, joint venture, association, club, corporation, estate, trust, receiver, syndicate, or other entity or combination thereof.

PERSONAL SERVICES — Establishments which provide consumer services.

PLACE OF WORSHIP — An establishment, the principal purpose of which is religious worship and for which the main building or other structure contains the sanctuary or principal place of worship. A church may include accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, a common kitchen, a library room or reading room, recreation hall and living quarters/dormitories on site for staff and/or students of religious study.

PLAN OF CONSERVATION AND DEVELOPMENT — Document or documents adopted by the Commission under the authority of Connecticut General Statutes § 8-23, as the same may be amended from time to time.

PORTABLE STORAGE UNIT/POD — Any container designed for the storage of construction or personal property that is typically rented to owners or occupants of property for their temporary use and which is customarily delivered and removed by truck.

PREMISES — A lot, parcel or tract of land together with the buildings and structures thereon.

PRINCIPAL BUILDING OR STRUCTURE — A single building, or interrelated group of buildings, in which the principal use of the lot is conducted within.

PRINCIPAL USE — The primary purpose or function for which a premises is used, designed, or intended to be used.

RECREATIONAL VEHICLE — A vehicle, 400 square feet or less, designed to be used primarily as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle, including camping trailers, fifth-wheel trailers, motor homes, travel trailers and truck campers.

REPAIR SHOP — A business establishment that specializes in the repair of various items with the exclusion of any automotive-oriented repairs.

RESEARCH FACILITY — A facility in which scientific or developmental research is performed.

RESTAURANT — A space in a suitable and permanent building kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served. If alcohol is to be served, it shall be accessory to the primary function of serving food, and the restaurant shall operate under a restaurant liquor permit as provided in § 30-22 of the Connecticut General Statutes as amended and comply with all Liquor Control Commission regulations appertaining thereto unless another liquor permit type is deemed appropriate by the Commission.

RETAIL USE — An establishment engaged in the sale of goods or merchandise to the general public located primarily within a building, but which may include outdoor display on walkways within shopping centers, or on public sidewalks as permitted by the Commission.

RIGHT-OF-WAY — The actual property which is dedicated or reserved for street and access and for other public purposes such as public utilities, bicycle paths, and pedestrian walkways.

RURAL BUSINESS — Uses conducted for compensation by the occupant of a residential building or lot wholly or partially outside the home or within an accessory building.

SCHOOL — An institution, licensed by the State of Connecticut, whose primary function is the instruction of academic subjects to adults or children, and the word "school" shall not be deemed to include an institution which is primarily a summer or winter camp, whose main function is enjoyment of physical activities with or without instruction, or any other institution which has a primary function of providing recreational facilities.

SCREENING — Natural or man-made materials used to prevent a structure or land use from being visible from a road or from adjacent property.

SEASONAL HIGH-WATER LEVEL — The highest level to which surface water or groundwater may be expected to rise during any year.

SETBACK — The required distance between the lot line and nearest building, accessory building, or structure.

SHOPPING CENTER — A grouping of retail business and service uses on a single development site with common parking facilities.

SHORT-TERM RENTAL — A residential dwelling unit, portion of a dwelling unit or room within a residential dwelling unit rented by transient guests for a period less than 28 consecutive days.

SHORT-TERM RENTAL, HOSTED — A residential dwelling unit occupied by the owner of record as their primary place of residence that is offered, on occasion, as an accommodation for transient guests while the owner is on site.

SHORT-TERM RENTAL, UNHOSTED — A residential dwelling unit not occupied by the owner of record at the time of the rental and is represented by a designated agent within two hours of the rental property, that is offered as an accommodation for transient guests no more than three times during any six-month period.

SIGN — Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines, which serves to identify the use or occupancy of any building or site through a recognized motif or symbol.

- A. **OFF-PREMISES DIRECTIONAL SIGN** — A sign which directs attention to a person, business, profession, product, home occupation, or activity not conducted on the same lot.
- B. **FLAG** — A sign consisting of a piece of fabric or other flexible material attached to a flagpole, except as otherwise authorized. A flag representing the official symbol of a national, state or local government is not a sign for the purposes of these regulations.
- C. **FREESTANDING SIGN** — Any non-movable sign not affixed to a building.
- D. **ILLUMINATED SIGN** — A sign lighted by artificial lighting or exposed to lighting by lights directed at or in the sign.

E. **POLITICAL SIGN** — A sign used by a candidate for public office or to express a political point of view.

SIGN AREA — The area of a sign shall be the smallest rectangular area which encompasses all letters, designs, symbols, logos or other sign features exclusive of supports, unless the supports are also used to advertise. Signs having two faces (sides) are entitled to have up to the maximum permitted area on each face (side), provided both sides are essentially identical.

SOIL EROSION AND SEDIMENTATION CONTROL PLAN — A plan that indicates necessary land treatment measures, including a schedule for installation, which effectively minimize soil erosion and sedimentation.

SPECIAL PERMIT USE — Permitted uses which must meet specific conditions established within the regulations and must receive the approval of the Commission.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is more than five feet above the elevation from which the height of the building is measured.

STREET — Any way which is an existing Town or state highway or any way shown as a proposed public highway on a recorded subdivision map duly approved by the Planning Commission or Planning and Zoning Commission, which subdivision or portion thereof has not expired or otherwise been determined to be void, but excluding an alley used for a service access only. "Street" shall be deemed to include the entire width of the right-of-way.

STRUCTURE — Anything which is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including signs, vending machines, fences or walls, a wharf or dock, an aboveground tank, or a detached solar panel or satellite dish. A structure shall not include a flagpole or an ornamental well.

SWIMMING POOL — A water-filled structure, permanently constructed or portable, with a depth of more than 24 inches and a water surface area of more than 60 square feet, used for bathing or swimming. A swimming pool is considered an accessory structure.

THEATER — An enclosed building or, in the event of a multi-screened building, each individual screening room seating area with a capacity of 50 persons or more used for presenting material on a screen or stage for presentation to patrons therein.

TOWN — The Town of Ashford, Connecticut.

TRANSIENT GUEST — A person who occupies a room in a hotel or motel as well as a bed-and-breakfast or short-term rental for a period less than 31 days.

VARIANCE — Permission to depart from the literal requirements of the Zoning Regulations as granted by the Zoning Board of Appeals.

VETERINARY HOSPITAL — Any building, including facilities for overnight care, used for the treatment and limited temporary boarding of domestic animals by a veterinarian. Such use shall not be construed as a home occupation or a professional office. The term "veterinary

hospital" may include the term "kennel," but the term "kennel" does not include the term "veterinary hospital."

WALK-IN CLINICS AND MEDICAL LABORATORIES — A place for the medical or similar examination and treatment of persons as outpatients.

WAREHOUSE/FREIGHT MOVEMENT — Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors, associated with significant truck and rail traffic.

WHOLESALE SALES — Involves sales, leasing or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public may be accessory.

WIRELESS TELECOMMUNICATION SERVICES — Licensed wireless telecommunication services, including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services marketed to the general public.

WIRELESS TELECOMMUNICATION SITE (WTS) — A facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving and/or transmitting electromagnetic waves associated with wireless telecommunication services.

YARD — An undeveloped area on the same lot as a building or structure, or group of buildings or structures, which lies between the buildings or structures and the nearest lot line, and which must remain unobstructed and unoccupied, except as these regulations may provide otherwise.

ZEO — The Zoning Enforcement Officer duly appointed by the Planning and Zoning Commission

ZONE — An area within which certain uses of land and buildings are permitted, certain others are prohibited, and certain others are designated as uses requiring a special exception or special permit from the Commission or the Zoning Board of Appeals; yards and other open spaces are required; and lot areas, building height limits, and other requirements are established, all of the foregoing being identical for all property located within the zone to which they apply.

ZONING PERMIT — A permit authorizing the use of land and/or structures on a property, issued by the Commission pursuant to § 300-22 of these regulations.

ARTICLE IV
Zoning Districts

§ 300-15. Establishment of zoning districts.⁷

For the purposes of these regulations, the Town of Ashford is hereby divided into the following zones:

- A. Residential - Agricultural (RA).
- B. General Commercial (GC).
- C. Interstate Interchange Development (IID).
- D. Technology Development (TD).

§ 300-16. Zoning Map.

- A. The boundaries of districts are established as shown on the Official Zoning Map, which shall be recorded in the Town Clerk's office and available in the Land Use Office.⁸
 - (1) The Official Zoning Map shall be at a scale of one inch equals 1,000 feet and identified by the signature of the Chairperson of the Commission and shall bear the date of the most recent Zoning Map amendment.
 - (2) When, in accordance with the provisions of these regulations, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map together with an entry on the Official Zoning Map as follows: "As amended to (date)." (Such date shall be that of the most recent amendment.) The Official Zoning Map shall be filed in the office of the Town Clerk and an updated copy shall be displayed in the Ashford Town Land Use Office.
- B. Where the boundary between districts is shown following a street, watercourse, railroad or utility right-of-way, the boundary shall be the center line thereof, unless otherwise indicated. Where the boundary is shown approximately in the location of boundary lines or lot lines, then the boundary line or lot line shall be the district boundary line. Where the boundary does not follow a street, watercourse, railroad or utility right-of-way, boundary line or lot line, the district boundary line shall be determined using the scale on the Official Zoning Map.
- C. Where a district boundary divides a lot in one ownership into a residential and a nonresidential district or into two nonresidential districts, the area and frontage requirements for that lot shall comply with those that are more restrictive as set forth for such districts. All other building requirements shall correspond with those of the particular district in which a use, structure or building is established or constructed.

7. Editor's Note: Amendment pending.

8. Editor's Note: Amendment pending.

- D. Where the location of a district boundary line is uncertain, the Commission shall interpret the district boundary line.

§ 300-17. Residential - Agricultural Zone (RA).

A. Purpose.

- (1) The purpose of the Residential - Agricultural Zone is to allow residential and complementary nonresidential development consistent with the rural character of the Town that is reflected in its forests, farm fields, historic buildings, and unique landscapes.
- (2) The further purpose of the Residential - Agricultural Zone is to promote the economic viability and operational sustainability of agricultural business in the Town of Ashford as outlined in the Ashford Plan of Conservation and Development. Specifically, these regulations are intended to:
 - (a) Address food and fiber needs;
 - (b) Enhance environmental quality and the natural resource base upon which the agricultural economy depends;
 - (c) Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;
 - (d) Sustain the economic viability of farm operations; and
 - (e) Maintain an agricultural-friendly community.

B. Permitted uses. The following uses are permitted in the Residential - Agricultural Zone in accordance with the requirements found in Article V:

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Agriculture, exclusive of farmers' markets and farm stores.
- (4) Farm stands 200 square feet or less in compliance with § 300-17J.
- (5) Community residence.
- (6) Accessory structures and uses customarily incidental to and associated with the above permitted uses.
 - (a) In-law apartments.
 - (b) Boarding, rooming or lodging quarters.
 - (c) Amateur radio towers and antennas, provided the height of tower shall not exceed 199 feet.
 - (d) Outdoor wood-burning furnace in accordance with Connecticut law.

- (e) Home occupations in compliance with § 300-17I.
 - (f) Agricultural waste storage associated with a farm operation.
- C. Special permit uses. A special permit may be issued for the following uses in the Residential - Agricultural Zone pursuant to § 300-23 of these regulations:⁹
- (1) Group and child day-care centers.
 - (2) Farmers' markets.
 - (3) Farm stores.
 - (4) Farm stands over 200 square feet, in accordance with § 300-17J.
 - (5) Single-family homes on interior lots in accordance with § 300-17F.
 - (6) Earth removal and filling in accordance with Article VI.
 - (7) Cemeteries.
 - (8) Interior lots.
 - (9) Places of worship, education (including boarding of students), and philanthropy, excluding hospitals and correctional institutions.
 - (10) Golf clubs or sporting clubs.
 - (11) Bed-and-breakfast establishments providing lodging to transient guests under management and operation of the occupants of the dwelling. A bed-and-breakfast inn may include the provision of meals for overnight guests only.
 - (12) Boarding, rooming or lodging quarters (limited to no more than two persons for compensation).
 - (13) Wireless telecommunication sites.
 - (14) Avocational and commercial dog kennels and veterinary hospitals.
 - (15) Eateries on a farm.
 - (16) Farm wineries, distilleries and breweries.
 - (17) Accessory structures and uses customarily incidental to and associated with the above special permit uses.
 - (a) Rural businesses, in accordance with § 300-17I of these regulations.
 - (b) Agricultural waste storage not associated a farm operation.
 - (c) Short-term rentals, in accordance with § 310-17D.
- D. Short-term rentals. The following conditions shall apply to all short-term rentals:

9. Editor's Note: Amendment pending.

- (1) Owner/operators of a short-term rental must obtain a zoning permit from the Commission prior to offering their properties for rental. As short-term rentals are conducted on a temporary and periodic basis, no nonconforming use rights will be recognized for short-term rentals existing at the time of the passage of these regulations. The zoning permit application must include either:
 - (a) In the case of lots in the RA Zone, the name of the property owner residing on the premises; or
 - (b) In the case of lots outside of the RA Zone, the name and contact information of the property manager who must live or work within two hours of the site and the express written consent of the property owner for such temporary rental.
 - (2) At any one time, the number of persons occupying a room or rooms in a single dwelling unit authorized for short-term room rentals shall be limited to four adults (in total) and minor children related to at least one of the adults by blood, marriage, adoption, custodianship, or guardianship, subject to a minimum square footage of usable floor area of 70 square feet for one person and 50 square feet for each additional person, including children one year of age or older.
 - (3) If a short-term room rental occurs in an RA Zone, or if it occurs in any other district on a lot containing only a one-unit dwelling (and no additional dwelling units or other nonresidential uses), then the property must be the primary residence of the owner.
 - (4) The first permit issued pursuant to this Subsection D shall expire within one year of issuance. After one year of compliance with all regulations pursuant to this subsection, renewed permits shall expire within two years of issuance. A permit of any time length may be revoked if the Zoning Enforcement Officer receives information in the form of complaints, documentation, photographs or witnessed noncompliance with the regulations by the permittee, including any activity or condition that interferes with an owner's/abutter's reasonable and lawful use and enjoyment of his property. Such revocation is subject to a review by the Planning and Zoning Commission. A permit issued pursuant to this subsection may be conditioned to limit the number of days during which temporary rentals may occur.¹⁰
 - (5) The requirements in this subsection shall not apply to sublets or assignments of a possessory interest in the entire portion of a dwelling unit pursuant to a written lease agreement of one month or more in duration.
 - (6) Accessory dwelling units and long-term room rentals are not permitted on the same lot as a short-term room rental.
 - (7) Parking. Applicant shall submit a parking plan to the Commission showing at least one parking space per bedroom rented.
- E. General standards. The following general standards shall apply to all lots, buildings, structures and uses in the Residential - Agricultural Zone except as these regulations

10. Editor's Note: Amendment pending.

may specifically provide otherwise. The Commission may impose additional requirements for special permitted uses depending upon the use and application. The Commission may grant exceptions to these standards, including but not limited to recommendations of a civil engineer, impact upon abutters, environmental concerns and proposed use.

(1) Dimensional requirements.¹¹

Land Use	Minimum Lot Size (square feet)	Minimum Buildable Area (square feet)
Single-family dwelling with or without in-law apartments	90,000	25,000
Two-family dwelling	90,000	25,000
Group day-care homes and community residences	90,000	25,000
Home occupations included in residential dwelling or within accessory structures	90,000	25,000
Agriculture	None	None
Farm stand	None	None
Farm store	None	None
Farmers' market	None	None
Cemeteries	As determined in special permit	None
Boarding, rooming, or lodging, and bed-and-breakfast	90,000 or larger as determined in special permit	25,000 or larger as determined in special permit
Places of worship, education, and philanthropy	90,000 or larger as determined in special permit	25,000 or larger as determined in special permit
Rural business - 2,500 square feet or less	90,000	25,000
Rural business - 2,501 to 5,000 square feet	90,000 or larger as determined in special permit	25,000 or larger as determined in special permit
Golf clubs or sporting clubs	As determined in special permit	As determined in special permit
Amateur radio tower	No addition lot size as long as setbacks are met	N/A

11. Editor's Note: Amendment pending.

Land Use	Minimum Lot Size (square feet)	Minimum Buildable Area (square feet)
Wireless telecommunication towers	See Article VI	N/A
Outdoor wood-burning furnace	See state regulations	N/A

(2) Frontage and setback requirements.

Land Use	Frontage (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
Single-family dwelling	200 continuous	50	30	30
Two-family dwelling	200 continuous	50	30	30
Group day-care homes and community residences	200 continuous	50	30	30
Agriculture structure (permanent)	200 continuous	25	25	25
Agriculture structure (non-permanent)	N/A	25	25	25
Agriculture, waste storage	N/A	100	100	100
Farm stand	N/A	None	10	None
Farm store	200 continuous	50	30	30
Farmers' market	200 continuous	None	None	None
Home occupations included in residential dwelling with or without accessory structures	200 continuous	50	30	30
Bed-and-breakfast or boarding and lodging	200 continuous	50	30	30
Places of worship, education, and philanthropy	200 continuous	50	50	30
Rural businesses	200 continuous	50	30	30
Cemeteries (setbacks as determined in special permit)	N/A	N/A	N/A	N/A

Land Use	Frontage (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
Golf clubs or sporting clubs	200 continuous	50	100	100
		No structure used for recreation purposes shall be within 100 feet of any adjoining property line or within 100 feet of any street line.		
		No land used for fairways or bridle paths shall be within 100 feet of any adjoining property line except by consent or contract.		
		No range for shooting firearms shall be within 100 feet of any adjoining property line.		
Avocational and commercial dog kennels and veterinary hospitals	200 continuous	100	100	100
		No less than 150 feet from the seasonal high-water level of any wetland or watercourse.		
Outdoor wood-burning furnace	See state requirements			
Wireless telecommunication tower	See Article VI			
Amateur radio tower and antennas	Same as primary use	All portions of the radio antennas shall be set back from adjoining property lines a minimum distance equal to the height of the antennas.		
Accessory structures to the primary building	N/A	50	15	15
		No porch or deck shall be allowed to project into the required setbacks.		
Special needs access	N/A	50	15	15
		The ZEO may permit the construction of a required special needs access to protrude into a required setback provided that it is the only reasonable location for such access		

(3) Livable floor area requirements.

Structure Type	Livable Floor Area (square feet)
Single-family dwelling	Minimum 900
Two-family dwelling	Minimum 900 for each unit
Agriculture	N/A

- (4) Height of buildings and structures. Except as may be expressly authorized elsewhere in these regulations, the maximum height of any building or structure in the RA Zone shall be 35 feet.
- (5) Limitations on buildings or structures.
 - (a) Principal building or structure. Only one principal building or structure shall be placed on a lot.
 - (b) In-law apartments. An in-law apartment shall be no less than 500 square feet and shall not exceed 700 square feet; shall contain no more than one bedroom and include one bath, and a kitchen, designed to preserve and maintain the single-family residential appearance; shall have at least one side of the unit at or above ground with an entrance door to the outside; and shall be occupied by no more than two individuals. The creation of the unit shall not diminish the size of the primary dwelling to less than required by these regulations. Only one in-law apartment shall be permitted per primary dwelling. The dwelling owner must reside in either the primary dwelling or the in-law apartment.¹²
 - (c) Construction before demolition. The ZEO may permit a new dwelling to be built pending the demolition of an old dwelling and attach conditions to ensure the completion of the demolition.
 - (d) Corner visibility. No sign, fence, wall, hedge, or other structure or planting more than three feet in height (at maturity) shall be erected, placed or maintained on any corner lot in a manner which obstructs visibility of either street at the intersection.

F. Interior lots.

- (1) In conventional subdivisions, where topography or shape of the parcel dictates, or if such a lot would result in the most appropriate use of land, an interior lot may be permitted by special permit.
 - (a) The provisions of this subsection are intended to permit the use of land for residential purposes which is landlocked or deprived of minimum frontage on a street or, in the case of a subdivision, where the topography or unusual shape of the property lends itself to an interior lot to accomplish the best use of the land. In the case of a subdivision, the Commission shall not approve interior lot(s) unless it finds that such lot(s) provides the best development of the land because of the topography and shape of the land. The Commission shall find that the development of interior lots will provide the most suitable use of the land considering such factors as:
 - [1] Drainage;
 - [2] Natural resources;
 - [3] Accessibility;

12. Editor's Note: Amendment pending.

- [4] Topography and shape of the land;
 - [5] Emergency service access; and
 - [6] All other requirements of the Zoning and/or Subdivision Regulations (other than applicable frontage requirements) are met.
- (b) No more than 10% of all lots contained within a conventional subdivision shall be approved as interior lots.
- (2) Interior lots are prohibited in open space subdivisions. (See § 295-35 of the Town of Ashford Subdivision Regulations.)
- (3) Dimension standards for interior lots.
- (a) Lot area: minimum lot size 90,000 square feet exclusive of accessway with minimum buildable area of 25,000 square feet.
 - (b) Setbacks.
 - [1] Front setback: 30 feet from abutting front lot.
 - [2] Side setback: 30 feet.
 - [3] Rear setback: 30 feet.
 - (c) Accessway: continuous minimum fifty-foot-wide deeded accessway fronting on a street or a road which is built to meet the Town standards.
 - [1] Only the construction of a single-family dwelling and accessory building(s) shall be permitted on an interior lot. The accessway area shall not be used for an additional interior lot or for the placement of any accessory building(s).
 - [2] The accessway to the interior lot shall be owned by the owner of the interior lot. The owner of the interior lot shall use the accessway to provide access to the area of the lot on which the dwelling is to be located and shall provide and maintain the driveway and storm drainage system in the accessway area. Said driveway is to be fully capable of providing unrestricted access at any time for emergency vehicles such as fire trucks, etc.

G. Driveways.

- (1) Access. All lots must have a private way within the lot, or with deeded access, that affords vehicular access from a street. Unless otherwise provided herein, a single driveway may not serve more than two dwellings. If a new driveway is proposed in conjunction with an application for a zoning or building permit, a driveway permit must be obtained through the Selectmen's office before the permit can be issued.
- (2) Design criteria.
 - (a) Width of driveway. A driveway serving a single-family dwelling must be designed and constructed to provide a fourteen-foot-wide, hard-surface

access to accommodate emergency vehicles, including but not limited to fire trucks. A driveway serving two dwellings, or a two-family dwelling, must be designed and constructed to provide an eighteen-foot-wide, hard-surface access.

- (b) Slopes. No driveway may have a slope exceeding 12%. All slopes exceeding 10% must be paved.
- (c) Length. A design must be submitted to the Commission for driveways exceeding 500 feet in length. The plan should include construction, drainage, sedimentation and erosion control, turnouts and turnarounds. All driveways exceeding 500 feet must have a turnout, 10 feet wide by 40 feet long, at the 500-foot point and one every 300 feet thereafter. A ninety-foot-diameter turnaround shall be installed every 900 feet instead of a turnout. At the dwelling end of the driveway, a turnaround suitable for a fifty-foot-long fire truck must be provided.
- (d) Maintenance. Driveways must be maintained for year-round access. A driveway agreement for maintenance and snowplowing shall be placed on the Land Records for a common driveway serving multiple dwellings.

H. Firefighting water supply.

- (1) Applicability. All new developments of three or more new dwellings on an existing or new access point, and new or expanded commercial development exceeding 2,500 square feet, unless the commercial building has a self-contained fire suppression system or sprinkler system from a commercial water source, shall have, constructed by the developer, a water supply.
- (2) Water supply design.
 - (a) A natural or dug water source (pond, stream, brook, river, etc.) with a minimum usable capacity of 15,000 gallons; or
 - (b) A cistern (precast concrete, fiberglass, or other acceptable tank material) with a minimum capacity of 15,000 gallons.
- (3) Hydrant access. A ten-foot-wide by forty-five-foot-long paved or compacted gravel area accessible year round, which shall be adjacent to a hydrant drafting head.
- (4) Terms. As used in this subsection, the following terms shall have the meanings indicated:

ACCESS POINT — Any street or driveway established for the purpose of entry to the new development.

LIFT — The distance between the average surface level of the water supply and the surface on which the fire engine will park, plus 32 inches.

- (5) Criteria for approval. Any dry hydrant, meeting the following criteria, shall be deemed to provide the desired firefighting protection for a distance of 2,500 feet, as measured along the center line of existing or proposed streets:

- (a) All dry hydrants must be designed such that the total lift is not more than 15 feet. Ten feet is the preferred lift.
 - (b) Horizontal pipe length shall be limited to no more than 40 feet from hydrant head.
 - (c) Hydrant head shall be a minimum of 24 inches and a maximum of 48 inches. The hydrant head shall be parallel with the finished grade. The hydrant head shall be within 10 feet of the parking area.
 - (d) All underground and underwater piping shall be PVC Schedule 40 with a minimum diameter of six inches.
 - (e) All joints shall be cleaned and securely glued before being placed in the water. All joints underground or underwater will be secured with stainless steel screws on every joint in at least three places. Gluing of joints above ground or above water is acceptable.
 - (f) All piping extending into the water supply shall be supported on and secured to concrete or stone blocks at least every 10 feet such that the strainer portion is a minimum of 24 inches off the bottom of the water supply. There shall be a minimum of 24 inches of water at the bottom, left and right side of the piping and 48 inches of water at the top of the piping to allow for 24 inches of winter ice. The strainer and hydrant head will be purchased from the Ashford Volunteer Fire Department at their cost.
 - (g) The hydrant riser shall be protected by two concrete-filled steel posts, six inches in diameter, placed 24 inches either side of the riser and extending 48 inches above finished grade. These posts shall be embedded in concrete after the hydrant is accepted by the Ashford Volunteer Fire Department. Posts shall be painted safety yellow with a six-inch red band at the top.
 - (h) Piping installation must be scheduled at least three business days ahead of time with the Ashford Volunteer Fire Department. An Ashford Volunteer Fire Department officer or representative must be on site for inspection before any piping is buried or submerged.
 - (i) Upon testing and acceptance of the hydrant, the Ashford Volunteer Fire Department will assume responsibility for future maintenance.
- (6) Underground cistern/tank; design criteria.
- (a) The cistern/tank shall be installed in accordance with the National Fire Protection Association (NFPA) 1142 (2001) Appendix B.
 - (b) The tank will have a six-inch dry hydrant drafting pipe, 2 1/2-inch return, 4 1/2-inch vent and a visible water gauge.
 - (c) The tank shall be installed below frost line and the only visible plumbing shall be the hydrant head, fill pipe, vent pipe and water gauge. Hydrant head and associated plumbing shall be protected by two concrete-filled steel posts, six inches in diameter, placed 24 inches either side and extending 48 inches above finished grade. These posts shall be embedded in concrete.

Posts shall be painted safety yellow with a six-inch red band at the top. The hydrant head shall be located no more than 10 feet from the parking area.

- (d) The number of tanks shall be determined by the Zoning Enforcement Officer and the Chief of the Ashford Volunteer Fire Department.
- (e) An easement will be provided by the developer to the Town of Ashford, and recorded on the Land Records, for filling, use and maintenance of the tank and associated plumbing after acceptance.
- (f) The owner/developer will be responsible for the initial filling of the tank, and the Ashford Volunteer Fire Department will conduct a flow test prior to acceptance of the tank and plumbing.
- (g) Upon testing and acceptance of the system, the Ashford Volunteer Fire Department will assume responsibility for future inspection, maintenance and filling.

I. Home occupations and rural businesses.

- (1) Purpose. The purpose of this subsection is to provide economic opportunities in the Residential - Agricultural Zone by permitting the operation of small businesses capable of existing in otherwise residentially zoned areas without any adverse effects on the quality of life, environment, aesthetic values and property values in such areas.
 - (a) Home occupations and rural businesses shall not include restaurants, tea rooms, or other eating or drinking places; dog kennels; animal hospitals; tattoo parlors or sexually oriented businesses; barbershop or beauty parlor having more than one sink with one chair for cutting hair; doctors or dentists; automotive service or repairs, except for vehicles registered in the name of family members residing in the dwelling; used or new motor vehicle sales; tow truck service or storage; or funeral chapels, funeral homes or crematoriums.
 - (b) Home occupations include, but are not limited to, the preparation and sale of those products customarily produced in the home or garden, and actually produced in the subject home or garden, such as baking and home preserves; the preparation and sale of the products of arts and crafts actually prepared on the subject premises, such as sewing, painting, wood carving, ceramics, writing, sculpture, ornamental glass and metal working; and the workshops of skilled craftsmen such as watchmakers, plumbers, electricians, carpenters, house painters, and paperhangers.
 - (c) Rural businesses include, but are not limited to, the preparation and sale of the products of arts and crafts actually prepared on the subject premises, such as cabinetmaking, ornamental glass and metal working; tutoring, music lessons, voice lessons, or similar teaching or training services where more than one student attends class or is given instruction at any one time; workshops of skilled craftsmen such as watchmakers, plumbers, electricians, carpenters, house painters, and paperhangers; and the offices of

architects, accountants, lawyers, engineers, psychotherapists, real estate and insurance agents, and other recognized professionals.

- (2) Permit required.
- (a) Home occupations after securing a zoning permit (or special permit in the event there is more than one requested or being conducted on the lot) or rural businesses after securing a special permit in accordance with Article V of these regulations may be permitted in the Residential - Agricultural Zone. The ZEO may issue a zoning permit for home occupations that are in compliance with the conditions listed below. However, if there are questions concerning compliance, the ZEO will consult with the Commission before issuing a zoning permit. All home occupation and rural business uses shall comply with the following:
- [1] The use is clearly secondary to the residential or agricultural use of the property. There shall be no change in the residential character of the site or the neighborhood. There shall be no change in the outside appearance of the residence or accessory building.
 - [2] More than one home occupation on any lot shall require a special permit.
 - [3] A home occupation shall be located entirely within a dwelling and shall not occupy more than 50% of the gross floor area of the dwelling.
 - [4] No rural business may occupy a nonresidential or accessory structure in excess of 5,000 square feet.
 - [5] Any outside area devoted to a rural business shall be clearly depicted on the proposed site plan.
 - [a] Areas developed in connection with a rural business shall be appropriately screened, to the satisfaction of the Commission, from adjacent properties so as to be consistent and compatible with residential uses.
 - [b] External storage of equipment shall be located so as to comply with all setback requirements.
 - [6] No traffic shall be generated by such home occupation or rural business in greater volume than would be normally expected in a residential neighborhood. Any need for client or employee parking generated by the conduct of the home occupation or rural business shall be provided off the street and not in the required setbacks. See Article 6 for parking requirements.
 - [7] Any lighting, in addition to the requirements set forth in Article VI, used to illuminate off-street parking areas shall be so arranged as to direct the light down, towards the parking area, and away from the adjoining lots and any street.

- [8] No more than two nonresidents of the dwelling shall be employed on the premises for a home occupation and no more than five nonresidents of the dwelling shall be employed on the premises for a rural business.
- [9] No noise, odor, vibrations, glare, fumes, electrical interference or unsightly conditions shall be noticeable on the premises. There shall be no activity that creates, uses, or forms a by-product or waste that is hazardous or a volatile material. There shall be no storage of commercial poisons of any kind nor the generation, storage or disposal of hazardous materials on the lot. No activity shall be undertaken nor material used or stored at levels that can be potentially harmful or capable of polluting any surface water, groundwater or the air.
- [10] Notwithstanding any other provision in Article VI of these regulations to the contrary, a single sign which states the name of the permitted home occupation or rural business is allowed with the following conditions:
- [a] No more than four square feet of sign area;
 - [b] No more than five feet above the ground level (top of sign) for a freestanding sign or no higher than the roofline for an attached sign;
 - [c] Meets the side yard setback;
 - [d] May not be placed in the street right-of-way; and
 - [e] May not interfere with the line of sight of traffic.
- [11] Hours of operation. The actual hours of operation, landscaping, lighting, screening, etc., of any home occupation or rural business may be limited by the Commission.
- (b) The initial home occupation zoning permit or rural business special permit shall be issued for two years. At the end of the second year the permit shall be reviewed and may be renewed for an additional two-year period or revoked. Subsequent permits shall be reviewed every two years for renewal or revocation. Permits are not transferable to another person or parcel without reapplication. Any permit may be revoked if in the opinion of the Zoning Enforcement Officer and the Commission any of the following conditions exist:
- [1] The use has clearly altered the residential character of the premises and/or neighborhood through the generation of traffic substantially in excess of that normally generated by a residential dwelling;
 - [2] Changes in the lot or occupied building(s) have been made, altering the residential character of the premises or the neighborhood;

[3] The nature of the occupation has changed from what was originally permitted; or

[4] Violation of any condition listed above or imposed by the permit.

- (c) The granting of a home occupation zoning permit or rural business special permit shall entitle the ZEO to enter upon the premises upon notice to the owner and during reasonable hours to make inspections at least annually to verify compliance with these regulations.

J. Agriculture.

(1) Farm stands and stores.

(a) At least 70% of gross sales from farm stands and 50% of gross sales from farm stores shall be from agricultural goods produced on the owner's farm. The Commission may permit the sale of items not produced or grown by the farm operator to meet the 50% threshold, or 70% threshold as the case may be, where it is necessary to supplement the grower's production due to circumstances beyond the producer's control, such as weather. For agricultural goods not produced or grown by the farm operator, the Commission strongly encourages that they be "CT Grown" as defined by the Connecticut Department of Agriculture.

(b) The farm stand or farm store may only be located on an active farm site.

(c) The farm stand will be positioned so as not to obstruct sight lines and traffic flow

(d) All parking areas shall be in accordance with Article VI.

(e) A farm store must meet all state and local codes and health requirements.

(2) Seasonal agricultural signage.

(a) All signs shall adhere to the requirements of Article VI, except as specifically provided herein.

(b) Seasonal agricultural sign (temporary). One sign, either attached or freestanding, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be located on the premises of the agricultural business. An attached sign may not be more than 5% of the area of the wall to which it is attached. A freestanding sign must be constructed of rigid material and may be no more than 32 square feet in size. A freestanding sign must not obstruct or create a hazard to walkways or motorists.

(c) Off-site directional signs, intended to aid drivers traveling to agricultural businesses, are allowed without permit, subject to the following:

[1] Signs shall not exceed four square feet and may not be illuminated.

[2] Signs shall be allowed only for the purpose of identifying the location of the agricultural business.

[3] Only one sign per business is allowed at any one location.

- (d) In the event the Commission determines that any sign permitted hereunder has not been maintained in good condition, the Commission may issue a cease-and-desist order and order the sign to be removed.
- (3) Temporary agriculturally related uses. Temporary or seasonal events of limited duration on a farm which are accessory to agricultural uses, such as educational demonstrations, hay rides, petting zoos, or other similar uses, may be allowed after securing a certificate of zoning compliance from the Zoning Enforcement Officer, provided the applicant has demonstrated that there will be adequate and safe on-site parking. The Zoning Enforcement Officer has discretion to require Commission approval if he or she determines that the intensity of the event warrants further review. Upon recommendation by the Zoning Enforcement Officer for Commission review, the Commission may require the applicant to secure a special permit in accordance with § 300-23F.

§ 300-18. General Commercial Zone (GC).

A. Purpose.

- (1) The purpose of the General Commercial Zone, consistent with the Town's Plan of Conservation and Development, is to provide for meaningful and realistic commercial utilization of appropriate portions of the Town for a complimentary and integrated mixture of employment, shopping, entertainment and civic uses while preserving the Town's rural character.
- (2) The further purpose of the General Commercial Zone is to promote the economic viability and operational sustainability of agricultural business in the Town of Ashford as outlined in the Ashford Plan of Conservation and Development. Specifically, these regulations are intended to:
- (a) Address food and fiber needs;
 - (b) Enhance environmental quality and the natural resource base upon which the agricultural economy depends;
 - (c) Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;
 - (d) Sustain the economic viability of farm operations; and
 - (e) Maintain an agricultural-friendly community.

B. Permitted uses. The following uses, containing not more than 5,000 square feet of floor area, are permitted in the General Commercial Zone in accordance with the site plan requirements found in Article V:

- (1) Retail stores.
- (2) Agriculture.

- (3) Food and beverage stores for the sale of groceries, fruit and meat, baked goods and dairy products, not including the sale of liquor.
 - (4) Restaurants.
 - (5) Farm stands and farm stores in accordance with § 300-18E.
 - (6) Town-sponsored farmers' markets.
 - (7) Personal service establishments.
 - (8) Banking and financial institutions.
 - (9) Repair shops (exclusive of motor vehicle service and repair stations).
 - (10) Fitness, dance, or sport training facilities.
 - (11) Business and professional offices.
 - (12) Public buildings (without outdoor storage).
 - (13) Day-care center.
 - (14) Accessory uses customarily incidental to the above permitted uses.
- C. Special permit uses. The following uses and those uses listed in Subsection B above containing more than 5,000 square feet of floor area may be allowed in the General Commercial Zone, conditioned on the fact that any such use not exceed 25,000 square feet in total floor area, in accordance with the special permit requirements found in § 300-23:
- (1) Outdoor cafes in association with a restaurant.
 - (2) Manufacturing.
 - (3) Farm equipment and garden centers.
 - (4) Motel, hotel and inn.
 - (5) Lumberyards.
 - (6) Motor vehicle dealerships.
 - (7) Motor vehicle service and repair stations.
 - (8) Liquor stores.
 - (9) Theaters (stage or film).
 - (10) Tire sales (including wholesale) stores, without tire manufacturing or retread facilities.
 - (11) Walk-in clinics and medical laboratories.
 - (12) Wholesale and distribution.
 - (13) Veterinary clinic.

- (14) Vocational and avocational dog kennel; no outside kennels.
 - (15) Wireless telecommunication sites, in accordance with Article VI.
 - (16) Accessory uses customarily incidental to and associated with the above special permit uses.
- D. General standards. The following general standards shall apply to all buildings, structures and uses in the General Commercial Zone except as these regulations may specifically provide otherwise.
- (1) Dimensional standards.
 - (a) Lot frontage: 100 feet (continuous).
 - (b) Lot coverage: 75% (maximum).
 - (c) Height: 35 feet and no more than three stories.
 - (d) Lot area. The minimum lot area for development in this district shall be that which satisfies the Eastern Highlands Health District's standards for septic and potable water. Shared septic and/or water is allowed provided all applicable health and environmental codes are satisfied.¹³
 - (2) Frontage and setbacks.
 - (a) Setbacks.

Use	Front (feet)	Side (feet)	Rear (feet)
Primary structure(s)	50	20	20
Accessory structure(s)	Behind the building line		

- (b) Landscaped buffer area. Notwithstanding the setbacks for the structure, the Commission may require up to an additional 50 feet of buffer between a commercial use and a residential or agricultural use. The Commission may require additional screening where it deems it necessary to protect neighboring properties from noise, light or other nuisance. Such additional screening may include the erection of a solid fence or the installation of an earthen berm. Such plantings should be of varieties native to Connecticut.
- (3) Rubbish disposal. Rubbish and waste disposal areas shall be fenced or otherwise screened, and rubbish and waste shall at all times be kept in appropriate closed containers in order to prevent dispersal of refuse materials within or outside of the lot.
- (4) Signs and site lighting requirements. See Article VI.
- (5) All developments consisting of two or more units shall utilize shared driveways, private roads or newly dedicated public roads to provide access to their

¹³ Editor's Note: Amendment pending.

developments in order to limit curb cuts and access to Town roadways and state highways.

- (6) Off-street parking. See Article VI.

E. Agriculture.

- (1) Farm stands and farm stores.

- (a) At least 70% of gross sales from farm stands and 50% of gross sales from farm stores shall be from agricultural goods produced on the owner's farm. The Commission may permit the sale of items not produced or grown by the farm operator to meet the 50% threshold, or 70% threshold, as the case may be, where it is necessary to supplement the grower's production due to circumstances beyond the producer's control, such as weather. For agricultural goods not produced or grown by the farm operator, the Commission strongly encourages that they be "CT Grown" as defined by the Connecticut Department of Agriculture.
- (b) The farm stand or farm store may only be located on an active farm site.
- (c) All parking areas shall be in accordance with Article VI.
- (d) A farm store must meet all state and local codes and health requirements.

- (2) Seasonal agricultural signage.

- (a) All signs shall adhere to the requirements of Article VI, except as specifically provided herein.
- (b) Seasonal agricultural sign (temporary). One sign, either attached or freestanding, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be located on the premises of the agricultural business. An attached sign may not be more than 5% of the area of the wall to which it is attached. A freestanding sign must be constructed of rigid material and may be no more than 32 square feet in size. A freestanding sign must not obstruct or create a hazard to walkways or motorists.
- (c) Off-site directional signs, intended to aid drivers traveling to agricultural businesses, are allowed without permit, subject to the following:
- [1] Signs shall not exceed four square feet and may not be illuminated.
- [2] Signs shall be allowed only for the purpose of identifying the location of the agricultural business.
- [3] No more than four signs shall be allowed per agricultural business.
- [4] Only one sign per business is allowed at any one location.
- (d) In the event the Commission determines that any sign permitted hereunder has not been maintained in good condition, the Commission may issue a cease-and-desist order and order the sign to be removed.

- (3) Temporary agriculturally related uses. Temporary or seasonal events of limited duration on a farm which are accessory to agricultural uses, such as educational demonstrations, hay rides, petting zoos or other similar uses, may be allowed after securing a certificate of zoning compliance from the Zoning Enforcement Officer, provided the applicant has demonstrated that there will be adequate and safe on-site parking. The Zoning Enforcement Officer has discretion to require Commission approval if he or she determines that the intensity of the event warrants further review. Notwithstanding any provision herein to the contrary, the following types of temporary events of limited duration on a farm may be allowed after securing a special permit in accordance with Article V: corn mazes, harvest or holiday festivals, weddings, banquets, privately hosted events, bus tours, or other similar uses involving larger numbers of visitors.

F. Landscaping requirements.

- (1) The required front and side yard along a street of all lots shall be landscaped and surfaced with best management practices, including but not limited to meadows, lawn, evergreen cover or ground cover acceptable to the Commission.
- (2) It is the responsibility of the property owner to replace any vegetation required by this regulation which dies or is lost by theft.
- (3) In situations where landscaped buffers are required, at least 75% of all trees shall be evergreen species. A plan for landscaping and buffering shall be submitted as part of the permit application.

G. Design guidelines. The following are recommended as a means to satisfy the intent of this zone:

- (1) The architectural design of new buildings and major exterior alterations or additions should relate to neighboring buildings, natural features and the rural character of Ashford. While specific designs need not be duplicated, the general size, bulk, materials and colors should have a complementary design relationship to other buildings and the landscape.
- (2) The removal or disruption of historic, traditional, or significant structures or architectural elements should be avoided or minimized so that the historic or distinctive character of the Town of Ashford is maintained.
- (3) The height and scale of each building should be compatible with its site and existing (or anticipated) adjoining buildings.
- (4) Where large buildings are to be placed in settings where smaller buildings would be more appropriate, the apparent mass of the buildings should be reduced by introducing variations in wall setbacks and heights, additions of windows and other openings, using different materials or finishes, and similar methods.
- (5) Newly installed utility services, and service revisions made necessary by exterior alterations, should be underground.
- (6) A desirable streetscape and attractive landscape transitions to adjoining properties should be provided.

- (7) Existing trees at four inches' or greater caliper should, if possible, be incorporated into the site plan.
- (8) Utility and service equipment areas should be screened from public view with materials harmonious with the building.
- (9) Signs should be designed as an integral architectural element of the building and site to which they principally relate and should be coordinated with the building architecture.
- (10) Exterior lighting, where used, should enhance public safety, the building design, and the landscape.

§ 300-19. Interstate Interchange Development Zone (IID).

A. Purpose.

- (1) The purpose of the Interstate Interchange Development Zone is to provide economic opportunity, consistent with the Town's Plan of Conservation and Development, in the Town by permitting the operation of large-scale businesses, industries, and complementary commercial activities.
 - (a) The Commission recognizes that the potential exists for the zone to accommodate a wide variety of manufacturing and commercial land uses.
 - (b) Proposed development must demonstrate that there will be compatibility with adjacent (residential and nonresidential) development and that it will not negatively impact adjacent development.
 - (c) Site planning is an essential criterion of the Interstate Interchange Development Zone and is intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties.
 - (d) This zone is intended to project the image and character of an attractive and distinctive gateway into the Town of Ashford.
- (2) The further purpose of the Interstate Interchange Development Zone is to promote the economic viability and operational sustainability of agricultural business in the Town of Ashford as outlined in the Ashford Plan of Conservation and Development. Specifically, these regulations are intended to:
 - (a) Address food and fiber needs;
 - (b) Enhance environmental quality and the natural resource base upon which the agricultural economy depends;
 - (c) Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;
 - (d) Sustain the economic viability of farm operations; and
 - (e) Put in place an agricultural-friendly community.

- B. Permitted uses. Accessory uses incidental to and associated with the below-mentioned special permit uses may be permitted in accordance with the site plan requirements found in § 300-22 of these regulations.
- C. Special permit uses. The following uses, or combination thereof, may be permitted by the Commission subject to special permit in accordance with § 300-23 of these regulations:
 - (1) Manufacturing.
 - (2) Agriculture, including without limitation:
 - (a) The production of agriculture products, the processing of such products as value-added products and the distribution of agricultural products.
 - (b) Regional farmers' markets.
 - (c) Farm equipment dealers and wholesalers.
 - (d) Farm stands and farm stores in accordance with § 300-19F.
 - (3) Sale of building equipment, merchandise, material or supply businesses, provided that the principal use is within a completely enclosed building.
 - (4) Offices for business, financial, professional, research, or skilled trade services or personal services or other similar offices.
 - (5) Motor vehicle service and repair stations, including the dispensing of petroleum fuels and accessories for automobiles and trucks and retail sales of convenience food items.
 - (6) Motels and hotels (including temporary extended stay).
 - (7) Restaurants.
 - (8) Retail.
 - (9) Wireless telecommunication site, in accordance with Article VI.
- D. Development standards.
 - (1) The following general standards shall apply to all buildings, structures and uses in the Interstate Interchange Development Zone except as these regulations may specifically provide otherwise:

Structure Size	Lot Size	Lot Frontage	Side and Rear Yard Setbacks
Up to 20,000 square feet	2 acres minimum	200 feet	50 feet for the first 5,000 square feet of gross floor area and 10 feet for each additional 1,000 square feet of gross floor area to a maximum of 100 feet
20,000 square feet to 250,000 square feet	5 acres minimum	400 feet	100 feet for the first 20,000 square feet of gross floor area and 10 feet for each additional 1,000 square feet of gross floor area to a maximum of 200 feet

- (a) Notwithstanding the setbacks for the structure the Commission may require up to an additional 50 feet of buffer between a commercial use and a residential or agricultural use. The Commission may require additional screening where it deems it necessary to protect neighboring properties from noise, light or other nuisance. Such additional screening may include the erection of a solid fence or the installation of an earthen berm. Such plantings should be of varieties native to Connecticut.
 - (b) Exceptions. The following improvements are expressly excluded from these setback restrictions:
 - [1] Steps, walks and driveway access to the site.
 - [2] Landscaping, including landscaped earthen berms.
 - [3] Planters not to exceed four feet in diameter or two feet in height where they should interfere with visual safety at site access points.
 - [4] Lighting.
 - (c) Lot coverage.
 - [1] Building coverage: 25%.
 - [2] Impervious coverage: 60%.
 - (d) Building height: 35 feet.
- (2) For purposes of integrated development, any number of contiguous parcels may be consolidated, and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements and permitted uses, provided that:
- (a) The owner of each lot within the consolidated parcel shall give to the owner in each other lot in the consolidated parcel, by deed, easement, or agreement filed in the office of the Town Clerk, the right of entrance, exit, passage, parking and loading.
 - (b) The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading.
- (3) Site planning should employ sustainable practices (sustainable development means development which increases the efficiencies with which buildings and their sites use energy, water and materials and reduces building impacts on human health and environment through better siting, design, construction, operation, and maintenance), including:
- (a) Water quality features such as bioswales and bioretention basins integrated in a cohesive and logical manner to take advantage of site topography, orientation and visibility.
 - (b) Pervious paving in lieu of impervious paving. Applicant must, to the satisfaction of the Commission, demonstrate that impervious paving is necessary.

- (c) Buildings shall be oriented to take full advantage of sustainable energy options (i.e., solar, wind, geothermal) unless site conditions make such orientation, as determined by the Commission, not feasible.
 - (d) Any outdoor storage, service or loading area that faces adjacent residential uses or a public street or walkway shall be screened by a decorative fence, wall or screen of plant material at least six feet in height, or a planting screen shall be provided parallel to the property line, street or walkway.
 - (e) Loading docks, truck parking, HVAC equipment, electrical, trash collection and other service functions shall be incorporated into the design of the building so that the visual and noise impacts of these functions are fully contained and not visible/audible from adjacent properties and public streets. Areas for the outdoor storage and sale of merchandise, where permitted, shall be permanently defined and screened with walls or fences, with materials compatible with and of similar quality to primary building materials.
- (4) Signage. In addition to those standards contained in § 300-29 of these regulations:
- (a) Tenant identification signs may be attached to the building or freestanding signs.
 - (b) Tenant identification signs shall be located near entries to the building and shall be in scale with the design of the building and entryway.
 - (c) Only one tenant identification sign per street frontage of the development shall be allowed. If a business has a corner lot two signs will be permitted.
 - (d) With approval of the Commission, additional signs may be allowed when they are for informational purposes such as "Truck Entrance," "Shipping/Receiving Entrance," etc. Informational signs shall be no larger than 24 inches by 30 inches.
 - (e) All signage shall be set back a minimum of 10 feet from any right-of-way or lot line.
- (5) Parking shall be in accordance with those standards contained in § 300-31 of these regulations.
- (6) Exterior lighting shall be in accordance with § 300-30.
- (7) Open/green space: 10% of each lot developed within the Interstate Interchange Development Zone shall be set aside as either passive or active open or green space, exclusive of landscaped areas related to parking, driveways and structures.
- (8) Landscaping requirements (minimum).
- (a) The required front and side yard along a street of all lots shall be landscaped and surfaced with best management practices, including but not limited to meadows, lawn, evergreen cover or ground cover acceptable to the Commission.

- (b) It is the responsibility of the property owner to replace any vegetation required by this regulation which dies or is lost by theft.
 - (c) Trees, shrubs and ground cover shall be used to provide variety and to reduce the apparent mass of large, blank facades. All such trees, shrubs and ground cover shall be native to Connecticut.
 - (d) Earth berms shall be used to reduce the apparent mass and height of a building. Additionally, landscaping shall be provided around the perimeter of a building to minimize the "hard edge" that is created where the building meets the pavement.
 - (e) Street trees in public view shall be provided along all public (outside the public right-of-way) and private streets with a minimum of one tree installed (three-inch caliper minimum) for each 25 feet of frontage.
- E. Design guidelines. The following are recommended as a means to satisfy the intent of this zone:
- (1) The architectural design of new buildings and major exterior alterations or additions should relate to neighboring buildings, natural features and the rural character of Ashford. While specific designs need not be duplicated, the general size, bulk, materials and colors should have a complementary design relationship to other buildings and the landscape.
 - (2) The removal or disruption of historic, traditional, or significant structures or architectural elements should be avoided or minimized so that the historic or distinctive character of the Town of Ashford is maintained.
 - (3) The height and scale of each building should be compatible with its site and existing (or anticipated) adjoining buildings.
 - (4) Where large buildings are to be placed in settings where smaller buildings would be more appropriate, the apparent mass of the buildings should be reduced by introducing variations in wall setbacks and heights, additions of windows and other openings, using different materials or finishes, and similar methods.
 - (5) Newly installed utility services, and service revisions made necessary by exterior alterations, should be underground.
 - (6) A desirable streetscape and attractive landscape transitions to adjoining properties should be provided.
 - (7) Existing trees at four inches' or greater caliper should, if possible, be incorporated into the site plan.
 - (8) Utility and service equipment areas should be screened from public view with materials harmonious with the building.
 - (9) Signs should be designed as an integral architectural element of the building and site to which they principally relate and should be coordinated with the building architecture.

- (10) Exterior lighting, where used, should enhance public safety, the building design, and the landscape.

F. Agriculture.

- (1) Farm stands and farm stores.
- (a) At least 70% of gross sales from farm stands and 50% of gross sales from farm stores shall be from agricultural goods produced on the owner's farm. The Commission may permit the sale of items not produced or grown by the farm operator to meet the 50% threshold, or 70% threshold, as the case may be, where it is necessary to supplement the grower's production due to circumstances beyond the producer's control, such as weather. For agricultural goods not produced or grown by the farm operator, the Commission strongly encourages that they be "CT Grown" as defined by the Connecticut Department of Agriculture.
 - (b) The farm stand or farm store may only be located on an active farm site.
 - (c) All parking areas shall be in accordance with Article VI.
 - (d) A farm store must meet all state and local codes and health requirements.
- (2) Seasonal agricultural signage.
- (a) All signs shall adhere to the requirements of Article VI, except as specifically provided herein.
 - (b) Seasonal agricultural sign (temporary). One sign, either attached or freestanding, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be located on the premises of the agricultural business. An attached sign may not be more than 5% of the area of the wall to which it is attached. A freestanding sign must be constructed of rigid material and may be no more than 32 square feet in size. A freestanding sign must not obstruct or create a hazard to walkways or motorists.
 - (c) Off-site directional signs, intended to aid drivers traveling to agricultural businesses, are allowed without permit, subject to the following:
 - [1] Signs shall not exceed four square feet and may not be illuminated.
 - [2] Signs shall be allowed only for the purpose of identifying the location of the agricultural business.
 - [3] No more than four signs shall be allowed per agricultural business.
 - [4] Only one sign per business is allowed at any one location.
 - (d) In the event the Commission determines that any sign permitted hereunder has not been maintained in good condition, the Commission may issue a cease-and-desist order and order the sign to be removed.

- (3) Temporary agriculturally related uses. Temporary or seasonal events of limited duration on a farm which are accessory to agricultural uses, such as educational demonstrations, hay rides, petting zoos or other similar uses, may be allowed after securing a certificate of zoning compliance from the Zoning Enforcement Officer, provided the applicant has demonstrated that there will be adequate and safe on-site parking. The Zoning Enforcement Officer has discretion to require Commission approval if he or she determines that the intensity of the event warrants further review. Notwithstanding any provision herein to the contrary, the following types of temporary events of limited duration on a farm may be allowed after securing a special permit in accordance with Article V: corn mazes, harvest or holiday festivals, weddings, banquets, privately hosted events, bus tours, or other similar uses involving larger numbers of visitors.

§ 300-20. Technology Development Zone (TD).

- A. Intent and establishment. The intent of the Technology Development Zone is, consistent with the Town's Plan of Conservation and Development, to encourage the development of well-planned, designed technology parks which would accommodate certain technological and professional offices. This zoning category is created:
 - (1) To provide for a mixture of compatible office, research, warehouse and technological uses in a park-like setting with high-quality standards of development.
 - (2) To encourage a more efficient use of land reflecting changes in the technology of land development.
 - (3) To establish the Town of Ashford as a regional center of research-based development.
- B. Permitted uses. Accessory uses incidental to and associated with the below-mentioned special permit uses may be permitted in accordance with the site plan requirements found in § 300-22 of these regulations.
- C. Special permit uses. The following uses, or combination thereof, may be permitted by the Commission subject to special permit in accordance with § 300-23 of these regulations:
 - (1) Research (applied and basic), development and testing laboratories or centers.
 - (2) Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction.
 - (3) Residential units (single-family or two-family) secondary to nonresidential development and not more than 25% of the total development area.
 - (4) Computer and data processing centers.
 - (5) Meeting and conference centers.
 - (6) Heliports, provided such facilities conform to the requirements of all appropriate federal, state, and local regulations.

- (7) Offices for business, professional, nonprofit and governmental uses.
- (8) Recreation facilities.
- (9) Agriculture, including farm stands and farm stores in accordance with § 300-20F.

D. Development standards.

- (1) Any site to be zoned Technology Development Zone shall be a minimum of 50 acres in size.
- (2) A concept plan shall be required to be filed in conjunction with any zone change application, including but not limited to:
 - (a) A development plan of the site showing the location, arrangement, bulk, type and use of all existing and proposed structures, the proposed traffic circulation pattern within and surrounding the development, the areas to be developed for parking, the points of ingress and egress, access streets where required, and the relationship of abutting land uses.
 - (b) A statement of the anticipated residential density (when applicable), the proposed total gross floor area of nonresidential uses, and the percentage of the development which is to be occupied by structures.
 - (c) Preliminary sketches and/or description of the proposed screening and landscaping features.
 - (d) Evidence that the applicant has sufficient control over the parcel of land to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the land and the proposed development.
 - (e) When a TD plan includes provisions for common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities.
 - (f) Copies of any restrictive covenants that are to be recorded with respect to property included in the TD plan.
- (3) The following general standards shall apply to all buildings, structures and uses in the Technology Development Zone except as these regulations may specifically provide otherwise:
 - (a) Allowable lot coverage.
 - [1] Building coverage: 25%.
 - [2] Impervious surface coverage: 40%.
 - [3] Impervious surface coverage and pervious parking area together: 60%.
 - [4] Minimum green space: 25%.
 - (b) Maximum building height: 35 feet.

- (4) For purposes of integrated development, any number of contiguous parcels may be consolidated, and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements and permitted uses, provided:
 - (a) The owner of each lot within the consolidated parcel shall give to the owner of each other lot in the consolidated parcel, by deed, easement, or agreement filed in the office of the Town Clerk, the right of entrance, exit, passage, parking and loading.
 - (b) The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading.
- (5) Site planning should employ sustainable practices, including:
 - (a) Water quality features such as bioswales and bioretention basins integrated in a cohesive and logical manner to take advantage of site topography, orientation and visibility.
 - (b) Pervious paving in lieu of impervious paving. Applicant must, to the satisfaction of the Commission, demonstrate that impervious paving is necessary.
 - (c) Buildings shall be oriented to take full advantage of sustainable energy options (i.e. solar, wind, geothermal) unless site conditions make such orientation, as determined by the Commission, not feasible.
 - (d) Any outdoor storage, service or loading area that faces adjacent residential uses or a public street or walkway shall be screened by a decorative fence, wall or screen of plant material at least six feet in height, or a planting screen shall be provided parallel to the property line, street or walkway.
 - (e) Loading docks, truck parking, HVAC equipment, electrical, trash collection and other service functions shall be incorporated into the design of the building so that the visual and noise impacts of these functions are fully contained and not visible/audible from adjacent properties and public streets. Areas for the outdoor storage and sale of merchandise, where permitted, shall be permanently defined and screened with walls or fences, with materials compatible with and of similar quality to primary building materials.
- (6) Signage. In addition to those standards contained in § 300-29 of these regulations:
 - (a) Tenant identification signs may be attached to the building or freestanding signs.
 - (b) Tenant identification signs shall be located near entries to the building and shall be in scale with the design of the building and entryway.
 - (c) Only one tenant identification sign per street frontage of the development shall be allowed. If a business has a corner lot two signs will be permitted.
 - (d) All signage shall be set back a minimum of 10 feet from any right-of-way or lot line.

- (7) Parking shall be in accordance with those standards contained in § 300-31 of these regulations.
 - (8) Exterior lighting shall be in accordance with § 300-30.
 - (9) Open/green space: 25% of each lot developed as a Technology Development Zone shall be set aside as either passive or active open or green space, exclusive of landscaped areas related to parking, driveways and structures.
 - (10) Landscaping requirements (minimum):
 - (a) The required front and side yard along a street of all lots shall be landscaped and surfaced with best management practices, including but not limited to meadows, lawn, evergreen cover or ground cover acceptable to the Commission.
 - (b) It is the responsibility of the property owner to replace any vegetation required by this regulation which dies or is lost by theft.
 - (c) Trees, shrubs and ground cover shall be used to provide variety and to reduce the apparent mass of large, blank facades. All such trees, shrubs and ground cover shall be native to Connecticut.
 - (d) Earth berms shall be used to reduce the apparent mass and height of a building. Additionally, landscaping shall be provided around the perimeter of a building to minimize the "hard edge" that is created where the building meets the pavement.
 - (e) Street trees in public view shall be provided along all public (outside the public right-of-way) and private streets with a minimum of one tree installed (three-inch caliper minimum) for each 25 feet of frontage.
- E. Design guidelines. The following are recommended as a means to satisfy the intent of this zone:
- (1) The architectural design of new buildings and major exterior alterations of additions should relate to neighboring buildings, natural features or the rural character of Ashford. While specific designs need not be duplicated, the general size, bulk, materials and colors should have a complementary design relationship to other buildings and the landscape.
 - (2) The removal or disruption of historic, traditional, or significant structures or architectural elements should be avoided or minimized so that the historic or distinctive character of the Town of Ashford is maintained.
 - (3) The height and scale of each building should be compatible with its site and existing (or anticipated) adjoining buildings.
 - (4) Where large buildings are to be placed in settings where smaller buildings would be more appropriate, the apparent mass of the buildings should be reduced by introducing variations in wall setbacks and heights, additions of windows and other openings, using different materials or finishes, and similar methods.

- (5) Newly installed utility services, and service revisions made necessary by exterior alterations, should be underground.
- (6) A desirable streetscape and attractive landscape transitions to adjoining properties should be provided.
- (7) Existing trees at four inches' or greater caliper should, if possible, be incorporated into the site plan.
- (8) Utility and service equipment areas should be screened from public view with materials harmonious with the building.
- (9) Signs should be designed as an integral architectural element of the building and site to which they principally relate and should be coordinated with the building architecture.
- (10) Exterior lighting, where used, should enhance public safety, the building design, and the landscape.

F. Agriculture.

- (1) Farm stands and farm stores.
 - (a) At least 70% of gross sales from farm stands and 50% of gross sales from farm stores shall be from agricultural goods produced on the owner's farm. The Commission may permit the sale of items not produced or grown by the farm operator to meet the 50% threshold, or 70% threshold, as the case may be, where it is necessary to supplement the grower's production due to circumstances beyond the producer's control, such as weather. For agricultural goods not produced or grown by the farm operator, the Commission strongly encourages that they be "CT Grown" as defined by the Connecticut Department of Agriculture.
 - (b) The farm stand or farm store may only be located on an active farm site.
 - (c) All parking areas shall be in accordance with Article VI.
 - (d) A farm store must meet all state and local codes and health requirements.
- (2) Seasonal agricultural signage.
 - (a) All signs shall adhere to the requirements of Article VI, except as specifically provided herein.
 - (b) Seasonal agricultural sign (temporary). One sign, either attached or freestanding, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be located on the premises of the agricultural business. An attached sign may not be more than 5% of the area of the wall to which it is attached. A freestanding sign must be constructed of rigid material and may be no more than 32 square feet in size. A freestanding sign must not obstruct or create a hazard to walkways or motorists.

- (c) Off-site directional signs, intended to aid drivers traveling to agricultural businesses, are allowed without permit, subject to the following:
- [1] Signs shall not exceed four square feet and may not be illuminated.
 - [2] Signs shall be allowed only for the purpose of identifying the location of the agricultural business.
 - [3] No more than four signs shall be allowed per agricultural business.
 - [4] Only one sign per business is allowed at any one location.
- (d) In the event the Commission determines that any sign permitted hereunder has not been maintained in good condition, the Commission may issue a cease-and-desist order and order the sign to be removed.
- (3) Temporary agriculturally related uses. Temporary or seasonal events of limited duration on a farm which are accessory to agricultural uses, such as educational demonstrations, hay rides, petting zoos or other similar uses, may be allowed after securing a certificate of zoning compliance from the Zoning Enforcement Officer, provided the applicant has demonstrated that there will be adequate and safe on-site parking. The Zoning Enforcement Officer has discretion to require Commission approval if he or she determines that the intensity of the event warrants further review. Notwithstanding any provision herein to the contrary, the following types of temporary events of limited duration on a farm may be allowed after securing a special permit in accordance with Article V: corn mazes, harvest or holiday festivals, weddings, banquets, privately hosted events, bus tours, or other similar uses involving larger numbers of visitors.

ARTICLE V

Application Process

§ 300-21. General provisions.

A. Pre-application discussion.

- (1) A pre-application discussion and/or review is optional but strongly recommended to facilitate general consideration of factors and issues before an applicant proceeds with the filing of a formal application and preparation of maps, plans and documents required for formal consideration by the Commission.
- (2) Neither the pre-application discussion nor the informal consideration/discussion by the Commission or its staff shall be binding on the Commission. Furthermore, neither the pre-application review nor discussion shall be deemed to constitute any portion of the official and formal procedure of applying for and receiving approval as contemplated herein or under any provision of the Connecticut General Statutes.

B. Zoning compliance.

- (1) No building, structure or premises shall be used, and no building or structure or part thereof shall be erected, altered, enlarged or moved, except in conformity with the regulations herein specified for the zone in which it is located and until a permit for the proposed work or use has been issued by the Commission or its authorized agent.
 - (2) It shall be the responsibility of the applicant to obtain all permits required by other agencies, if applicable, including other local authorities such as the Eastern Highlands Health District, the Inland Wetlands and Watercourses Commission, and any department or agency of the state or federal government. The applicant shall provide evidence of application to such agency or agencies, and no zoning permit shall be issued until evidence of application for all other permits has been submitted. The Commission may require evidence of approval from other authorities as a prerequisite when necessary to ensure compliance with these regulations prior to zoning approval, and failure to receive approval from other agencies may be grounds for denial of a zoning permit.¹⁴
 - (3) No change shall be made in the use of any building, structure or land until a permit for such change is issued by the Commission or its authorized agent.
 - (4) No lot line shall be reconfigured or relocated (other than in connection with a subdivision application) until the Zoning Enforcement Officer has confirmed compliance with these regulations and the Eastern Highlands Health District has determined that a code-complying area exists on each lot affected by the reconfiguration for the installation of a subsurface sewage disposal system.¹⁵
- C. Exemptions. The following structures shall not require the issuance of any permit under these regulations:
- (1) Fences, or walls used as fences, which are no more than six feet in height.
 - (2) Mailboxes.
 - (3) Production agriculture fencing.
- D. Administrative action.
- (1) The Zoning Enforcement Officer, acting on behalf of the Commission, may issue an administrative zoning permit for the following:
 - (a) For an addition to an existing residential structure for any permitted use in any zone.
 - (b) Change in use for permitted uses within any zone, provided change in use meets all applicable requirements.
 - (c) Single- and two-family dwellings.

14. Editor's Note: Amendment pending.

15. Editor's Note: Amendment pending.

- (d) Permitted accessory uses in the RA Zone or permitted accessory structures in any zone. However, the ZEO shall not approve a modification to a special permit.
- (2) The Zoning Enforcement Officer shall review the application to ensure compliance with the Zoning Regulations and shall issue a permit if all applicable requirements of these regulations have been met.
 - (a) The Zoning Enforcement Officer may refer the application to other Town departments for review as necessary.
 - (b) The Zoning Enforcement Officer may waive any part of the application requirements, if the Zoning Enforcement Officer determines the information is not necessary for determining conformity with these regulations.
 - (c) The Zoning Enforcement Officer shall notify the applicant of the decision by certified mail.

§ 300-22. Zoning permit.

A. Site plan submission.

- (1) Applications for a zoning permit shall require a site plan which shall be filed with the Commission on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed the application shall contain a written statement by the owner of the property authorizing the applicant to apply as agent for the owner. The application shall also contain a written statement by the owner or his/her authorized agent giving consent for the Commission or its agent to inspect the property.
- (2) Applications for a zoning permit must include three full-size copies (24 inches by 36 inches), 12 reduced-size copies (11 inches by 17 inches), and one PDF electronic copy of a site plan, signed and sealed by a professional land surveyor and a professional civil engineer, each licensed to practice in the State of Connecticut, at a scale of at least one inch equal to 40 feet, showing the following information:
 - (a) The direction of true North; North arrow shall be oriented toward the top of the page.
 - (b) The zoning classification of the lot.
 - (c) The actual shape and dimensions of the lot, exclusive of any road or street rights-of-way, to be used; provided, however, that if the lot is substantially larger than the area to be developed, the Commission may allow the applicant to submit a site plan showing the lot in an inset map at a different scale from the scale of the remainder of the site plan.
 - (d) The exact size and location on the lot of existing and proposed buildings and structures.

- (e) The location of any parking and loading areas, outside storage areas and/or trash disposal areas, with proposed screening.
- (f) The location of any required setback and yard lines and landscaped buffer areas.
- (g) A table showing the dimensional standards, frontage and setback requirements and any floor area/height requirements for the zone in which the lot is located as compared to the standards for the proposed building, structure and/or use.
- (h) The names of all owners of record of any land abutting the lot to which the zoning permit would apply.
- (i) The location and name of any Town or state street, road or highway which passes through or adjoins the lot or, if no such street, road or highway passes through or adjoins the lot, the entire route of vehicular access to the lot from such a street, road or highway.
- (j) The locations and numbers of any utility poles within 100 feet of the lot or, if there are no such utility poles, the location and number of the utility poles nearest to the lot.
- (k) The location of any existing or proposed driveway, curbs and curb cuts.
- (l) The location of any existing or proposed wells and sewage disposal facilities (including principal and reserve leaching areas) showing precise minimum distances among the wells, sewage disposal facilities, buildings, structures, driveways and parking areas.
- (m) The location of the required minimum lot area.
- (n) The location of all water bodies, watercourses and wetlands on the lot, as determined by a soil scientist licensed in the State of Connecticut.
- (o) Existing and proposed (finished grade) contour lines at an interval of two feet in the required lot area, where detail is required, and no more than 10 feet over the entire site plan or so much thereof as the Commission may prescribe.
- (p) The location of any area(s) subject to flooding during a 100-year flood, as shown on the most recent Flood Insurance Rate Map published by the Federal Emergency Management Agency, including any zone designated by the letter "A" followed by another letter or a number on the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRMs) for the Town of Ashford, Connecticut (Community No. 090165), dated June 18, 2010, as they may be amended from time to time. If the FIRMs are amended after the effective date of these regulations, the floodplains zone shall conform to the delineation on the amended FIRMs of all areas subject to flooding during the 100-year flood. If there are any differences between the 100-year flood areas delineated on the FIRMs and the floodplain zone

as delineated on the Zoning Map promulgated under these regulations, the delineation on the FIRMs shall control.¹⁶

- (q) An A-2 Survey prepared by an engineer or land surveyor licensed to practice in the State of Connecticut.
- (r) Specifications and such other information as may be required by the Commission or its agent to determine that the proposed building or structure complies with all local and state codes and ordinances, including any applicable design guidelines, including but not limited to illumination, signs, and architectural style.
- (s) Landscape plan, in accordance with § 300-23C(1), (2) and (3), for nonresidential uses.¹⁷
- (t) The location and a description of any proposed surface or subsurface drainage improvements, facilities or structures, including stormwater drainage calculations.
- (u) The location of soil test pits and test borings and a description of the soils encountered in such pits or borings.
- (v) Location of any historical or archaeological sites identified by the Connecticut State Historic Preservation Office.
- (w) A lighting plan for nonresidential and multifamily uses.
- (x) Location and details of any proposed signage.
- (y) Statement of proposed use, including a brief statement indicating the traffic impact of the proposed development.

B. Waiver of certain requirements for zoning permits.

- (1) The Commission may waive, by two-thirds vote, any of the submission requirements relating to the site plan specified in Subsection A if, and only if, the Commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application.
- (2) The applicant shall file a written request to the Commission seeking a waiver of such submission requirements.

C. Rendering the decision.

- (1) All applications for a zoning permit shall be reviewed and acted upon in accordance with the time limits prescribed in Connecticut General Statutes § 8-7d, as may be amended from time to time.
- (2) The Commission may deny or approve the application as submitted, modify and approve the application, or approve the application with conditions. A decision to deny or modify an application shall set forth the reasons for such denial or

16. Editor's Note: Amendment pending.

17. Editor's Note: Amendment pending.

modification. The Commission may attach such conditions as it reasonably deems necessary to assure that any proposed building, structure or use will:

- (a) Conform to the standards and limitations set forth in these regulations;
 - (b) Protect the rights of individuals and the health, safety, welfare and convenience of local residents and the community;
 - (c) Protect local property values;
 - (d) Meet the specific standards set forth in this article of these regulations; and
 - (e) Abide by the vision of the Ashford Plan of Conservation and Development.
- (3) A copy of any decision on an application shall be sent by the Commission by certified mail to the applicant within 15 days after such decision is rendered.

D. Final approval.

- (1) The approved site plan, incorporating any modifications or conditions required by the Commission, and containing a copy of the Commission's approval letter, shall be printed upon Mylar (or similar) and two sets thereof shall be submitted to the Commission.
- (2) The Commission shall stamp or mark the Mylars, certifying its approval of the site plan. The certificate of approval shall state that the approval will automatically expire five years from the date of approval and shall specify such expiration date. The Commission shall issue no zoning permit until the final approved plan has been certified by the Commission. Within 65 days of the date of the approval, the applicant shall file one Mylar copy of the approved plan and certificate of approval in the office of the Ashford Town Clerk and shall pay all required filing fees. The other Mylar copy shall be retained in the Ashford Land Use Office. No zoning permit issued in connection with an application shall be effective until the approved plan and certificate of approval have been filed in the office of the Ashford Town Clerk. For good cause shown, the Commission may extend the time for filing the approved site plan. If an approved plan is not filed within such sixty-five-day period or within any period of extension, the approval shall be void.

§ 300-23. Special permits.

- A. Statement of purpose. The purpose of the special permit regulations is to provide a comprehensive review of the proposed plan for the layout of the building(s), structure(s) or use(s) in relationship to the topographical, geological and other natural features of the land, and of the impact of the use(s) upon the environment, health, safety, welfare and convenience of the members of the community consistent with the Town Plan of Conservation and Development. It is intended to ensure that the design and layout of the site and the proposed use(s) will constitute suitable and appropriate development in character with the neighborhood and will not result in a decrease in property values or a detriment to the present and potential use of the area in which it is to be located. Special permit procedures are also intended to assure that proposed

buildings, structures and uses will provide for the maintenance of air, surface water and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources.

- B. When required. A special permit must be issued by the Commission before any person may establish or change any land use, or use, erect, construct, move, enlarge, or alter any building or structure, in whole or in part, if the use, structure or building resulting from such activity is listed as a special permitted use under Article IV of these regulations for the zone in which it would be located. The issuance of a special permit fulfills the requirement for the issuance of a zoning permit.
- C. Standards for special permits. All buildings, structures and uses for which a special permit is required under these regulations must meet the applicable standards set forth throughout these regulations, including but not limited to the following standards:
- (1) Preservation of landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing grading and the removal of vegetation and soil. Where vegetative cover does not exist or has been removed, new plantings may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.
 - (2) Relation of buildings to environment. The proposed project or development shall be related harmoniously to the terrain and to the use, scale and siting of existing buildings in the vicinity of the site. All buildings and other structures shall be sited to minimize disruption of the topography. Strict attention shall be given to the proper functional, visual and spatial relationships of all structures, buildings, landscaped elements and paved areas.
 - (3) Landscaped buffer areas. All buffered and/or screened areas, including setback areas (landscaped and usable), shall be so designed as to be consistent and compatible with abutting uses.
 - (4) Circulation. With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community or public facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
 - (5) Surface water drainage. Special attention shall be given to proper surface drainage so that surface waters will not adversely affect neighboring properties or public storm drainage facilities, will not obstruct the flow of vehicular or pedestrian traffic, and will not create standing water in paved or pedestrian areas. All surface water drained from roofs, streets, parking lots and other impervious areas shall be disposed of in a safe and efficient manner that will not create problems of water runoff or erosion on the site or on neighboring sites or pollution of surface water or groundwater. Insofar as possible, natural drainage courses and swales shall be properly stabilized, and drainage impounding areas shall be utilized to dispose of water on the site through natural percolation to a

degree equivalent to that prior to development. Also, appropriate erosion control measures shall be employed, including slope stabilization measures and the seeding of exposed areas to replace vegetative cover.

- (6) Groundwater recharge and quality preservation. Groundwater recharge shall be maximized, and groundwater quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drainpipes, pervious pavement, reduction of structure area, or reduction of lot coverage. Where groundwater elevations are close to the surface, extra site grading precautions may be required to maintain the protective function of the overburden.
- (7) Utilities. The placement of electric, telephone, or other utility lines and equipment shall be underground. Such utilities shall be so located as to provide no adverse impact on groundwater levels and coordinated with other utilities.
- (8) Other site features. Exposed storage or utility areas, exposed machinery installations, and service areas shall be designed with screen plantings, fencing or other screening methods to be compatible with the environment and the surrounding properties.
- (9) Safety. All open and enclosed spaces shall be designed to facilitate evacuation and to maximize accessibility by fire, police and other emergency personnel and equipment.
- (10) Neighboring properties. The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties.
- (11) Natural, agricultural and historical resources. The proposed uses shall not unreasonably destroy, damage or threaten locally significant natural or historical resources.

D. Applications.

- (1) All special permit applications shall require a public hearing.
- (2) Applications for a special permit shall be filed with the Commission on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed the application shall contain a written statement by the owner of the property authorizing the applicant to apply as agent for the owner. The application shall also contain a written statement by the owner or his/her authorized agent giving consent for the Commission or its agent to inspect the property.
- (3) Applications for a special permit must include three full-size copies (24 inches by 36 inches), 12 reduced-size copies (11 inches by 17 inches), and one PDF electronic copy of a site plan, signed and sealed by a professional land surveyor and a professional civil engineer, each licensed to practice in the State of Connecticut, at a scale of at least one inch equal to 40 feet, containing all information set forth in § 300-22A(2) above, and further containing the following information:

- (a) All the information specified for a zoning permit.
 - (b) The nature and amount of any hazardous materials or wastes to be produced, used, stored or disposed of on the lot, and the manner in which such production, use, storage, removal or disposal will be carried out.
 - (c) The names of all owners of record of property within 200 feet of the lot to which the special permit would apply.
 - (d) The location and nature of any proposed landscaping, buffer areas or screening, and any existing or boundary stone walls.
 - (e) The location of soil types and forested areas on the parcel.
 - (f) The location and a description of any proposed surface or subsurface drainage improvements, facilities or structures.
 - (g) Hydrological analyses of runoff and peak flows, both before and after development.
 - (h) Depths to seasonal high groundwater levels and bedrock.
 - (i) A list of other federal, state or municipal permits or licenses which the applicant will need to implement the uses applied for and the status of any applications for such permits or licenses.
 - (j) Architectural drawings of any proposed buildings or structures.
 - (k) A traffic report indicating existing traffic conditions at normal and peak travel times for, at a minimum, any street abutting or passing through the lot affected by the application, and also indicating the projected impact of the proposed use on such traffic conditions.
 - (l) The schedule for any construction or other development activities, including but not limited to erection of or other work on any buildings or structures, grading, removal of vegetation, landscaping and drainage improvements.
 - (m) Identification of wildlife habitats on and near the site and the impact of the proposed use on such habitats.
 - (n) Identification of general vegetation types as listed on the state's Natural Data Diversity Database.
 - (o) Identification of any species as listed on the state's Natural Data Diversity Database.
 - (p) Other information the Commission deems necessary for the proper disposition of the application.
- E. Waiver of certain requirements for special permits.
- (1) The Commission may, by two-thirds vote of the Commission, waive any of the submission requirements relating to the special permit specified in Subsection D if, and only if, the Commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application.

- (2) The applicant shall file a written request to the Commission seeking a waiver of such submission requirements.
- F. Criteria for evaluation. The Commission may, in appropriate cases and subject to appropriate modifications and conditions as provided herein, grant a special permit if it determines that:
- (1) The proposal is consistent with the Ashford Plan of Conservation and Development, as amended.
 - (2) The application conforms in all respects to these regulations, unless a certified copy of a variance from any such provision is submitted with the application or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, preexisting nonconformity as provided in § 300-10.
 - (3) The parking and loading facilities are adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable convenience and safety of vehicular and pedestrian movement on the site.
 - (4) The streets providing access to the site are adequate in width, grade, alignment and visibility and have adequate capacity for the additional traffic generated by the proposed use.
 - (5) The application makes adequate provision for accessibility of emergency vehicles, e.g., police, fire and emergency transportation vehicles.
 - (6) The water supply, sewage disposal and stormwater drainage shall conform to accepted engineering criteria and comply with all standards of the appropriate regulatory authorities, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.
 - (7) Adequate measures have been incorporated for the prevention of surface water and groundwater pollution, soil erosion and sedimentation, increased runoff, and changes in groundwater levels.
 - (8) All measures addressing fire safety and police protection have been incorporated to the satisfaction of the Town Fire Marshal and Police Chief, as applicable.
 - (9) The location, design, intensity, layout and operation of the proposed buildings, structures or uses will be in harmony with the orderly development of the area and compatible with other existing uses and will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.
 - (10) The design elements of the proposed development are attractive and compatible with the style of other buildings in the immediate area and will not alter the essential characteristics of the area.
 - (11) The proposed use will not have any detrimental effects upon the health, safety, welfare or property values of the community.
 - (12) There shall be no adverse impact on existing or potential local water supplies and recharge areas.

- (13) Important natural, agricultural and historic resources have been adequately protected and/or preserved, or due consideration of preservation of the same has been demonstrated.
- (14) There shall be no adverse impact on wildlife and plant habitats.

G. Rendering the decision.

- (1) A public hearing shall be held prior to issuing a decision on any special permit application. All applications for a special permit shall be reviewed and acted upon in accordance with the time limits prescribed in Connecticut General Statutes § 8-7d, as may be amended from time to time.
- (2) In accordance with the time limits found in § 8-7d of the Connecticut General Statutes, the Commission shall either approve the special permit and the site plan as submitted, approve the special permit and site plan with conditions or modifications, as provided under these regulations, or deny the special permit and site plan. The Commission shall state the reasons for its decision on its records.
- (3) The Commission may place on any special permit whatever conditions the Commission may reasonably deem necessary to assure that any proposed building, structure or use will conform to the standards and limitations set forth in these regulations; will protect the rights of individuals and the health, safety, welfare and convenience of local residents and the community; will protect local property values; and will meet the specific standards set forth in this article of these regulations.
- (4) The conditions may relate to, without limitation, the spatial design and layout of buildings, structures and uses; provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening, and protection of the environment and of natural and historic resources; construction or other development schedules; and hours of operation of the proposed building, structure or use.
- (5) A copy of any decision on an application shall be sent by the Commission by certified mail to the applicant within 15 days after such decision is rendered.

H. Filing and recording of special permits.

- (1) Any special permit issued under these regulations shall not become effective until the special permit is certified by the Commission and filed on the Ashford Land Records. The special permit shall contain a description of the premises to which it relates, specify the nature of the special permit and any modifications and/or conditions imposed by the Commission, state the regulation under which the special permit is issued, and state the names of all owners of record of the premises.
- (2) The applicant or record owner shall be responsible for filing and recording the special permit and shall pay all filing and recording fees.
- (3) In addition, the final approved site plan associated with the special permit shall be prepared and filed as provided in § 300-22D of these regulations.

§ 300-24. Amendment of permits and site plans.

Following the issuance of a zoning permit or special permit or the approval of a final site plan by the Commission, no changes or alterations may be made in such permit or site plan except by approval of the Commission upon written application as provided in these required regulations.

- A. If the Commission determines that the requested change or alteration is minor, it may issue an amended permit or approve an amended final site plan without the need for further procedures under these regulations. For the purposes of this section, "minor changes or alterations" shall not include any change of use or any alteration resulting in an increase or decrease in the dimensions of any building or structure, or the location of any building on a lot.
- B. If the Commission determines that the requested change or alteration is not minor, it shall direct the applicant to file a new application under these regulations and shall follow the procedures specified under this article for making a decision on such application.

§ 300-25. Amendment of regulations or Zoning Map.

- A. Amendment of regulations or map.
 - (1) The following procedures shall be followed for any proposed amendment to the planning and zoning regulations or to zoning district boundaries:
 - (a) In accordance with the provisions of § 8-3 of the Connecticut General Statutes, these regulations and/or the Zoning Map may be amended either on the initiative of the Commission or by petition from one or more property owners or residents of the Town of Ashford having standing to file such application.
 - (b) Applications for zone change or zone text amendments shall be filed with the Commission on a form provided by the Commission. The application shall include all required application materials as provided below and shall only be received at a regular meeting of the Commission.
 - (c) Once a petition has been received as complete, the Commission shall hold a public hearing within the limits prescribed in § 8-7d of the Connecticut General Statutes, complete its review and, within statutory time limitations, act upon the changes requested in such petition. The Commission shall approve such regulation or map change only by majority vote of the Commission. The Commission shall establish an effective date for approved changes to the Zoning Regulations or Zoning Map.
 - (d) Upon receipt of an application to amend the Zoning Regulations and/or Zoning Map, the Commission may refer the application materials to Town staff members and/or consultants/experts that the Commission deems necessary or appropriate.

- (2) Application requirements. Petitions to amend the Zoning Regulations and/or Zoning Map shall, except as noted otherwise, include the following information:
- (a) A complete application form including the signatures of all petitioners and all subject property owners, along with the fee.
 - (b) Statement of justification for the proposed regulation amendment or zoning district boundary change. Said statement should substantiate:
 - [1] The compatibility of the proposal with respect to the Ashford Plan of Conservation and Development;
 - [2] The reasons for the particular change(s); and
 - [3] The effects such a change would have on the health, safety, welfare, and property values of Ashford residents.
 - (c) Petitions for changes to the Zoning Regulations shall include the exact wording of all proposed amendments and article and section references. All applications to amend the Zoning Regulations should incorporate into the proposal all related sections of the regulations that must be modified to ensure consistency among the various regulatory provisions.
 - (d) Petitions for changes to the Zoning Map shall include three full-size copies (24 inches by 36 inches), 12 reduced-size copies (11 inches by 17 inches), and one PDF electronic copy of a map prepared and appropriately signed and sealed by a land surveyor licensed to practice in the State of Connecticut, containing the following information:
 - [1] For a rezoning involving 10 acres or less, said map shall be at a scale of one inch equals 100 feet or less.
 - [2] For areas greater than 10 acres in size, the map shall be at a scale of one inch equals 200 feet or less.
 - [3] For areas over 20 acres in size, the Planning and Zoning Commission may authorize an alternative scale provided the proposed area of rezoning and all properties within 500 feet of this area are clearly represented.
 - [4] The zone change map shall be distinct from any site plan and shall include the following:
 - [a] The area of the zone change and all area within 500 feet of the proposed rezoning.
 - [b] Existing and proposed zoning district boundary lines.
 - [c] Existing streets, rights-of-way, easements, watercourses, wetlands and flood hazard areas.
 - [d] Existing property lines and the names and addresses of the current property owners within 500 feet of all property boundaries, as per the Ashford Assessor's records.

- (e) In situations where the mapping information required in Subsection A(2)(d) above cannot fit on one sheet of 24 inches by 36 inches, the application shall also include an additional sheet of 24 inches by 36 inches depicting all property within the area of the zone change and all property within 500 feet of the proposed rezoning.
- B. Criteria for evaluation. In considering any petition to amend the Zoning Regulations or revise the Zoning Map, the Planning and Zoning Commission shall determine that the applicant's proposal will promote the public's health, safety, property values and general welfare. Further, the Planning and Zoning Commission shall make the following findings:
- (1) The proposal is complete and contains all required application information.
 - (2) The proposal is consistent with the goals, policies and recommendations contained within the Ashford Plan of Conservation and Development. This finding shall be stated on the record, pursuant to § 8-3(b) of the Connecticut General Statutes.
 - (3) The proposal is consistent with the expression of regulatory intent and purpose contained in the provisions of Article I of these regulations and § 8-2 of the Connecticut General Statutes, as amended.
 - (4) Any proposal to amend the Zoning Regulations is appropriately worded and legally sound and comprehensive and consistent with respect to other regulatory provisions.
 - (5) Any proposal to revise the Zoning Map has comprehensively considered the size and physical characteristics of the subject area, the character and supply of land currently zoned in the subject classification, and the effect of the proposal on existing land uses in the surrounding area.
- C. Rendering the decision.
- (1) A public hearing shall be held on all applications to amend the regulations or Zoning Map. All applications shall be reviewed and acted upon in accordance with the time limits prescribed in Connecticut General Statutes § 8-7d, as may be amended from time to time.
 - (2) Amendments to the Zoning Regulations or revisions to the Zoning Map shall be adopted by a majority vote of all the members of the Commission, except where a formal protest against a proposed revision to the Zoning Map is filed at or before a public hearing on the subject revision.
 - (3) Such a protest must be appropriately signed by the owners of 20% or more of the area of the lots included in such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change.
 - (4) Where such a protest is appropriately filed, the proposed change shall not be adopted except by a vote of 2/3 of all the members of the Commission.
 - (5) Anyone considering the filing of a formal protest against a proposed revision to the Zoning Map, as per the provisions of the Connecticut General Statutes and

this section, is advised to contact the Ashford Land Use Office for assistance with respect to proper format and requirements.¹⁸

- (6) When approving an application to amend the regulations or Zoning Map, the Commission must establish an effective date for the approved change. The change shall become effective as such time as fixed by the Commission, provided that a copy of the change is filed with the Town Clerk and legal notice of the decision is published, as provided in § 300-27 below.
- (7) The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of 12 months.

§ 300-26. Fees.

- A. Reasonable fee schedule. Fees are required for zoning applications and shall be paid by the applicant upon submitting any application for any approval requested. No application shall be acted upon by the Commission until the appropriate fees are paid. Checks covering any required fees shall be made payable to "Town of Ashford." These fees may be modified from time to time by the Town. Check with the Zoning Enforcement Officer for current fee schedule.¹⁹
- B. Technical or professional consultant fee for land use applications. Applications involving land use applications may or may not require the need for review by outside consultants. The Planning and Zoning Commission, Zoning Board of Appeals and Inland Wetlands and Watercourses Commission are authorized pursuant to Chapter 173, Fees, Article II, Land Use Agency Fees, of the Town Code to retain such outside assistance and surcharge the applicant for all such expenses reasonably and necessarily incurred, as an additional fee.²⁰
- C. Technical or professional consultant fee for large, complex land use applications.
 - (1) Definitions. For purposes of Subsection C the following words, terms and phrases shall have the meanings ascribed to them in this subsection:

BIOMASS — A renewable energy source from living or recently living plant and animal materials which can be used as fuel.

BIOMEDICAL WASTE — Untreated solid waste generated during the administration of medical care or the performance of medical research involving humans or animals and which, because of its quantity, character or composition, has been determined by the Connecticut Department of Energy and Environmental Protection to require special handling, including infectious waste, pathological waste and chemotherapy waste, but excluding any solid waste which has been classified by the State Department of Energy and Environmental Protection as a hazardous waste pursuant to § 22a-115 of the Connecticut General Statutes or is a

18. Editor's Note: Amendment pending.

19. Editor's Note: Amendment pending.

20. Editor's Note: Amendment pending.

radioactive material regulated pursuant to § 22a-148 of the Connecticut General Statutes.²¹

BIOMEDICAL WASTE TREATMENT FACILITY — A solid waste facility capable of storing, treating or disposing of any amount of biomedical waste, excluding any facility where the only biomedical waste treated, stored or disposed of is biomedical waste generated at the site.

GEOHERMAL — Energy sources from heat generated and stored in the earth.

INDUSTRIAL FACILITIES — A category of uses for businesses involving assembly, production, storing, transferring and disposal of goods or products, and which may also include associated facilities such as offices, maintenance facilities, and fuel pumps and both indoor and outdoor activities and storage of goods.

LARGE, COMPLEX LAND USE APPLICATION — An application proposing to develop industrial, solid waste processing, or utility-scale renewable energy facilities as defined herein.

PERSON — Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state, or other legal entity of any kind.

PUBLIC IMPROVEMENTS — Includes, but shall not be limited to, the construction of new roads to be constructed to standards approved by the Planning and Zoning Commission, whether such roads are to be privately owned or conveyed to the Town, improvements to existing roads, storm drainage facilities, water and sewer lines, the planting of trees or other landscaping and the installation of retaining walls or other structures.

RENEWAL ENERGY PROCESSES — Includes the following sources: biomass; geothermal; wind; solar; and fuel cells.

RESOURCE RECOVERY FACILITY — A facility utilizing processes aimed at reclaiming the material or energy values of solid waste.

SOLAR — The conversion of sunlight into electricity, either directly using photovoltaics (PV) or indirectly using concentrated solar power (CSP). Concentrated solar power (CSP) systems use lenses or mirrors and tracking systems to focus a large area of sunlight into a small beam.

SOLID WASTE — Unwanted or discarded materials, including solid, liquid, semisolid or contained gaseous material.

SOLID WASTE DISPOSAL AREA — The location utilized for ultimate disposal of wastes.

SOLID WASTE FACILITY — Any solid waste disposal area, volume reduction plant, or resource recovery facility or biomedical waste treatment facility operated by any municipal or regional authority or any person if such area, plant or facility

21. Editor's Note: Amendment pending.

handles more than five tons a year of solid waste or any amount of biomedical waste.

UTILITY-SCALE RENEWABLE ENERGY FACILITY — One which generates more renewable energy than can be used by the business where it is installed; feeds the power directly into the grid, supplying a utility with energy; and has a power purchase agreement (PPA) with a utility, guaranteeing a market for its energy for a fixed term of time. This definition does not apply to facilities using net metering or virtual net meter.

VOLUME REDUCTION PLANT — A plant designed primarily for the purpose of reducing the volume of solid waste which must finally be disposed of, including but not limited to incinerators, pulverizers, compactors, shredding and baling plants, transfer stations, and compost plants or other plants which accept and process refuse for recycling, reuse and resource recovery.

WIND — The use of air flow through wind turbines to mechanically power generators for electric power.

- (2) Fee process for application. When an application is filed with the Planning and Zoning Commission seeking a zone change, zoning approval, special permit or exception or site plan approval for construction of a large, complex land use facility, in addition to the application fees set forth in the fee schedule posted in the Land Use Office, the applicant shall pay a minimum fee of \$50,000 but not less than 1% of the estimated cost of construction of the facility, including but not limited to all equipment therein and all site improvements thereon. The applicant shall provide upon the filing of the application a statement estimating the total cost of construction. Such estimate shall be subject to review by the Planning and Zoning Commission, its staff and agents. Payment shall be made to the Town in the form of a bank check or certified check.²²
- (3) Use of fee. Upon receipt of the application fee for the facility, the Planning and Zoning Commission shall obtain the services of consultants to help review and evaluate the application. The Planning and Zoning Commission shall:
 - (a) Refer its written proposal regarding the consultants it proposes to hire to the Board of Selectmen for a report. Failure of the Board of Selectmen to report within 10 days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of disapproval of the proposal by the Board of Selectmen, the reasons for the disapproval shall be recorded and transmitted to the Planning and Zoning Commission. A proposal disapproved by the Board of Selectmen shall be adopted by the Planning and Zoning Commission only upon the favorable vote of not less than 2/3 of all members of the Planning and Zoning Commission.
 - (b) Advise the applicant in writing of the consultants it proposes to hire and give the applicant 10 days from the date of notice to comment on the qualification of those consultants. Any decision of the Planning and Zoning

²². Editor's Note: Amendment pending.

Commission to hire a consultant will be final, regardless of the applicant's approval or disapproval. Each consultant shall advise the Planning and Zoning Commission of the effects the proposed facility might reasonably be expected to have upon the health, safety and welfare of the people of the Town, including but not limited to the effects that the proposed facility might reasonably be expected to have upon the subject property and neighboring properties, natural resources, groundwater, air quality, noise levels, volume of traffic and property values or such other considerations set forth in the scope of work of the consultant.

- (c) Draw upon the application fee to pay for the expenses of having consultants help review, evaluate or process the application.
 - (d) Keep a separate account of its drawings from the facility application fee and shall periodically, but not less frequently than bimonthly, advise the applicant of its expenditures and of the balance remaining from the fee. In the event that additional funds are required to complete the review, the applicant will be notified and required to replenish the funds in increments of \$25,000, which funds shall be used and accounted for as set forth in this section. Any portion of the application fee which the Planning and Zoning Commission does not expend for the purposes described in this section shall be refunded to the applicant without interest. The refund shall be made within 30 days of publication by the Planning and Zoning Commission of legal notice of a final decision. In the event that a court remands the application for further review which requires further consulting review, the applicant shall replenish the fund in an amount determined by the Planning and Zoning Commission. Any funds required by this section to replenish funding for consulting services must be paid within 10 days from the date of notice that additional fees are required.
- (4) Payment of application fees. All application fees, including sums required under Subsection C(2) of this section, shall be paid upon the filing of the application.
 - (5) The failure to pay application fees required by these regulations shall render the application incomplete and subject it to immediate denial on that ground.

§ 300-27. Notices.

- A. Notice to Inland Wetlands and Watercourses Commission. If any application for a zoning permit or special permit involves an activity regulated pursuant to Connecticut General Statutes §§ 22a-36 to 22a-45, inclusive, the applicant shall submit an application to the Inland Wetlands and Watercourses Commission not later than the day the application is submitted for the zoning permit and/or special permit. The Commission shall not render a decision on the application until the Inland Wetlands and Watercourses Commission has submitted a report to the Commission with its final report. In making its decision, the Commission shall give due consideration to the report.²³

23. Editor's Note: Amendment pending.

- B. Notice to regional council of governments. The Commission shall send written notice of any application to change a zone, or change a regulation affecting the use of a zone, any portion of which is within 500 feet of the boundary of another municipality, to the regional council of governments for the region or regions in which the Town and the other municipality are located. The notice shall be sent in accordance with the requirements of § 8-3b of the Connecticut General Statutes. No hearing shall be conducted unless the notice to the regional council of governments has been sent. Any report received from the regional council of governments will be for advisory purposes only.²⁴
- C. Notice to abutting towns. The Commission shall send written notice by certified mail, return receipt requested, to the Town Clerk of any adjoining municipality of the pendency of any application concerning a project on any site in which any portion of the subject property is within 500 feet of any boundary of the adjoining municipality. Notice shall be sent within seven days of the receipt of the application by the Commission. The postal return receipts and returned letters, if any, shall be submitted to the Commission by the hearing date as proof of notification. No hearing shall be conducted unless the notice to the adjoining municipality has been sent.
- D. Notice to abutting property owners.
- (1) For all special permit applications, the applicant, or their agent, shall be responsible for notifying owners of property located within 200 feet of the subject property. With the submission of any such application to the Commission, the applicant shall provide a list of the names and addresses of owners of property located within 200 feet of the subject property. The latest records of the Ashford Tax Assessor shall be utilized to determine the owner of each property. Notices from the applicant to the surrounding property owners shall be sent via U.S. certificate of mailing not less than 10 days before the public hearing. This notice shall include a brief description of the application proposal and the date, time and place of commencement of the public hearing to be conducted by the Commission. The notice also shall reference the fact that the complete application is available for public review at the office of the Ashford Town Clerk. Prior to the date of the public hearing, the applicant shall submit to the Commission the certificate of mailings as proof of notification.
 - (2) For all applications to amend the Zoning Map, the applicant, or their agent, shall be responsible for notifying owners of property located within 500 feet of the perimeter boundaries of the subject zone change area. With the submission of any such application to the Commission, the applicant shall provide a list of the names and addresses of owners of property located within 500 feet of the subject property. The latest records of the Ashford Tax Assessor shall be utilized to determine the owner of each property. Notices from the applicant to the surrounding property owners shall be sent via U.S. certificate of mailing not less than 10 days before the public hearing. This notice shall include the statement of justification received by the Commission and the date, time and place of commencement of the public hearing to be conducted by the Commission. The notice also shall reference the fact that the complete application is available for

24. Editor's Note: Amendment pending.

public review at the office of the Ashford Town Clerk. Prior to the date of the public hearing, the applicant shall submit to the Commission the certificate of mailings as proof of notification.

- E. Notice of public hearing signs. Prior to any required public hearing, the applicant shall post a sign on the property that is the subject of the application, one each on all streets fronting the property, indicating the intent of the application and the date, time and place of the public hearing. Such signs shall be placed no less than 15 days prior to the date of the scheduled public hearing. Signs shall be located prominently and remain in place throughout the formal public hearing process. The Zoning Enforcement Officer may be contacted for additional details.
- F. Notice to be filed with Town Clerk. Any application to amend the regulations or Zoning Map shall be filed by the applicant with the Town Clerk at least 10 days before the public hearing on any such application.
- G. Publication of legal notice. The Commission shall cause legal notice of any application requiring a public hearing to be published in a newspaper having general circulation in the Town of Ashford, in accordance with the requirements of Connecticut General Statutes § 8-7d, as may be amended from time to time. The Commission shall also cause legal notice of any action taken on any application to be published in a newspaper having general circulation in the Town of Ashford. In any case where notice of the Commission's decision is not published within 15 days after the decision has been rendered, the applicant may provide for the publication of such notice within 10 days thereafter.
- H. Notice to water company. If an application is filed concerning any property within the aquifer protection area delineated pursuant to Connecticut General Statutes § 22a-354c or the watershed of a water company, the applicant shall send written notice of the same to the water company and the Commissioner of Public Health. Notice shall be sent by certified mail, return receipt requested, within seven days of the date of the application.

ARTICLE VI Special Standards

§ 300-28. Soil and erosion control.

- A. Purpose. This section is intended to ensure that proper provision is made to control accelerated erosion and sedimentation and reduce the danger from stormwater runoff.
 - (1) A soil erosion and sediment control plan, when required, shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. For methods and practices necessary for certification refer to the current version of Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as may be amended, and published by the Connecticut Council on Soil and Water Conservation. Alternative principles, methods and practices may be used with prior approval of the Commission.

- (2) The soil erosion and sediment control plan shall be prepared by a professional engineer licensed by the State of Connecticut.
- B. Activities requiring a soil and erosion and sediment control plan.
- (1) All development shall make proper provisions to control accelerated erosion and sedimentation based on the best management practices.
 - (2) A soil erosion and sediment control plan shall be submitted:
 - (a) With any application for development when the disturbed area of such development is cumulatively more than 1/2 an acre; and
 - (b) Whenever any other provision within these regulations specifically requires the submission of such plan.
- C. Standards for soil erosion and sediment control plan.
- (1) Any proposed development shall be fitted as close as possible to the pre-development topography and soils so as to create the least erosion potential.
 - (2) To the greatest extent possible, existing vegetation should be retained and protected.
 - (3) The smallest practical area of land exposure should be kept to the shortest practical period.
 - (4) Best management practices shall be used to protect areas exposed during development.
 - (5) Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Computations for runoff shall be in accordance with Technical Release No. 55, Urban Hydrology, Engineering Division, Soil Conservation Service, United States Department of Agriculture, January 1975, as amended.
 - (6) The permanent final vegetation and control measure structures and control facilities should be installed as soon as practical in the development process.
 - (7) There shall be a plan and maintenance schedule for post-development operation of necessary erosion and sediment control measures and any stormwater management systems or structures.
- D. Contents of plan.
- (1) The applicant shall describe, in mapped and narrative form, the measures to be taken to control erosion and sediment both during and after construction. The plan and its specific measures shall be based upon the best available approaches and technology and shall be in accordance with the principles and meet or exceed the standards described in the Connecticut Guidelines for Erosion and Sediment Control (2002), as amended.

- (2) The Commission shall certify the control plan complies with the requirements of this regulation before the site plan can be approved. The plan shall contain, but shall not be limited to:
- (a) A narrative describing the following:
- [1] The development project.
 - [2] The sequence and schedule for grading construction activities.
 - [3] The start and completion dates.
 - [4] Sequence for installation and/or application of soil erosion and sediment control measures.
 - [5] Timing and sequence for final stabilization of the project site.
 - [6] The design criteria, construction details, installation and application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
 - [7] The post-construction stabilization operation and maintenance program for proposed soil and erosion and sediment control measures and stormwater management.
- (b) A site plan map at a scale of one inch equal to no more than 40 feet on sheets 24 inches by 36 inches in size. The site plan must show:
- [1] The location of the proposed development and adjacent properties.
 - [2] The existing and proposed topography including soil types, wetlands, watercourses and water bodies.
 - [3] The area of proposed site alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.
 - [4] The existing structures on the project site, if any.
 - [5] The location and details for all proposed soil erosion and sediment control measures, structures and stormwater management facilities.
 - [6] The sequence of grading and construction activities.
 - [7] The sequence and installation and/or application of soil erosion and sediment control measures.
 - [8] The sequence for final stabilization of the development site.
- (c) A certification that the soil erosion and sediment control plan is in conformance with the provisions of these regulations, which certification shall be signed, sealed, and dated by the professional engineer responsible for preparing the plan.

- (d) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its authorized agent.

E. Issuance or denial of certification.

- (1) Prior to certification, any plan submitted to the Commission may be reviewed by the Eastern Connecticut Conservation District which may make recommendation concerning such plan, provided such review shall be completed within 30 days of the receipt of such plan. When determined by the Commission to be necessary or desirable, the Commission may require that the soil erosion and sediment control plan be certified by the Eastern Connecticut Conservation District. Any costs related to such certification by the District shall be borne by the applicant.²⁵
- (2) The Commission may forward a copy of the development proposal to other agencies and/or advisors for review and comment.
- (3) Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapter 124 or 126 of the Connecticut General Statutes, as amended.²⁶
- (4) The Commission or its authorized agent shall either certify that the soil erosion and sediment plan, as filed or with modifications, complies with the requirements and objectives of these regulations or shall deny certification when the development proposal does not comply with these regulations.

F. Application of controls; bond or other security. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be bonded in accordance with § 300-37.

G. Inspection. During and after installation, the Zoning Enforcement Officer will inspect the site to verify that all necessary erosion and sediment controls have been properly installed. When the Zoning Enforcement Officer is satisfied they have been properly installed, the Commission's agent will so indicate on the owner's application for a building permit. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan, are operating and are being maintained. If in the opinion of the Zoning Enforcement Officer the control measures have not been installed or maintained in conformance with the certified plan, or if the plan has not adequately addressed certain site conditions, and there is a failure of installed controls, the property owner will be so notified by certified mail. If the problem as described in that notice is not rectified within 24 hours of delivery of that notice, the Zoning Enforcement Officer may take steps to correct the problem using funds from the posted cash bond or other security.

25. Editor's Note: Amendment pending.

26. Editor's Note: Amendment pending.

§ 300-29. Signs.

- A. Purpose. It is the purpose and intent of this section to accommodate the placement of signs necessary for the identification, direction and reasonable promotion of permitted and special permitted uses while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to public health and safety, property values and the appearance and beauty of the community.
- B. Signs in the Residential - Agricultural Zone.
- (1) Unless specifically authorized elsewhere in these regulations, the following signs are permitted in the Residential - Agricultural Zone:
 - (a) One sign (freestanding or attached), up to two square feet in area, displaying the name of the land or buildings on which the sign is located, the name of the owner or lessee thereof, and his profession or activity.
 - (b) No trespassing or other signs indicating the private nature of premises, up to two square feet in area, in a quantity not to exceed one for every 50 feet of frontage.
 - (c) Non-illuminated temporary signs, up to six square feet in area, pertaining to sale or lease of the premises where displayed or where construction is underway, provided that such sign(s) shall be removed when the premises are sold, rented or constructed.
 - (d) Off-premises directional signs for business, educational, and nonprofit uses on posts provided for by the Town at major street intersections approved by the Board of Selectmen. A sign not larger than six inches in width and two feet in length is permitted per business or use. Such signs shall be placed on the Town posts on a space-available basis subject to approval of the Board of Selectmen.
 - (e) Political signs associated with an official election or referendum, provided that such signs are removed within seven days of the election or referendum.
 - (2) An administrative zoning permit shall be issued before any such sign may be erected, and the application for such permit shall specify the location at which and the time period during which such sign may be erected and maintained.²⁷
- C. Signs in nonresidential zones.
- (1) Unless specifically authorized elsewhere in these regulations, the following signs and no others are permitted in nonresidential zones, provided that no sign shall advertise or refer to any activity, use, structure or business that is not located or does not take place on the lot on which the sign is located:
 - (a) Any sign permitted in a residential zone.

27. Editor's Note: Amendment pending.

(b) Up to four business or advertising signs, provided that the total area of all signs on a lot, both attached or freestanding, shall not exceed the greater of 40 square feet or two square feet per each full foot of length of the "main side" of the principal building, where the "main side" of the principal building shall be the side closest, and most closely parallel, to the street providing the principal vehicle access to the lot.

(2) Any freestanding sign shall require approval of a special permit by the Commission.

(3) All other signs shall require a zoning permit.

D. Requirements for signs in all zones.

(1) No sign shall be located where it would obscure the view of street traffic from other vehicles.

(2) Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted. Except for time and weather signs, the digital message shall not be permitted to change more than once each half hour.

(3) Any approval required herein shall be granted only after the Commission, or the Zoning Enforcement Officer, as the case may be, is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:

(a) Lighting fixtures illuminating signs shall be carefully located, aimed and shielded so that light is directed onto the sign facade and shall not be aimed toward adjacent streets, roads or properties, and the light source (bulb) of the light fixture shall not be directly visible from adjacent streets, roads or properties.

(b) The average level of illumination on the vertical surface of the sign shall not exceed 3.0 footcandles, and the uniformity ratio shall not exceed 2:1.

(c) Externally illuminated signs shall have lighting units mounted at the top of the sign and aimed downward. The lighting units shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from direct off-site view and to place the light output onto and not beyond the sign. Lighting shall be by linear fluorescent unless it can be demonstrated to the satisfaction of the Commission that equal or superior results with respect to glare, light trespass and light pollution control can be achieved with an alternative source.

(d) Lighted signs shall only be permitted in nonresidential zones, shall be static, shall not be allowed to operate between 11:00 p.m. and dawn when located where visible from a residential district or use, and shall not be located within 1,000 feet of an approaching interchange or traffic-merging lanes. Except for time and weather signs, the digital message shall not be permitted to change more than once each half hour. During hours of darkness, the light output shall be automatically reduced to a brightness

level that does not create glare. The sign nighttime brightness shall be capable of being further dimmed if the Commission requires a reduction in brightness when the lighting is judged to create a nuisance or hazard.

- (e) The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
 - (4) Signs must be constructed of good material, firmly supported, maintained in good condition and repair, and removed when the purpose for which they were erected no longer exists.
 - (5) The top of a freestanding sign shall not be higher than 15 feet from ground level. No sign mounted on a building shall project higher than the roofline.
 - (6) The Zoning Enforcement Officer may order the removal of any signs that are not maintained or erected in accordance with the provisions of this section.
 - (7) All signs are subject to the side yard setbacks of the zone in which they are located. Where a nonresidential zone abuts a residential zone, the side line setback of the residential zone shall apply along the abutting line. Signs are not required to conform to front yard setbacks. However, the sign must not protrude into the road right-of-way or interfere with the roadway sight line.
- E. Nonconforming signs; modifications. Signs existing at the time of the adoption of these regulations must be maintained in their existing size, shape and illumination and cannot be altered, enlarged, expanded or moved. No lights may be added thereto, except as such changes may keep or bring the signs into conformance with these regulations.

§ 300-30. Outdoor lighting.

- A. Purpose. To require and set minimum standards for outdoor lighting to:
- (1) Provide for and control lighting in outdoor public places for public health, safety and welfare;
 - (2) Protect drivers and pedestrians from the glare of non-vehicular light sources;
 - (3) Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources;
 - (4) Encourage quality lighting design, light luminaire shielding, uniform light intensities, maximum lighting levels within and on property lines, and lighting controls;
 - (5) Promote energy-efficient lighting design and operation;
 - (6) Protect and retain the intended visual character of the Town; and
 - (7) Provide an environmentally sensitive nighttime environment that protects significant wildlife habitat.
- B. Applicability.

- (1) Outdoor lighting (for the purposes of these provisions, light sources include any refractor, reflector, bulb, tube, or globe) shall be kept to the minimum intensity needed for ground and entryway lighting. No exterior lighting shall be used in a manner which produces a bloom or a direct glare on neighboring property or adjacent street, or which produces an objectionable visual disturbance. All exterior lighting shall be shielded so that the source of light cannot be directly seen from off the property. All outdoor lighting facilities or lamps shall be shielded in such a manner that:
 - (a) The edge of the lamp shield is below the light source;
 - (b) Direct radiation (glare) from the light source is confined within the boundaries of the property; and
 - (c) Direct radiation is prevented from escaping toward the sky.
- (2) The mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation directly below the fixture to the bottom of the lighting fixture. The height shall be the minimum necessary to illuminate the project area and in no case shall exceed 16 feet for parking lot lighting.
- (3) Temporary seasonal decorative lighting is exempt from the requirements of this regulation.

C. Standards.

- (1) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- (2) Directional lighting units such as floodlights and spotlights, when their use is specifically approved by the Commission, shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences or adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrianway. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
- (3) Parking facility and vehicular and pedestrianway lighting (except for safety and security applications and all-night business operations) for commercial, industrial and institutional uses shall be automatically extinguished no later than 1/2 hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of 25% of the number of lighting units or illumination level required or permitted for illumination during regular business hours.
- (4) For premises containing commercial, industrial or institutional establishments, illumination for signs, building facades and/or surrounding landscapes for

decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, or 1/2 hour after the close of business and dawn, whichever is later.

- (5) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff lighting units, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
- (6) Only the United States and the state flag shall be permitted to be illuminated from dusk till dawn. All other flags shall not be illuminated past 11:00 p.m.

D. Nonconforming lighting; modifications. Lighting existing at the time of the adoption of these regulations must be maintained in its existing configuration and illumination and cannot be altered, enlarged, expanded or moved. No lights may be added thereto, except as such changes may keep or bring the lights into conformance with these regulations.

§ 300-31. Parking and traffic requirements.

A. Purpose. The purpose of parking standards is to assure adequate off-street parking, reduce on-street parking, increase traffic safety, maintain smooth traffic flow, and reduce the visual impact of parking lots. These standards are also designed to achieve safe and efficient vehicular and nonmotorized circulation (bicycle and pedestrian) and economy of space.

B. Number and size of spaces required.

- (1) Off-street parking spaces shall be provided in at least the amount stated in this section. When the Commission issues a special permit, it may require additional off-street parking in the amount it determines is necessary to fulfill the purpose of these regulations. Parking spaces other than for residential uses shall be placed behind or to the side of the principal structure on the lot, unless the applicant demonstrates to the satisfaction of the Commission that such location is not feasible due to topography or the nature of the permitted use or that an alternative location is acceptable because it is substantially obscured to view from the street and nearby residences.
- (2) Multiple uses. In the case of more than one use of a building or lot, required parking facilities shall be construed to be the sum of the requirements for all uses computed separately.
- (3) Parking space size: 8.5 feet by 16 feet and all parking areas must have adequate access and maneuvering areas.
- (4) Minimum number of parking spaces required.

Single-family dwelling	2 spaces
Two-family dwelling	2 spaces per dwelling unit

Bed-and-breakfast	2 spaces for the dwelling unit plus 1 space for each guest room
Boarding rooms and rooming houses	2 spaces for the dwelling unit plus 1 space for each guest room
Home occupation (including family day-care homes)	2 spaces for the dwelling unit plus 1 space per employee plus 1 space for visitors
Group day-care homes	2 spaces for the dwelling unit plus 1 space per 500 square feet of gross floor area or 1 space per every 6 children cared for in the home, whichever is greater
Day-care centers	1 space per 500 square feet of gross floor area or 1 space for every 6 children or adults cared for at the center, whichever is greater
Community residence	1 space for every 2 residents plus 1 space for every nonresident staff member
Accessory apartment	2 spaces for the dwelling unit plus 2 spaces for the accessory apartment
Retail sales	1 space per 200 square feet of gross floor area
Rural business	1 space per employee plus 1 space for customers
Restaurant	1 space per 2 seats plus 5 stacking spaces per drive-up window
Offices	1 space per 250 square feet of gross floor area
Manufacturing	1 space per 750 square feet of gross floor area or 1 space per 2 employees on the largest work shift, the greater of either
Other type uses	1 space for every 250 square feet of gross floor area, except that the Commission may vary this requirement based on a professionally prepared traffic and parking analysis

- (5) Parking spaces shall be provided for the physically handicapped in accordance with the rules and regulations of the Americans with Disabilities Act and laws of

the State of Connecticut, as such standards may be amended. Handicapped spaces shall be clearly identified by a sign stating that such spaces are reserved for physically handicapped persons. The handicapped spaces shall be located in the portion of the parking lot nearest the entrance to the use or the structure which the parking lot serves. Adequate access for the handicapped from the parking area to the structure shall be provided.

- (6) For all uses that are required to provide, or do provide, 10 or more parking spaces, the installation of bicycle racks shall be required. The bike racks shall be designed to provide for the locking of the bicycles to the racks. The design, location and number of bike racks shall be approved by the Commission as part of an approval of the permit request.
 - (7) No off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way for maneuvering or for loading and unloading. No portion of the driveway at the edge of the street pavement shall be closer than 75 feet to an intersection.
 - (8) Entrance and exit driveways. For parking areas containing fewer than five spaces, the minimum width of entrance and exit drives shall be 10 feet wide for one-way use and 18 feet wide for two-way use. For facilities containing five or more spaces, such drives shall be a minimum of 12 feet wide for one-way use and 18 feet wide for two-way use. The minimum curb radius shall be 15 feet. The maximum width of such driveways at the property line shall be 24 feet. The Commission may modify these width and radius limitations to facilitate traffic flow and safety.
- C. Traffic requirements. To provide for the orderly flow of inbound and outbound site-generated traffic, applicants must demonstrate to the Commission's satisfaction that the site-generated traffic is able to enter and exit the site safely without disruption to external traffic flow. On-site queuing provisions must be adequate to prevent site-generated traffic from queuing off site on public streets. Sight lines for exiting traffic must be satisfactory for the prevailing speed of approaching traffic. The applicant must demonstrate to the Commission's satisfaction that the site design provides for safe and orderly vehicular and pedestrian flow and that conflicts between the two are minimized. Delivery areas must be located so that normal on-site traffic movements are not impeded or compromised. An engineered traffic report may be provided with the application to demonstrate that these requirements are met.
- D. Shared parking.
- (1) The Commission encourages parking for different structures or uses, or for mixed uses, to be shared in any district. At the applicant's request, shared parking may be provided, subject to the following provisions:
 - (a) A reciprocal written agreement has been executed by all the parties concerned that assures the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the Town legal counsel for review. The final agreement shall be recorded on the land records.

(b) The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to:

- [1] The type and hours of operation and parking demand for each use, a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot;
- [2] A description of the character of land use and parking patterns of adjacent land uses; and
- [3] An estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

(2) Uses sharing the parking facility do not need to be contained on the same lot but shall be a maximum of 500 feet from the closest parking space in the parking lot which is to be used and allow for safe, convenient walking for most parkers, including safe pedestrian crossings, signage, and adequate lighting. A waiver of the maximum allowable distance from the use to the parking may be approved by the Commission with written justification and supporting information provided by the applicant.

E. General (nonresidential)

- (1) Whenever a parking or loading area is located in or adjacent to a residential use, it shall be effectively screened on all sides which adjoin or face any residential property by a solid wall, opaque fence or a double-row, compact evergreen planting screen located on a landscaped buffer strip not less than 50 feet wide. Such fence, wall or planting screen shall not be less than five feet, nor shall any fence or wall be more than six feet, in height and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. Areas between parking facilities and public rights-of-way shall be suitably landscaped. In the event that the terrain and other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, the Commission may waive this requirement.
- (2) In order to reduce stormwater runoff, all parking and loading facilities required under this regulation, together with driveways, aisles, and other circulation areas, shall use grass/pavement block or other pervious pavement systems. The use of nonpermeable surfaces shall be allowed only after demonstrating to the Commission's satisfaction that such use is warranted.
- (3) Any nonresidential parking area which is intended to be used during non-daylight hours shall be fully illuminated during the hours of operation of the principal use. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and away from streets.

F. Best management practices for runoff.

- (1) It is the intent of these regulations to encourage the use of best management practices (BMPs) to minimize, treat, prevent and/or reduce degradation of water quality and flooding potential due to stormwater runoff from parking. In all zones, all developments shall be designed to the extent practicable with the goal of no net runoff from the site. That is, the volume of runoff from the site after development shall not exceed the volume of site runoff prior to the proposed development. In addition, the stormwater management system shall be designed, constructed, and maintained with BMPs to minimize runoff volumes, prevent flooding and soil erosion, protect water quality, maintain or improve wildlife habitat, and contribute to the aesthetic values of the project.
- (2) In order to prevent pollution of groundwater by deicing salts and additives or other chemicals, infiltration of runoff from paved parking areas associated with nonresidential uses in any zone shall be kept to a minimum. Appropriate measures shall be taken to collect and discharge such runoff in a manner that will minimize the risk of groundwater contamination. Also see the Town of Ashford Public Improvement Specifications.
- (3) Stormwater management systems in parking lots shall be designed in accordance with BMPs as described in the most recent version of the Connecticut Stormwater Quality Manual (Connecticut Department of Energy and Environmental Protection) and in accordance with the erosion and sediment control requirements and flood protection zone requirements specified in §§ 300-28 and 300-36 of these regulations, and to meet the following general standards:
 - (a) Infiltration of stormwater shall be accommodated to the extent possible through limitation of land disturbance and grade changes, retention of existing natural drainage areas and wetlands, and use or creation of vegetated islands, vegetated medians, and vegetated perimeter buffer strips.
 - (b) All stormwater detention and conveyance structures shall be constructed to control the post-development peak discharge rates from ten-, twenty-five-, and 100-year storms to the corresponding pre-development peak discharge rates.
 - (c) Natural drainage patterns shall be maintained to the extent practicable. The applicant shall demonstrate through information provided on and in association with the proposed site plan the existing and proposed drainage patterns and calculated flows.
 - (d) Parking lot drainage shall be designed such that all surface runoff (both piped and overland flow) is conveyed through vegetated swales, vegetated filter strips, created wetlands, rain gardens, or detention basins with biofiltration prior to discharge into existing wetlands, streams, ponds, or other water bodies.
 - (e) The use of native grasses and small-diameter wood-stemmed shrubs is required as plantings for all vegetated swales, vegetated filter strips, created wetlands, rain gardens, or detention basins with biofiltration.

- (f) Stormwater runoff discharged to wetlands must be diffused to nonerosive velocities prior to reaching any natural wetland based on calculations submitted with the application package.
- (g) The applicant must demonstrate that any receiving wetlands or water bodies have sufficient holding capacity, based on calculations submitted with the application.
- (h) The Commission may send any or all information provided on anticipated stormwater flow patterns and volumes and stormwater management system to the Town Engineer and/or other consulting professional or agency for review and advisory comments at the expense of the applicant.
- (i) All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure.
- (j) The estimated costs of measures required to control soil erosion and sedimentation and for stormwater management and treatment as specified in the site plan shall be bonded in accordance with § 300-37.

G. Bicycle parking.

- (1) Bicycle parking is encouraged for all zones where 10 or more vehicle parking spaces are required, with the exception of the Residential - Agricultural Zone, to encourage the use of bicycles by providing safe and convenient places to park bicycles. Bicycle parking encourages shoppers, customers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles.²⁸
- (2) Bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists. Short-term bicycle parking should be in the form of bicycle racks that meet the following standards:
 - (a) Outside a building.
 - (b) At the same grade as the sidewalk or at a location that can be reached by an accessible route.
 - (c) Within 50 feet of the main entrance to the building.
 - (d) The bicycle rack, which must be securely anchored, must, at a minimum, provide a bicycle frame where one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.
 - (e) Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least five feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.

28. Editor's Note: Amendment pending.

§ 300-32. Earth removal and filling.

A. Purpose. The following regulations regarding the establishment and continuance of earth and gravel removal and the conduct of such removal activities in Town have been developed to:

- (1) Protect the health, welfare, and safety of the citizens of the Town of Ashford.
- (2) Preserve and protect the Town's environmental resources, including but not limited to:
 - (a) Maintaining an adequate supply and quality of surface water and groundwater;
 - (b) Prevent the contamination of air, water and soils;
 - (c) Maintain hydrological stability and control flooding and erosion; and
 - (d) Promote wildlife habitat protection.
- (3) Protect property values by ensuring that following such removal activities the land utilized for filling and/or excavation will be usable for agriculture, residential, commercial or industrial use consistent with the underlying zone in which such use is located.

B. Exemptions.

- (1) Earth removal and filling for residential maintenance purposes, such as landscaping, driveway repair, etc., involving less than 100 cubic yards of material shall be exempt from the requirements of this section.²⁹
- (2) Filling of property is permitted in accordance with a zoning permit, or a subdivision plan approved by the Commission. Additional filling is permitted for situations over and above what has already been approved upon review and approval by the Zoning Enforcement Officer, when such filling is incidental to the original approval on a property, so long as such filling does not exceed 1,000 cubic yards.
 - (a) The Zoning Enforcement Officer, at their discretion, may forward any such request to the Commission for review.
 - (b) The Zoning Enforcement Officer may require such information as set forth in these regulations as they deem appropriate to evaluate any such application.
 - (c) In the event that the volume of fill exceeds 1,000 cubic yards, the zoning permit, special permit, or subdivision plan shall include a plan for filling.
 - (d) Road sweepings as fill material requires a zoning permit and shall be subject to the recommended guidelines of the Connecticut Department of Energy and Environmental Protection and may be further regulated by the Commission when, in its opinion, further regulation is warranted.

²⁹. Editor's Note: Amendment pending.

- (3) Excavation and filling are permitted for agriculture production purposes when such activities are essential for the agriculture production process. This exemption is subject to the following conditions:
- (a) A written exemption request shall be submitted by the applicant to the Commission for review and approval. The Commission will also ask the Agriculture Commission to review and comment on this request. This request shall address the following:
 - [1] A detailed plan describing how the proposed filling and excavation are essential to the existing and/or proposed agriculture production process.
 - [2] A site map of the area to be excavated or filled.
 - [3] Projected time frame to begin and complete all the activities.
 - [4] Estimate of the volume of material to be excavated, filled, processed and/or removed.
 - [5] Details regarding truck access and routes.
 - (b) The Commission may, at its discretion, inspect the site to see if the activities are in compliance with the request.
 - (c) This exemption is only intended for limited excavation and filling.
- (4) Excavation and filling are permitted for the repair or replacement of an on-site septic system.

C. Site plan requirements.

- (1) Filling and excavation operations, except as prescribed by Subsection B, may be permitted upon the granting of a special permit by the Planning and Zoning Commission in accordance with Article V of these regulations and as detailed in this section.
- (2) Three full-size copies (24 inches by 36 inches) of the site plan in ink to a scale of at least one inch equal to 40 feet and 12 reduced-size copies (11 inches by 17 inches) of the site plan and a PDF electronic copy shall be submitted. The map shall preferably be drawn to a scale of one inch equals 40 feet but in no case smaller than one inch equals 200 feet. The map and plan, in addition to those requirements stated in Article V of these regulations, shall show the following:³⁰
 - (a) Location of the premises, names of abutting owners, property lines, relations to roadway systems, wooded areas, outcrops, existing rivers, streams, watercourses, pond, swamps, and wetlands on or within 200 feet of the site.
 - (b) An operations statement that includes an estimate of the number of cubic yards of material to be brought to the site, cubic yards of material to be

³⁰. Editor's Note: Amendment pending.

excavated, processed, or removed, including the rate of removal, which shall be done in phases appropriate to the site and scope of the proposed operation, and estimated time length for the operation, including necessary sedimentation and erosion control measures in accordance with the State of Connecticut Guidelines for Soil Erosion and Sedimentation Control, as amended, and the estimated time length for the operation.

- (c) Location of stockpiled material.
- (d) Grading plan showing existing contours in the area to be filled and proposed contours for the area after operations. Such plans shall include the area to be filled as well as the surrounding area within 200 feet of the filling and shall be drawn at a scale of not less than 40 feet to the inch and with contours shown at intervals of not less than two feet.
- (e) Existing and proposed drainage of the site (temporary and permanent). Such evaluation shall be based on the recommendation of the Town Engineer and may entail the analysis for a two-, five-, ten-, twenty-five-, fifty-, and/or 100-year storm.
- (f) Delineation of the 100-year floodplain (if applicable).
- (g) The location and type of any building or fixed machinery to be used.
- (h) Details of final grading and planting of the site to prevent erosion of the site at the conclusion of operations made in accordance with the State of Connecticut Guidelines for Soil Erosion and Sedimentation Control, as amended.
- (i) An estimate of the number and types of trucks and other machinery to be used on the site, including the location and size of refueling pads, and maintenance locations for machinery and vehicles, and proposed truck access, including number of daily trips.
- (j) Credible evidence of the presence of an endangered or threatened species, or other natural resources, and/or archaeological or historically significant features may require study by appropriate consultants. The results of these studies shall be considered in the approval process and the Commission may stipulate protective measures.
- (k) Details, to the satisfaction of the Commission, as to how all noise will be held to the site and not reach an unacceptable level to neighboring properties.
- (l) Proposed use and storage of explosives (excavation only). Application should detail the extent of such usage (amount, times to be used, places, circumstances, etc.), location of temporary and permanent storage of explosives, and copies of all applicable state and/or federal licenses/permits.
- (m) Proposed fencing, signage and gates.
- (n) Geological soundings and/or borings to determine level and drainage patterns of underlying bedrock (excavation only).

- (o) A statement and supporting documentation regarding potential impact, if any, of any change in surface water or groundwater levels or water quality that may be caused by the proposed activities, including impacts on private wells and wetlands habitats.
 - (p) Depth of existing topsoil at various points.
 - (q) Depths to water table before and after the operation.
 - (r) Other information and/or safeguards as the Commission deems necessary.
- (3) Specific requirements may be waived by the Commission when in its opinion such requirement is unnecessary because of the limited size of the operation, or other valid reason whereby the health, safety and public welfare will not be adversely affected.
- D. Performance standards. No special permit shall be issued pursuant to Article V unless the following conditions are met:
- (1) Screening, sifting, washing, crushing or other forms of processing shall, for commercial extraction and/or processing operations only, be conducted during times of the day and week, including specific holidays, as determined and approved by the Commission. Processing shall only be permitted for materials excavated from the site on which the excavation operation is being conducted.
 - (2) No fixed or portable machinery used in a commercial operation shall be erected or maintained within 200 feet of any property or street line or less than 500 feet from any residence.³¹
 - (3) The location of crushing operations shall be dependent on a noise study performed by a qualified firm at the cost of the applicant.
 - (4) Measures, to the satisfaction of the Commission, shall be taken to minimize nuisance from noise, dust, vibration and flying debris; all trucks shall be covered for off-site transport; suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles.
 - (5) The activity shall not result in the creation of any sharp declivities, pits or depressions, soil erosion, soil fertility problems or permanently depressed land values or create any drainage or sewage problems or other conditions which would impair the use or reuse of the property or neighboring property in accordance with these Zoning Regulations or which would create a nuisance.
 - (6) The activity shall be in harmony with the general purpose and intent of these regulations and shall not have an adverse effect on any existing or potential surface water or groundwater supplies.
 - (7) It shall be the responsibility of the permittee to ensure that vehicles removing earth materials from the premises are so loaded and/or secured, including load covers, that there will be no spillage or release of such materials within the Town of Ashford. The permittee shall be liable for the cost of cleaning any earth

31. Editor's Note: Amendment pending.

material spillage or repairing any damage to a road or roads of the Town of Ashford caused by improper loading, securing of loads or other operationally related activities.

- (8) No building except a field office or temporary shelter for machinery shall be erected on the premises except as may be permitted in the Zoning Regulations subject to approval by the Commission.
- (9) At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- (10) No excavation conducted under a permit issued pursuant to these regulations shall be:
 - (a) Made below the grade of any abutting highway within 150 feet thereof, unless approved by the Commission;
 - (b) Below the grade of any adjoining property at the property line within 50 feet thereof; or
 - (c) Within 150 feet of any dwelling existing at the date the permit is issued without the written approval of the abutting owner of private property or of the owner of the dwelling to be affected and the approval of the Commission.
- (11) At no time shall an overhang and/or undercut be permitted on any face. At no time shall slopes in excess of 2:1 (horizontal-vertical) be present on any face except the face where active excavation is being carried on. Fencing may be required at the discretion of the Commission.
- (12) Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to minimize dust.
- (13) The use and storage of explosives shall be limited to those times and locations specifically authorized by the Commission.
- (14) When filling, excavation and removal operation is completed the excavated area shall be graded so that slope in the disturbed area shall be no steeper than 2:1 (horizontal-vertical).
- (15) All debris, including but not limited to tree stumps, shall be removed from the lot and all loose boulders not conducive to future development shall be removed.
- (16) Minimum separation distance between any excavation and the groundwater table shall be not less than six feet, unless it can be demonstrated to the Commission's satisfaction that a smaller separation distance will not adversely impact groundwater and/or neighboring uses or future uses on the site. No excavation or fill shall be made that would reduce the final elevation below floodplain, change the area of the floodplain, or expose groundwater unless, after proper analysis, it is determined that no pollution or silting of existing watercourses, or increased flood or erosion hazards, or other effect on water supply or purity will result and

any necessary permits have been issued by the Ashford Inland Wetlands and Watercourses Commission.

- (17) Where necessary to protect the surrounding properties, the Commission may require a landscape buffer and/or an earthen berm of a size, to be determined by the Commission, necessary to protect such properties. Existing vegetation and natural topography shall be preserved where feasible.
- (18) Connecticut's Guidelines for Soil Erosion and Sedimentation Control, as amended, shall be followed.
- (19) Groundwater quality monitoring wells may be required by the Commission as a means of protecting water quality.
- (20) Site restoration. The area disturbed by the excavation is to be restored by the spreading of subsoil and topsoil at a minimum depth of four inches over the excavated area. The depth of topsoil required may be increased at the discretion of the Commission based on the ultimate use of the property. The area for the storage of topsoil shall be shown on the plans approved by the Commission. All stockpiled topsoil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls. Restoration shall be a continuous operation.
 - (a) Following the re-spreading of topsoil, the area is to be seeded with a suitable ground cover and maintained until the area is stabilized. The area is to be limed and fertilized as appropriate. Seeding is to be done between April 15 and June 15 or between August 15 and October 15.
 - (b) The Commission may require the planting of deciduous and non-deciduous trees (which may be root stock at the time of such planting) at a density appropriate for the site and its intended usage. To the extent practical, the trees shall be hardy native species and compatible with the post-excavation site characteristics.
- (21) Blasting for the removal of earth products shall not be permitted unless written approval is granted by the Commission and any other local or state agency having jurisdiction over blasting operations. An applicant for any activities involving blasting shall be required to show that the blasting will not cause a nuisance or damage to nearby property. If blasting is proposed as part of a permit application, a plan for such activity shall be prepared and submitted to the Town Fire Marshal for review. Such plan shall include provisions for monitoring weather conditions for production blasts, including plans to schedule blasting well enough in advance to take advantage of the days when air shock is likely to be at a minimum and to avoid blasting on days during times of unstable air masses and temperature inversions when air shock is more likely to occur. Additionally, the following blasting notice, monitoring and damage complaint requirements shall be in force:
 - (a) Permittee shall provide the Town Selectmen's office with notification at least 24 hours prior to any anticipated production blast and shall notify all

persons and businesses within 1,000 feet and other individuals requesting such notification of such blast.³²

- (b) All production and test blasts shall be monitored with air pressure, seismic and decibel meters at no fewer than five sites for each blast.
 - (c) Permittee shall provide, prior to any blasting, certificates of insurance written by sureties or insurers licensed in the State of Connecticut. The policies required shall be acceptable to the Town of Ashford. If, at any time, any of the insurance policies shall be or become unsatisfactory to the Town of Ashford in form or substance, or if the surety or insurer issuing any such policies is unacceptable to the Town of Ashford, the permittee shall promptly obtain a new policy and submit a certificate of insurance to the Town of Ashford for approval.
- (22) At no time shall more than one undivided area, which area shall not exceed three acres in size, be opened within the lot, it being the intent of these regulations that the remainder of the lot either shall be undisturbed land or shall have been restored or stabilized in accordance with these regulations.
 - (23) Any excavation, removal or filling operation may be undertaken only during times and dates approved by the Commission.
 - (24) All arable soils from any excavation or fill area shall be set aside and retained on the premises and shall be spread back over the affected area and permanently seeded upon completion of the entire operation or any part thereof.
 - (25) Filling operation shall be carried out in such a manner as to prevent the breeding or harboring of insects, rats or other vermin and to prevent the transport of fill or excavated material or any waste or debris off the premises by wind, water or other causes.
 - (26) In all cases, material used for filling shall be limited to suitable earth material for construction as approved by the Commission. Use of trash, garbage, or other junk material is expressly prohibited. Burial of stumps is not permitted under any circumstances.
 - (27) The site may be inspected at any reasonable time by the Commission or a duly authorized representative of the Commission.
 - (28) The Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.
- E. Performance bond. Prior to the commencement of any activity under this section, the applicant shall post a performance bond with the Town in an amount and form satisfactory to the Commission. In addition to being governed by the provisions of § 300-37, the performance bond shall comply with the following:

32. Editor's Note: Amendment pending.

- (1) The performance bond shall secure to the Town of Ashford the actual construction, installation, and completion of each approved phase of permitted activities in accordance with these regulations, including without limitation soil erosion and sedimentation control, streets, private streets, drainage, inspection and monitoring fees, and any specific requirements of any conditions of approval by the Commission.
 - (2) The performance bond shall be released in its entirety after:
 - (a) The permitted activities covered by the bond have been completed to the satisfaction of the Commission.
 - (b) As-built plans and survey showing final grades, sealed by a land surveyor or engineer licensed to practice in the State of Connecticut, have been filed with the Commission.
- F. Approval criteria. After the public hearing, the Commission may approve the plan and grant the special permit only when it is satisfied that the following conditions will be complied with in the undertaking of the proposed filling or excavation activity:
- (1) That the proposed activity will be carried out in accordance with the maps, operational statements and plans submitted by the applicant and in accordance with these regulations.
 - (2) There shall be no adverse effect upon the premises and upon the surrounding premises or upon property values or health, and any effect upon the future use of the premises involved shall be consistent with the intent of these regulations.³³
- G. Other.
- (1) In order to protect the character of the existing neighborhood or the environment, the Commission may restrict the hours of operation, the type of operation, the types and location of equipment, the use of explosive or any other aspect of the operation which may have adverse impacts on the surrounding properties and provide for increased buffering of surrounding properties.
 - (2) No permit shall be issued by the Commission for a period exceeding 24 months, but upon application the permit may be renewed by the Commission for an additional twelve-month period. Any application to renew or amend an existing permit shall be filed with the Commission at least 65 days prior to the expiration date for the permit. Any application to renew or amend such an existing permit shall be made in accordance with these regulations, provided that:
 - (a) The application may incorporate by reference the documentation and record of the prior application.
 - (b) The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.

33. Editor's Note: Amendment pending.

- (c) The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit.
 - (d) The application shall describe any changes in facts or circumstances for which the permit was issued.
- (3) Failure to comply with the plans and conditions as approved and any deviation therefrom shall be a violation and the Commission may revoke the permit.
 - (4) If the filling operation as approved by the Commission is not undertaken within 24 months after granting (subject to appeals that may result) of the permit, the permit will be automatically revoked.

§ 300-33. Cluster subdivision.

- A. Applicability. An owner or owners of land may apply to the Commission for a special permit, as stated in Article V of these regulations, for cluster development under this section. This will exempt such land from the lot area, frontage, setback and other applicable dimensional requirements set forth in these regulations.
- B. Intent. The purpose of this regulation is to provide a cluster method for development of land which permits a reduction in lot sizes without an increase in density of population or development, while at the same time providing for the protection of surrounding properties, persons and neighborhood value, and allows greater flexibility and creativity in the design and layout of residential and/or commercial development in order to:
 - (1) Minimize alteration of or damage to the natural and cultural features and topography of the land;
 - (2) Avoid undue adverse impacts of new development on existing homes and neighborhoods;
 - (3) Preserve wooded areas and other undeveloped open land particularly along Town roads;
 - (4) Reduce public costs for the maintenance of roads and other public infrastructure;
 - (5) Reduce the amount of impervious surfaces caused by development; and
 - (6) Preserve the existing rural appearance of the Town.
- C. Procedure. A landowner seeking to create a cluster development of land may file with the Commission an application for a special permit for cluster development. The application shall conform to the applicable requirements for a subdivision plan as set forth in the Commission's regulations for the subdivision of land³⁴ and the cluster development requirements contained herein and all other requirements of a special permit. If there is any conflict, this article shall control.

34. Editor's Note: See Ch. 295, Subdivision Regulations.

- D. Dimensional requirements. A special permit for cluster development may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements:
- (1) Lot area. Each lot shall be at least of a size capable of supporting the construction of a single-family dwelling or primary use structure and its accessory structures in accordance with all applicable state and local regulatory requirements and the purposes of cluster development.
 - (2) Frontage. The frontage of each lot for a building site created in a cluster development shall be that necessary to provide for adequate access to the lot. Where shared driveways or other circumstances provide adequate access to an individual lot, frontage may not be required.
 - (3) Setbacks. All structures shall be set back a minimum of 20 feet from all lot lines; provided, however, that with respect to lot lines which abut land outside the cluster development, setbacks from said lot lines shall conform to the setback requirements applicable to conventional development in the underlying zoning district.
 - (4) Density. The maximum number of lots for building sites in a cluster development shall not exceed the number of buildable lots which could be created through conventional development of the site.
- E. Standards. In reviewing an application for a special permit for cluster development, the Commission shall consider the extent to which the application meets the purposes of cluster development by satisfying the following standards:
- (1) The laying out of developed areas, roads, storm drains, sewage disposal systems, and utilities shall be in conformance with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space.
 - (2) The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems, and roads shall be minimized.
 - (3) Important natural and historic features of the land, as determined by the Commission, shall be protected.
 - (4) The impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.
 - (5) The design, number, and location of curb cuts shall be such that any conflict with existing traffic flow is minimized.
 - (6) Provision, satisfactory to the Commission, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within the cluster development.
 - (7) The design shall minimize the size of developed areas.

- (8) The balance of the land not contained in the building lots or roadways shall be in condition, size and shape as to be readily usable for recreation or conservation and shall be reserved by one of the following means:
- (a) Conveyance of fee simple ownership to the Town of Ashford;
 - (b) Creation of a conservation easement in favor of the Town of Ashford;
 - (c) Creation of a conservation easement in favor of the Town of Ashford reserving specific agricultural rights as approved by the Commission;
 - (d) Conveyance of fee simple ownership to a tax-exempt organization approved by the Commission;
 - (e) Creation of a conservation easement in favor of a tax-exempt organization approved by the Commission with the consent of the applicant;
 - (f) Conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or resubdivision are members, along with a conservation easement in favor of the Town over the entire open space area; or
 - (g) Any other method which accomplishes permanent dedication in accordance with the requirements set forth in this section.

§ 300-34. Temporary or portable storage containers.

- A. Purpose. The purpose of this regulation is to provide for the regulation and use of temporary or portable storage containers.
- B. General.
 - (1) Portable storage containers shall remain on lots or parcels of land no longer than 16 consecutive calendar days and no more than 16 calendar days per calendar year. A certificate of zoning compliance is required. The owner of each portable storage container and the owner or occupant of a lot or parcel on which a portable storage container will be placed shall be jointly responsible for providing notice to the Zoning Enforcement Officer within 24 hours of the placement.³⁵
 - (2) The Commission may approve an extension by issuing a zoning permit up to 74 days beyond the initial 16 days, upon determining all of the following:
 - (a) That a principal residential structure is damaged or dilapidated.
 - (b) That the residential structure will undergo renovation, repair or reconstruction during the extension.
 - (c) That a building permit has been issued for the renovation, repair or reconstruction, if required, and remains valid during the extension.

³⁵ Editor's Note: Amendment pending.

- (d) That the portable storage container will not be used to store nonresidential materials and equipment such as contractor's materials and equipment during the extension.
 - (e) No more than two portable storage containers shall be located on a single lot or parcel of land.
 - (f) No other type of container or shipping container is located on the same lot or parcel of land.
- (3) All such containers are temporary in nature.

C. Restrictions.

- (1) No portable storage unit/pod shall exceed 20 feet in length.
- (2) Portable storage units shall never be utilized as accessory structures in any zone as they are intended to be temporary rentals.
- (3) No hazardous material or organic waste shall be placed in a portable storage unit/pod.
- (4) It shall be the responsibility of the applicant to ensure that the portable storage unit/pod is maintained in a good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.
- (5) Portable storage units/pods shall have no signage other than a serial number identifying the unit and the name, address and telephone number of the person or firm engaged in the business of renting or otherwise placing the portable storage unit/pod.

D. Location, placement and condition of portable storage units/pods in residential zones. Portable storage units/pods may be located in the Residential - Agricultural Zone. Except as provide herein, they shall not be placed in a public area.

- (1) Unit location must be immediately adjacent to or in the property driveway at the furthest accessible point from the street. Final placement shall be to the satisfaction of the Zoning Enforcement Officer, taking into consideration existing setbacks, sight lines, slope of the land, aesthetics, other structures, safety issues and the like.³⁶
- (2) Only two portable storage units/pods may be placed on a single-family residential property at one time.
- (3) No portable storage unit/pod located at a single-family residential property shall be used for the storage of construction debris, business inventory, commercial goods or goods for property other than the residential property where the unit is located. No material of any kind may be placed or stored outside the unit at any time. Upon reasonable notice to the applicant, the Commission may inspect the contents of any portable storage unit/pod for compliance with this section.

³⁶. Editor's Note: Amendment pending.

- E. Location, placement and conditions of portable storage units/pods in nonresidential districts. Portable storage units/pods may be located in the nonresidential zones, subject to the following:
- (1) Portable storage units/pods may be placed in nonresidential zoning districts only at a designated location as approved by the Commission. The allowable number of units shall be determined by the Commission pending site characteristics, lot area and location of unit/units.
 - (2) Applicants for portable storage units in nonresidential zoning districts must demonstrate to the satisfaction of the Commission that the specific location/complex has sufficient space to place a unit or units and continue to provide adequate parking and public safety access and to comply with all health, safety and welfare concerns.
 - (3) The unit/units shall be placed only in the rear or side portion of the site. Under no circumstances shall a unit be placed in an area fronting a street or road or in a grass/landscaped area or in the front parking lot of a commercial establishment. The placement of portable storage units/pods in fire lanes, passenger loading zones, commercial loading zones or public rights-of-way shall be strictly prohibited. Units shall not impede the flow of vehicle or pedestrian traffic on said property and shall not interfere with the ingress and egress from said property. Final placement shall be to the satisfaction of the Commission.
 - (4) No portable storage unit/pod shall be used for the storage of construction debris or any goods or materials other than that of the commercial or industrial business where the unit is located. The items contained in the temporary portable storage pod shall be, including but not limited to, consistent with the products sold on site, seasonally appropriate merchandise, holiday goods, or goods that have become replaced inside the business for marketing purposes. Upon reasonable notice to the applicant, the Commission may inspect the contents of any portable storage unit or pod for compliance with this section.

§ 300-35. Recreational vehicles.

- A. Purpose. To provide regulations allowing for the use and storage of recreational vehicles in the Residential - Agricultural Zone.
- B. General. Except as otherwise provide in these regulations, recreational vehicles are allowed on private property within the Residential - Agricultural Zone for a period not to exceed 180 days in any twelve-month period.³⁷
- C. Standards. The following standards apply to all recreational vehicles (RVs):
 - (1) Recreational vehicles must remain readily mobile. Nothing may be attached to a recreational vehicle or placed in a manner that would prevent or hinder the immediate removal of the recreational vehicle.
 - (2) Recreational vehicles must be placed at least six feet from all buildings.

³⁷ Editor's Note: Amendment pending.

- (3) The RV site and hookups to the RV must be in compliance with all applicable building, fire, electrical, mechanical and related codes.
 - (4) The RV must have a current registration and/or vehicle license.
 - (5) No more than one RV is permitted per parcel.
 - (6) Recreational vehicles must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks.
- D. Temporary dwelling during construction of a single-family residence. An RV may be located as a temporary dwelling during the construction of a single-family dwelling on the same lot or parcel subject to the following conditions:
- (1) A valid building permit for the permanent single-family dwelling must be in effect during the entire time that the RV is located on the site.
 - (2) The RV is connected to the sewage disposal system that will serve the single-family dwelling, unless other arrangements have been approved by the Eastern Highlands Health District.³⁸
- E. Storage of unoccupied recreational vehicles.
- (1) A recreational vehicle that does not qualify as a junk vehicle and is owned by the occupant of a single-family dwelling may be stored outside on the same lot with the dwelling. Vehicles must be located on the lot such that they will not cause traffic sight obstructions or safety hazards and are subject to all side and rear yard setback requirements.³⁹
 - (2) Recreational vehicles parked on private property may not be leased to another party for use on that property.

§ 300-36. Floodplain protection.

- A. Purpose. The areas of special flood hazard are identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Windham County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM) dated June 18, 2010. In order to protect life and property, the Flood Insurance Study and Flood Insurance Rate Maps and other supporting data applicable to the Town of Ashford, and any subsequent revision thereto, are hereby adopted by reference and declared to be a part of this section. Since mapping is legally adopted by reference into this section it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. For purposes of these regulations, "areas of special flood hazard" include any area on the FIRM designated as Zones A and AE, including areas designated as floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. The BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in

³⁸. Editor's Note: Amendment pending.

³⁹. Editor's Note: Amendment pending.

the FIS for a specific location. The Flood Insurance Study is on file at the office of the Town Clerk, Town Hall, Ashford, Connecticut. The regulatory flood protection elevation for any point in question shall be the governing factor in locating the regulated area.⁴⁰

B. Special permit. A special permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a special permit shall be made in accordance with Article V of these regulations and as detailed in this section. In addition to the requirements set forth in Article V, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all structures.
- (2) Elevation in relation to mean sea level to which any structure is to be floodproofed.
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing standards required by the applicable Building Code for the State of Connecticut.⁴¹
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

C. Permitted uses.

- (1) The following uses may be permitted, as provided above, within an area of special flood hazard to the extent that they are permitted in the underlying zone:
 - (a) All agricultural uses, provided that all structures are located outside the floodway.
 - (b) Seasonal commercial uses, including open-air markets and drive-in theaters, provided that all structures are located outside the floodway.
 - (c) Parking areas and loading areas, provided that all structures are located outside the floodway.
 - (d) Nonstructural residential uses, including lawns, gardens, parking areas and play areas, provided that all structures are located outside the floodway.
 - (e) Storage of low-cost, nonhazardous materials, provided that all structures are located outside the floodway.
 - (f) Nonresidential buildings whose lowest floor is elevated one foot above the 100-year flood or is floodproofed to an elevation one foot above the 100-year flood, provided that all structures are located outside the floodway.

40. Editor's Note: Amendment pending.

41. Editor's Note: Amendment pending.

- (g) Residential buildings whose lowest floor, including basement, is elevated one foot above the 100-year flood, provided that all structures are located outside the floodway.
 - (h) Uses or structures accessory to a permitted use.
- (2) In accordance with the authority granted by Title 8, Chapter 124, § 8-6, of the Connecticut General Statutes, no use variances shall be permitted in the Floodplain District.

§ 300-37. Security for completion of improvements.

- A. Purpose. It is the purpose of this section to ensure, in conjunction with approval of zoning permits and/or special permits, the completion of improvements that may reasonably be required by the Commission in the granting of said approvals.
- B. Performance bond for zoning permit.
 - (1) As a condition of the approval of any zoning permit, the Commission shall require that the record owners of the subject property post a performance bond with the Town in an amount necessary to cover 100% of the actual costs to complete construction of any site improvements that will be conveyed to or controlled by the Town and the implementation of any erosion control measures required during construction activities, plus a contingency amount of 10% of such costs.
 - (2) Prior to posting the bond, the party posting the bond shall submit to the Commission an estimate of the costs necessary to complete the items being bonded. Within 30 days thereafter, the Town Engineer shall review the estimate and advise the Commission of the amount of security recommended. Once posted, the amount of the bond may be reviewed periodically and adjusted by the Commission to account, if necessary, for inflation or any unanticipated increases in the cost of completion.
- C. Performance bond for special permit.
 - (1) As a condition of the approval of any special permit, in addition to bonding for the items set forth in Subsection B above, the Commission shall require that the record owners of the subject property post a performance bond with the Town in an amount necessary to cover 100% of the actual costs to complete construction or implementation of any private site improvements, inspections and/or maintenance required by the Commission in connection with its approval, plus a contingency amount of 10% of such costs. Private site improvements may include but are not limited to drainage, septic facilities, landscaping, lighting, walkways and reclamation of property upon completion of the permitted activity.
 - (2) Prior to posting the bond, the party posting the bond shall submit to the Commission an estimate of the costs necessary to complete the items being bonded. Within 30 days thereafter, the Town Engineer shall review the estimate and advise the Commission of the amount of security recommended. Once posted, the amount of the bond may be reviewed periodically and adjusted by the

Commission to account, if necessary, for inflation or any unanticipated increases in the cost of completion.

- D. Types of bonding. To satisfy the bonding requirements of Subsections B and C above, the Commission may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts, or letters or credit in form acceptable to the Commission, the Board of Selectmen and Town Counsel, and from financial institutions acceptable to the Commission and Board of Selectmen. Notwithstanding the foregoing, however, performance bonds in an amount of \$5,000 or less shall not require review and approval from the Board of Selectmen.
- E. When to post bond.
- (1) For any bond required pursuant to Subsection B above, the person posting the bond may post the same at any time before all approved site improvements are completed, except that the Commission may require the bond for the erosion controls to be posted prior to the commencement of any of the site improvements.
 - (2) For any bond required pursuant to Subsection C above, the person posting the bond shall post the same prior to commencing the work or activities authorized by the approval.
 - (3) For any site plan that is approved for development in phases, the bonding provisions of this article shall apply as if each phase of development was approved as a separate site plan.
- F. Certificate of occupancy; administrative zoning permit.
- (1) No certificate of occupancy or administrative zoning permit shall be issued before a required bond is posted or the improvements that would otherwise be required to be bonded are completed to the reasonable satisfaction of the Commission.
 - (2) In the event that certain private improvements shown on a site plan approved in connection with a zoning permit are required to be made prior to the issuance of a administrative zoning permit, and said private improvements are delayed due to weather conditions or other factors beyond the control of the party required to make those improvements, the party required to make the delayed improvements may, with the permission of the Commission, elect to post a bond to ensure completion of the same so as not to delay the issuance of a certificate of occupancy or administrative zoning permit. The bond shall be in an amount necessary to cover 100% of the costs of completion of the delayed improvements within not more than six months following the issuance of the certificate of occupancy or administrative zoning permit, plus a contingency amount of 10% of such costs.
- G. Maintenance bond.
- (1) Maintenance bonds may be required by the Commission to ensure that any improvement covered by a performance bond, once made, shall have been properly made and maintained and that any defects which do not appear immediately after completion of construction will be repaired or replaced. Such maintenance bonds shall be released or utilized, as the case may be, not more

than one year following completion of the bonded improvements, as evidenced by the issuance of a certificate of occupancy or certificate of zoning compliance.

- (2) Notwithstanding anything herein to the contrary, the Commission shall not require a bond to finance the maintenance of roads, streets, retention or detention basins or other improvements approved with any site plan or special permit for more than one year after the date on which such improvements have been completed to the reasonable satisfaction of the Commission or accepted by the Town. Furthermore, the Commission shall not require the establishment of a homeowners' association or the placement of a deed restriction, easement or other similar encumbrance on property for the maintenance of approved public site improvements to be owned, operated or maintained by the Town.

H. Reductions or releases of bond.

- (1) Any request for a release or reduction in the amount of any bond shall be submitted to the Commission in writing. Within 65 days of receipt of the request, the Commission or its agent shall:
 - (a) Release or authorize the release of any such bond or portion thereof, provided the Commission or its agent is reasonably satisfied that the site improvements for which such bond or portion thereof was posted have been completed; or
 - (b) Provide a written explanation as to the additional site improvements that must be completed before such bond or portion thereof may be released.
- (2) In addition, in order to obtain a reduction and/or release of bond, the person posting the bond shall submit an A-2 as-built survey prepared by a land surveyor or engineer licensed to practice in the State of Connecticut showing the completed improvements.

- I. Insufficiency of bond. If, for any reason, the performance bond is insufficient to pay for all costs of activities covered by the bond, the person posting the bond shall remain liable to the Town for any costs necessary to complete all such activities.

§ 300-38. Wireless telecommunication sites.

- A. Intent. The intent of this section is to regulate the placement, construction and modification of wireless telecommunication services within the Town of Ashford while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically, this regulation has been developed to:
- (1) Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community.
 - (2) Encourage providers to co-locate their facilities on a single tower.
 - (3) Minimize the location of facilities in visually sensitive areas.

- (4) Encourage creative design measures to camouflage facilities.
 - (5) Protect historic and conservation sites and school and residential areas from potential adverse impacts of communication towers.
 - (6) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
 - (7) Screen towers and associated structures from roads and residential areas.
- B. Location preferences. The locations for siting equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed below, in order of preference:
- (1) On existing structures such as buildings or utility poles.
 - (2) On existing approved towers.
 - (3) On new towers on municipal properties.
 - (4) On new towers, as may be permitted pursuant to Article IV.
- C. General requirements. In addition to the requirements set forth in Article V, the following information shall be required to be submitted with all applications for telecommunication towers:
- (1) The applicant shall provide a photograph simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal and may be required to provide additional photographs from private and/or other specific locations.
 - (2) The applicant shall provide a viewshed analysis showing all areas from which the tower will be visible within the Town of Ashford and within 1,000 feet of the tower in adjacent towns.
 - (3) A design drawing, including cross section and elevation of all proposed towers, a description of the tower's capacity, including the number and type of antennas, and the minimum separation distances between antennas.
 - (4) The location of all wireless telecommunication site (WTS) structures, including the tower, antenna locations if on an existing structure, equipment sheds or cabinets, the access road and utility easements.
 - (5) Existing tower or structure height and design and location of the tower and antenna assembly.
 - (6) The location and identification of all structures on or off the site which will be within 250 feet in commercial zones and 500 feet in residential zones of the proposed WTS.
 - (7) The latitude and longitude of the proposed tower and/or antenna assembly.
 - (8) The ground elevation at the tower or other structure foundation based on USGS data.

- (9) The location of other telecommunication facilities (proposed, under construction or existing) within the Town of Ashford and within five miles of the proposed facility.
 - (10) The topography of the WTS and the area within the fall zone of the proposed tower and the access driveway surveyed to T-2 standards with two-foot contour intervals.
 - (11) A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
 - (12) Details of all proposed antennas and mounting equipment, including size and color.
 - (13) Elevation of all proposed shielding and details of materials, including color.
 - (14) An elevation of all proposed equipment, buildings or cabinets and details of all proposed fencing, including color.
 - (15) A report prepared by a licensed engineer indicating that the proposed WTS will not interfere with public safety communications.
 - (16) A structural analysis must be provided with all new WTS proposals and any proposal for additional provider antennas on existing towers or other structures.
 - (17) Proof that either the applicant or co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.
 - (18) A report or letter from the Federal Aviation Administration (FAA) or a licensed consulting aviation engineer stating that the proposed tower complies with all flight safety requirements.
 - (19) A map depicting the extent of the provider's planned coverage within the Town of Ashford, the service area of the proposed wireless telecommunication site, and whatever information indicates that the proposed tower has been designed to minimize the visual impacts to the Town of Ashford.
 - (20) Current color photographs from at least two directions of any existing structure to be used as a WTS.
 - (21) A statement describing the service that this tower is expected to provide.
- D. Height and visibility limitations and area requirements.
- (1) The maximum height for any tower including all mounted antennas shall be 75 feet in the RA Zone and 180 feet in all other zones.
 - (2) Lot size.
 - (a) Nonresidential zones: a minimum lot size as required by the underlying zone that also meets all the required setbacks.

- (b) Residential zones: a minimum lot size of five acres shall be required. Additional towers may be permitted at the rate of one tower for each additional five acres.
- (3) To ensure the safety of all abutting properties and residential buildings, all towers shall comply with the following minimum property line setbacks and separating distances:
 - (a) In nonresidential zones setback requirements shall be a distance equal to 1 1/2 times the height of the tower (including antennas).
 - (b) In residential zones the minimum front setback shall be 300 feet from the street line (both street lines on a corner lot). Minimum side and rear setbacks shall be 1 1/2 times the height of the tower.
 - (c) All towers shall be located a minimum of 500 feet from an existing dwelling.
 - (d) No tower shall be located within 500 feet of another tower.
 - (e) All equipment buildings/cabinets or equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.
 - (f) All towers shall be sited so as to minimize detrimental visual impacts.
 - (g) No tower shall be visible from Warrenton or from any portion of Route 44 where the Mount Hope River Valley is visible.
 - (h) No tower shall be visible from anywhere along Mansfield Road, Westford Road or Turnpike Road until it leaves the Mount Hope River Valley.
- E. Other requirements. The following requirements apply to all telecommunication towers:
 - (1) No lights shall be mounted on towers unless otherwise required by the FAA.
 - (2) Towers not requiring special FAA painting or markings shall be a noncontrasting blue, grey or other neutral color (acceptable to the Commission) which will best blend with the surrounding environment.
 - (3) Landscape buffering shall be required in all zoning districts. Existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be placed completely around the tower and ancillary facilities at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of six feet, placed densely so as to form an effective screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.
 - (4) The wireless telecommunication site (WTS) may not be used to exhibit any signage or other advertising except as may be required by other governmental licensing agencies or which may be required for public safety purposes.
 - (5) Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if

the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is over 50 feet but less than 100 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangements of antennas upon the tower and to accommodate antennas mounted at varying heights.

- (6) Antennas or equipment buildings/cabinets mounted to or on buildings or structures shall, to the greatest degree possible, blend with the color and design of such building.
- (7) No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
- (8) The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for nonionizing electromagnetic emissions.
- (9) If it is found by the Commission that any such proposed facility will have significant negative impact on the public health, safety, convenience, property values, aesthetics or the environment, it may not be approved.
- (10) All generators installed in conjunction with any WTS shall comply with all state and local noise regulations.
- (11) All towers and related equipment shall be enclosed within an area secured by at least a six-foot chain link (or comparable) fence. If barbed wire is to be used it shall begin at a point at least six feet above grade. These provisions may be modified by the Commission depending on specific site and facility design features.
- (12) If feasible (as determined by the Commission), the site access road shall be secured by a locked gate.
- (13) The lower 10 feet of towers shall be designed to prevent unauthorized access to the tower.
- (14) The height of the tower must be certified by a licensed engineer/surveyor before a certificate of occupancy will be issued.
- (15) The latitude and longitude of the tower or the antenna assemblies and as-built location of the tower on the site certified by a licensed surveyor must be submitted before a certificate of occupancy will be issued.
- (16) No permit shall be approved for a WTS within the flood hazard areas.
- (17) Each ancillary building shall contain not more than 150 square feet of gross floor area and shall be no more than eight feet in height.⁴²
- (18) All utilities to the tower area shall be located underground.
- (19) The telecommunications tower owner or operator shall provide space for Town of Ashford agencies or emergency services departments if required.

42. Editor's Note: Amendment pending.

- F. Facility maintenance. The applicant or operator shall maintain the wireless telecommunications facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, landscaping and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the system and any access road(s), unless accepted as a public way, and the cost of repairing any damage occurring as a result of the operation or construction.
- G. Abandonment.
- (1) A wireless telecommunication facility which has reached the end of its useful life or has been abandoned shall be removed. When the system is scheduled to be decommissioned, the applicant shall notify the Town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. At the time of removal, the site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:
 - (a) Physical removal of all wireless telecommunication facility structures, equipment, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous waste in accordance with state and federal waste disposal regulations.
 - (c) Stabilization or revegetation of the site as necessary to minimize and prevent erosion. The Commission may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - (2) Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the system fails to operate for more than one year without the written consent of the Commission. If the applicant fails to remove the facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the authority to enter the property and physically remove the facility and bill the owner of the system for such costs.
 - (3) Prior to constructing any wireless telecommunication facility, the Commission may require, in accordance with § 300-37 (bonding), the applicant to post a bond to cover the reasonable costs of decommissioning the facility in accordance with the provisions of this section. The amount of the bond may be reviewed annually by the Commission and adjusted, if necessary, to cover said costs.
 - (4) A permit issued pursuant to this regulation shall expire if:
 - (a) The wireless telecommunication facility is not installed and functioning within 48 months from the date the permit is issued; or
 - (b) The wireless telecommunication facility is abandoned. If there are two or more users of a single tower, the facility will not be considered abandoned until all users cease utilizing the tower.

ARTICLE VII

Zoning Board of Appeals**§ 300-39. Powers and duties.**⁴³

The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by § 8-6 of the Connecticut General Statutes and by these regulations, which powers and duties are summarized and more particularly specified below. None of the following provisions shall be deemed to limit any of the authority of the ZBA that is conferred by general law.

- A. Appeals. The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the Zoning Enforcement Officer. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent, such order, requirement, decision or determination was a correct interpretation of the subject provision of these regulations.
- B. Variances. The ZBA shall have the authority to vary or adjust the strict application of these regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.
- C. Location of motor vehicle uses. The ZBA shall have the authority to hear and decide upon all requests for certificates of approval for motor vehicle sales, services and repair uses in accordance with § 14-54 of the Connecticut General Statutes. In this function the ZBA is acting as the local authority of the Department of Motor Vehicles (DMV) and not in a zoning capacity; the DMV recognizes no conditions on such certificates of approval. Such authority shall not supersede the Commission's authority to hear and decide upon requests for, or to impose conditions on, special permits for such uses.
- D. Use variances.
 - (1) No use variance shall be granted by the ZBA that would permit:
 - (a) A use prohibited either implicitly or explicitly by these regulations.
 - (b) The expansion of a nonconforming use.
 - (c) A use otherwise allowed by special permit in the district in which the use is located.
 - (2) Prior to a public hearing on any application for a use variance, the ZBA shall transmit the application to the Commission for its review and comment. Any report submitted by the Commission to the ZBA shall be read into the record of the public hearing of the subject application.

43. Editor's Note: Amendment pending.

§ 300-40. General rules.

- A. Appeals. All appeals to the ZBA from an order, requirement, decision or determination of the Zoning Enforcement Officer shall be taken within such time as is prescribed by a rule adopted by the ZBA or, if none, as prescribed by law. Such appeals shall be made in writing on a form prescribed by the ZBA and shall be accompanied by a filing fee to cover the cost of processing the appeal.
- B. Application. All applications for variances shall be submitted in writing in a form prescribed by the ZBA. The ZBA may deny an application for incomplete information having been submitted.
- C. Referrals. To assist with its consideration of an appeal or application, the ZBA may refer such appeal or application to any department, agency or official it deems appropriate to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
- D. Public hearing. The ZBA shall hold a public hearing on all appeals and applications for variances, shall decide thereon and shall give notice of its decision in accordance with the provisions of the Connecticut General Statutes.
- E. No variance shall be granted by the ZBA unless it finds that:
- (1) There are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
 - (2) For reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;
 - (3) The granting of the variance shall be in harmony with the general purposes and intent of these regulations and the Town's Plan of Conservation and Development and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare; and⁴⁴
 - (4) The granting of the variance is not based upon the nonconformity of neighboring lots, uses, buildings or structures or upon a financial or economic hardship.
- F. Whenever the ZBA grants a variance, it shall include in its minutes as part of the record the reason for its decision, the specific provisions of these regulations that were varied, the extent of the variance and the specific hardship upon which its decision was based.

44. Editor's Note: Amendment pending.

- G. In exercising any of its authority, the ZBA may attach any conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure ongoing compliance with these regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these regulations.
- H. Any variance granted by the ZBA shall become effective upon its filing by the applicant in the office of the Town Clerk.⁴⁵
- I. Any variance granted by the ZBA that is not recorded within one year from its effective date shall be null and void.
- J. If the ZBA denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six months after the date of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.
- K. No appeal or variance shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a special permit by the Commission, if such conditions are more restrictive than otherwise provided for in these regulations or if such conditions do not refer to specified standards in these regulations.

45. Editor's Note: Amendment pending.

APPENDIX

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Ashford reviewed for codification, indicating for each item its inclusion in the Code or the reason for exclusion.

§ DL-1. Disposition of legislation.

KEY:

NCM = Not Code material (legislation is not general or permanent in nature).

REP = Repealed effective with adoption of Code; see Ch. 1, Art. I.

Adoption Date	Subject	Disposition
10-28-1939	Finance, Board of: Establishment	Ch. 44, Art. I
9-16-1953	Vote To Permit the Sale of Alcoholic Liquors on Sunday in Hotels, Restaurants, Clubs and Social Gatherings	NCM; superseded by state law
7-10-1958	Planning Commission	Repealed 4-6-2009; see Ch. 95
10-1-1962	Boating	Ch. 147
6-17-1965	Peddling and Soliciting	Ch. 228
10-6-1969	Planning and Zoning Commission and Zoning Board of Appeals	Repealed 4-6-2009; see Ch. 95
1-11-1971	Planning and Zoning Commission Amendment	Repealed 4-6-2009; see Ch. 95
1-11-1971	Zoning Board of Appeals Amendment	Repealed 4-6-2009; see Ch. 95
1-25-1971	Vehicles and Traffic: Parking During Winter Storms	Superseded 12-16-1975; see Ch. 267, Art. I
2-21-1972	Conservation Commission	Ch. 20
9-15-1972	Driveways	Ch. 162
10-23-1972	Inland Wetlands and Watercourses	Repealed 6-5-2006; see Ch. 62
10-14-1975	Flood Protection and Flood Insurance	Ch. 185

Adoption Date	Subject	Disposition
12-16-1975	Budget: Distribution of Budget	Ch. 14, Art. I
12-16-1975	Vehicles and Traffic: Parking on Town Roads	Ch. 267, Art. I
12-16-1975	Finance, Board of: Alternate Members	Ch. 44, Art. II
1-15-1976	Resolution for Selectmen To Enter Into Agreement with Ashford Volunteer Fire Department as Sole Provider of Fire Protection for the Town and as the Designated Emergency Medical Service Responder	NCM
6-5-1978	Aging, Commission on	Ch. 5
3-19-1979	Parks and Recreation Commission	Ch. 91
4-29-1980	Budget: Limit on Budget Increase	Ch. 14, Art. II
4-29-1980	Ethics: Conflict of Interest	Ch. 39, Art. I
12-6-1982	Taxation: Exemption for Ambulance-Type Motor Vehicle	Ch. 253, Art. I
6-7-1983	Officers and Employees: Assessor	Ch. 84, Art. I
11-10-1983	Education, Board of	Ch. 35
4-3-1984	Resolution To Form and Join the Northeast Regional Tourist District for the Purpose of Establishing a Travel/Convention and Visitors Commission	NCM
5-16-1985	Resolution To Join Northeast District Department of Health	Repealed effective 7-1-2004
7-22-1986	Streets and Sidewalks: Street Numbering System	Ch. 247, Art. I
7-22-1986	Streets and Sidewalks: Posting of Street Numbers	Ch. 247, Art. II
6-9-1987	Fire Lanes	Ch. 177
6-9-1987	Vehicles, Abandoned, Inoperable and Junked	Ch. 264
12-8-1988	Waste Management: Refuse Hauling	Ch. 273, Art. I
8-31-1989	Streets and Sidewalks: Scenic Roads	Ch. 247, Art. III
12-29-1990	Waste Management: Recycling	Ch. 273, Art. II
5-13-1991	Salaries and Compensation: Town Clerk	Ch. 106, Art. I
5-13-1991	Water Pollution Control Authority	Ch. 128
11-8-1993	Taxation: Waiver of Property Tax Collection	Ch. 253, Art. II

Adoption Date	Subject	Disposition
11-8-1993	Contracts and Purchasing	Ch. 23
10-20-1994	Aging, Commission on Amendment	Ch. 5
10-20-1994	Waste Management: Refuse Hauling Amendment	Ch. 273, Art. I
10-20-1994	Waste Management: Recycling Amendment	Ch. 273, Art. II
3-11-1996	Taxation: Tax Abatements for Dairy Farms	Repealed 4-26-2005; see Ch. 253, Art. III
3-11-1996	Waste Management: Littering and Dumping	Ch. 273, Art. III
6-11-1996	Taxation: Excess Tax Payments	Repealed 6-17-2013; see Ch. 253, Art. V
1-26-1998	Regional Council of Governments	Repealed 12-28-2006
1-26-1998	Economic Development Commission	Ch. 32
5-14-1998	Parks and Recreation Commission Amendment	Ch. 91
6-4-1998	Fee Schedule for Planning and Zoning	Superseded 10-3-2005; see Ch. 173, Art. II
5-8-2000	Citations: Inland Wetland Violations	Ch. 154, Art. I
6-15-2000	Taxation: Abatements for Volunteer Fire Department Personnel	Repealed 11-21-2016; see Ch. 253, Art. VIII
7-2-2001	Officers and Employees: Constables	Ch. 84, Art. II
6-2-2003	Fees: Building Permit Fees	Ch. 173, Art. I
12-15-2003	Resolution To Apply for Membership in Eastern Highlands Health District	NCM
12-26-2004	Ordinances, Publication of	Ch. 87
4-26-2005	Taxation: Abatements for Dairy Farms, Orchards and Vineyards	Ch. 253, Art. III
5-31-2005	Annual Budget	Repealed 9-18-2006; see Ch. 75, Art. II
10-3-2005	Economic Development Commission Amendment	Ch. 32
10-3-2005	Fees: Land Use Agency Fees	Ch. 173, Art. II
12-5-2005	Economic Development Commission Amendment	Ch. 32
3-13-2006	Waste Management: Transfer Station	Ch. 273, Art. IV

Adoption Date	Subject	Disposition
6-5-2006	Inland Wetlands and Watercourses Commission	Ch. 62
12-28-2006	Withdrawal from Regional Council of Governments	NCM
4-2-2007	Meetings: Emergency Cancellation	Ch. 75, Art. I
4-2-2007	Selectmen, Board of: Setting Fees and Fines	Ch. 110, Art. I
10-20-2008	Parks and Recreation Commission Amendment	Ch. 91
4-6-2009	Officers and Employees: Town Clerk and Registrar of Vital Statistics	Ch. 84, Art. III
4-6-2009	Officers and Employees: Treasurer	Ch. 84, Art. IV
4-6-2009	Officers and Employees: Tax Collector	Ch. 84, Art. V
4-6-2009	Planning and Zoning Commission and Zoning Board of Appeals	Ch. 95
3-15-2010	Agriculture Commission	Ch. 8
5-3-2010	Subdivision Regulations	Ch. 295
2-16-2012	Inland Wetlands and Watercourses Commission Amendment	Ch. 62
2-16-2012	Taxation: Exemption for Personal Property Leased to Town	Ch. 253, Art. IV
5-7-2012	Meetings: Annual Town Meeting and Budget Meeting	Ch. 75, Art. II
9-17-2012	Officers and Employees: Temporary Employees	Ch. 84, Art. VI
4-23-2013	Selectmen, Board of: State and Federal Grants	Ch. 110, Art. II
6-17-2013	Taxation: Excess Tax Payments	Ch. 253, Art. V
6-17-2013	Taxation: Exemption for Farm Buildings	Ch. 253, Art. VI
10-1-2013	Inland Wetlands and Watercourses Regulations	Ch. 290
11-16-2015	Taxation: Exemption for Horses and Ponies	Ch. 253, Art. VII
11-21-2016	Taxation: Abatements for Volunteer Fire Department Personnel	Ch. 253, Art. VIII
11-21-2016	Natural Gas and Oil Waste	REP
12-9-2019	Officers and Employees: Registrars of Voters	Ch. 84, Art. VII

Adoption Date	Subject	Disposition
8-1-2020	Zoning Regulations	Ch. 300

INDEX

