

AGENDA
GROTON ZONING COMMISSION
OCTOBER 5, 2016 – 6:30 P.M.
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 2

- I. ROLL CALL
- II. PUBLIC COMMUNICATIONS
- III. APPROVAL OF MINUTES
 - 1. September 7, 2016*
- IV. OLD BUSINESS
 - 1. Zoning Regulations Update
 - a. Definitions/Table of Permitted Uses*
 - b. WRPD Permitted Uses*
- V. NEW BUSINESS
 - 1. Report of Commission
 - 2. Receipt of New Applications
- VI. REPORT OF CHAIRPERSON
- VII. REPORT OF STAFF
- VIII. ADJOURNMENT

* ENCLOSED

** Bring your notebooks

Next Regular Meeting: November 2, 2016

MINUTES
TOWN OF GROTON
ZONING COMMISSION
SEPTEMBER 7, 2016 – 6:00 P.M.
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Smith, Sutherland, Sayer, Hudecek
Alternate members present:
Absent: Marquardt
Staff present: Glemboski, Jones, Reiner, Gilot

Chairperson Sutherland called the meeting to order at 6:30 p.m.

II. PUBLIC COMMUNICATIONS - None

III. APPROVAL OF MINUTES

1. July 6, 2016

MOTION: To approve the minutes of the July 6, 2016 meeting as presented.

Motion made by Smith, seconded by Sutherland. Motion passed 2-0-2, 2 abstentions (Hudecek, Sayer).

IV. OLD BUSINESS

1. Zoning Regulations Update

The Commission changed the order of the agenda to review “Definitions” before “WRPD Permitted Uses”.

a. Definitions/Table of Permitted Uses

Jeff Davis, Horsley Witten Group, explained that the definitions related to the Use Tables are the only definitions being reviewed at this time. The definitions have been divided into categories as well as alphabetically.

The Commission discussed whether all accessory uses from the Use Table will be listed under the “Accessory & Principal Terms” category. Sutherland said it would be helpful to know which definitions were new, and which definitions were old definitions that had been reworked. She suggested they be annotated as “updated”. Mr. Davis said that all definitions in the current regulations will come back, but at this time they were reviewing only the definitions relative to the use tables.

Mr. Davis explained that the yellow highlighted text on the handouts can be call-out boxes in the regulations for detailed examples of types businesses under a definition.

“Aquaculture” - indoor and outdoor – the Commission needs to decide in which zones those uses would be appropriate.

Discussion of whether hydroponic – indoor agriculture would need to be included in the greenhouse definition.

The Commission discussed the definition of golf courses and if they need to be treated differently in the WRPD; different size, different standards. The Commission agreed to add a golf course definition.

The Commission, staff and consultants discussed the following items/definitions/uses:

- Commercial recreation, outdoor – pg. 5 – The Commission discussed the amount of time a club may be open to the public, and at what point would it no longer be considered a private club, especially with respect to ADA requirements. Staff noted that this is a question for the Building/Zoning Official.

- Alcoholic beverage production, small scale (pgs. 8-9) – The Commission asked if it was the responsibility of the Zoning Official to know how much was produced. Mr. Davis said the business would have to report the amount of their production to the state. The Commission discussed what number of gallons would define small scale production as opposed to the industrial, large bottling type, wholesale, with a lot of truck traffic, and not even necessarily any retail. The small scale production would be allowed in the mixed use areas. The Commission concurred with 55,000 gallons as the limit for small scale production.

- Mix of uses (“flex space”) (pg. 9) – The Commission would allow it in the new IL district. Mr. Davis asked if it would be allowed in any other districts. He said towns are losing industrial spaces and this might erode the industrial use in the zone. The Commission agreed to allow it for now; they will discuss expanding the use to other zones at a later date.

- Food and Kindred Production, Minor (pgs. 9-10) - 10,000 sq. ft., appropriate size limit – small scale, artisanal type food production (i.e. bakery), may have a retail component; some conditions would need to be added to the regulations. Any use larger than 10,000 sq. ft. would have truck traffic, daily deliveries, etc. Mr. Davis said there would be design guidelines as well. The Commission could make it stricter – more artisanal, less mass production.

- Dry-cleaning plants vs. dry-cleaning pick-up only - The Commission determined that dry cleaning pick-up is a personal service business. Dry cleaning plant is heavy industrial. Commercial laundry (washing linens, uniforms, etc.) is not a simple service business, so it is its own “orphan”. They will be kept as separate examples, called out in the yellow boxes.

- Lodging-related and residential definitions (pg. 11) - Staff is waiting for a review of these categories from the Town Attorney.

- Dwelling, multi-family - The Commission concurred that they do not want two separate buildings on one lot in zones that allow duplexes.

- Dwelling, multi-family micro-unit (pg. 13)- The Commission discussed where these should be allowed in the use tables, the maximum size, standards and conditions

for ceiling heights, amenities, etc. Due to balcony and recreation space requirements, it is currently hard to retrofit an existing building to house small multifamily units. Lot sizes and density requirements would allow only a certain number of units. Currently this use is not allowed in the zoning regulations. Staff would like different standards for these units, and only allow them in certain zones; more likely in mixed use areas, near transportation, walkability, etc. Design standards would be necessary for micro-units. They could also be restricted to existing buildings.

- Retail, small scale (pg. 15) - The Commission discussed what small scale retail is, and how it would be determined. They said they would like to break retail into three categories at this time, but they may decide to go back to two later in the process. Small retail would be under 15,000 square feet; medium would be 15-40,000 and large would be over 40,000. Currently, large scale retail in the regulations is 75,000 and up. Large retail would only be allowed in the heavy commercial zones. They discussed whether there should be a differentiation between small and medium retailers, types of retail in mixed use zones, allowing small retail only in the village zone, and possibly using design standards.

- Food Truck: Restaurant, Mobile (pg. 16) - The Commission agreed that a definition was needed for this use, allowing them in certain zones with conditions.

- Utilities (pgs. 18-19) - The town has little authority to control this. Solar panels, individual wind turbines, electricity generation not tied into general electrical grid. There are two categories: 1) those controlled by the state, sent to the town for review, but the state ultimately approves the project; and 2) individual use. Residential wind turbines have no regulations other than height. Staff and Commission discussed maybe just having performance standards for those projects approved by the state. The Commission determined that ground mounted solar panels on residential lots would be regulated like any structure with regard to setbacks, etc.

- Fuel dealers (pg. 20) - The Commission discussed whether a fuel dealer with an office and onsite, overnight fuel truck storage, but no other on-site storage of fuel except what is in the truck/trucks, should be included in this definition. Mr. Davis said this should still be an industrial use, kept with those types of businesses. Maybe trucks must be stored inside. Staff said this would be more of a WRPD issue than a typical zoning issue. Discussion ensued on if one truck was ok as part of the general office, is there a limit on the number of trucks, what level of fuel, whether the trucks should be garaged, allowing the use in the industrial zone only, not in the WRPD, or allowed in the commercial area. The Commission decided that Fuel Dealer should be a separate definition without fuel storage. They felt there should be a definition for this specific scenario; the location would be decided later.

b. WRPD Permitted Uses

Nate Kelly gave a quick overview of the categories of threats to the WRPD: accidental discharges of hazardous materials, overland stormwater flow and pollution discharge to groundwater. Tools that could be used are to allow or prohibit certain uses or activities, or using universal (apply to all uses or activities) or targeted (apply to specific uses or activities) conditions.

The highlights of the draft WRPD included WRPD synchronization with the use table, a table of prohibited and conditional uses for WRPD was reinserted, and an expanded hazardous materials section.

The Commission, staff and consultants discussed the following uses, conditions and concerns within the WRPD:

- The allowance of any heavy industrial uses in the WRPD, whether or not they are on sewer - This would affect new businesses, and possibly the expansion of existing uses. The Commission opted to eliminate the heavy industrial uses from the WRPD.

- Bus & Limousine Garage & Maintenance and Construction, Farm and Heavy Equipment Rental - The consensus of the Commission was to prohibit these uses in the WRPD.

- Exemption of Single- and 2-Family Lots from General Performance Standards in 6.12-5.

Erosion control for single family property is exempt by state statute. Discussion ensued on adding guidelines for single family homes in the WRPD and putting on the website, but that becomes difficult to enforce. They decided to keep the exemption for now.

Mr. Kelly said the buffers and setbacks currently proposed in the regulations are:

- 50 ft. no disturbance area
- 100 ft. no stormwater discharge
- 100 ft. no septic system components

These setbacks and the definition of “developed area” were discussed.

Sutherland referred to a Groton Utilities memo regarding stratified aquifer deposits, Staff said the memo was just received today, so they had not been able to review it or discuss it with Groton Utilities. The Commission discussed being provided with a map of the stratified drift in the WRPD.

Staff noted that a significant amount of the project budget is being spent going through exercises that may not be productive and is there another way to address the concern.

Sutherland said she would like to consider a 75 ft. instead of a 50 ft. no disturb zone. Staff said maybe they want to look at just the commercial or industrial areas, from the edge of streambelt and streambelt wetlands. No disturb zone means no construction, no grading, etc. The developed area, at this time, is from the edge of the post-developed area (i.e. parking lot) but by changing those words, it already increases the zone, staff said. Mr. Kelly said he would analyze the impact of increasing the buffer from 50 to 75 ft.

- Outdoor animal/agricultural setbacks - The Commission decided that it was unnecessary to increase the setbacks for kennels, equestrian operations, etc. The standard buffer and performance standards should provide a reasonable level of protection.

- Discharge of screen printers to allow wastewater to discharge to public sewers
- The Commission does not want it allowed in WRPD if it is considered a Heavy Industrial use. It is allowed in the Light Industrial zone.

- Expansion of prohibited uses; no more than 40% - or up to 80%, if all environmental standards are met. The Commission decided they would need more information on how the two tiers would work. The Commission discussed allowing 80 percent versus the existing 50%,

The Chairperson asked if the public had any communications with regard to the consultant's presentations.

Jim Furlong, 57 Fishtown Lane, Mystic, addressed the Commission. He noted that 70% of the current WRPD is woodlands. He asked the Commission to consider what it would look like once the new regulations are adopted, and how much will remain for production of water.

V. NEW BUSINESS

1. Report of Commission - None
2. Receipt of New Applications - None

VI. REPORT OF CHAIRPERSON

Sutherland asked staff to review the full buildout of the POCD and what the town would look like when the WRPD updates are done. She would like to see the impact of what they are doing. Staff said they didn't feel that it would change much; the density isn't changing at this point. The buildout analysis of the POCD had assumptions for each parcel. Staff will need to look at the assumptions, and see if there will be changes, or how it could be put on a map.

VII. REPORT OF STAFF

Staff distributed the summer quarterly newsletter of the CFPZA and "From the Bench" article, an update on the MacKenzie ruling.

VIII. ADJOURNMENT

Motion to adjourn at 9:15 p.m. was made by Smith seconded by Hudecek, so voted unanimously.

Susan Marquardt, Secretary
Zoning Commission

Prepared by Debra Gilot
Office Assistant III

Groton Zoning Regulations Definitions – Draft Restructure

- Definitions without any highlight are unchanged from the current Zoning Regulations
- Definitions highlighted in **Blue** are new definitions. Some of this text is in **bold** where it was changed after the discussion with the Zoning Commission on 9-7-16.
- Definitions highlighted in **Green** have been altered from the current Zoning Regulations. Each green highlighted definition is followed by the current definition for comparison or a brief description of what was changed. Where the alteration is a simple addition, that addition is in *italics*.

Note: A few definitions have been removed from the current Zoning Regulations as they refer to uses that have been consolidated into other uses. These include: Day Spa (now part of Personal Services); Large-Scale Destination-Oriented Commercial (now part of Retail, Large-Scale); Restaurant, Take-Out Only (now part of Restaurant, Fast Food); and Waste Handling/Reduction Facilities (now part of Industrial, Heavy).

- Text highlighted in **Gray** is commentary from HW
- Text highlighted in **Yellow** are examples of certain terms that could be included in call out boxes
- Text in **purple** is commentary from the Town
- The most recent edits received from the Town on 9-23-16 are noted in Track Changes

All terms are listed alphabetically by the categories below:

Accessory and Principal Terms
Agricultural, Animal and Natural Resources
Building and Construction Related
Cultural, Recreation and Entertainment
Day Care Related
Dimensions & Form
Flood Protection
Health Facilities Related
Industrial
Lodging Related
Residential
Restaurant / Drinking Establishment Related
Retail
Services
Signs
Transportation, Communication and Utilities
Use Related
Vehicle and Heavy Equipment

DEFINITIONS

Commentary: While the Zoning Regulations will ultimately include all definitions, for the time being, the definitions below are only those related to the Use Table.

Accessory and Principal Terms

ACCESSORY APARTMENT: A residential dwelling unit subordinate to a single family dwelling.

ACCESSORY USE OR BUILDING: A subordinate use or building or structure ~~customarily~~ incidental to and located on the same lot with the principal use or building or a contiguous lot under the same ownership.

AGRICULTURE, EVENTS: An event or activity accessory to and conducted on the same property as an ongoing bona fide Commercial Agriculture operation. Events or activities may be agricultural or non-agricultural in nature, but must use the scenic or agricultural setting of the farm as the basis for the enterprise. Agriculture events may include, but are not limited to, farm tours, classes and/or conferences related to agricultural production and skills, petting, feeding and viewing of farm animals, and special or seasonal events such as weddings, farm dinners, etc.

AGRICULTURE, HOME: The production, principally for the use or consumption of the residents of the property, of plants, animals or their products, including gardening, fruit production, and raising of poultry and livestock. May include incidental sale of products grown or produced on the site.

CARETAKER/SECURITY SERVICE DWELLING: A dwelling for ~~the provision of a~~ caretaker or security services provided as an accessory use and located on the same property as the principal use. Such dwelling units are occupied by an employee or contractor of the principal use residing on the premises for the legitimate provision of maintenance and/or security services.

Current Definition is implied in the Conditions under 7.1-30, but is not included in the Definitions section: One dwelling for the provision of caretaker/security services may be provided as an accessory use to the principal use in all zones. Such dwelling unit shall be located in the same building as the principal use. The applicant shall provide documentation that this dwelling unit will be occupied by an employee or principal of the proposed use, and that the occupant will be residing on the premises for the legitimate provision of maintenance/security services.

CONTRACTOR VEHICLE PARKING AND CONSTRUCTION EQUIPMENT STORAGE, RESIDENTIAL: The parking of a contractor's commercial vehicle and/or storage of construction equipment as accessory to a primary residential use. (See conditions in Sec. 7.1-6.)

Commentary: This has been split off into its own use to differentiate it from such parking and storage as a primary, industrial use.

DRIVE THROUGH FACILITY: Any facility associated with an allowed use with operations that includes a building opening, such as windows, doors, or mechanical devices, through which occupants of a vehicle receive ~~or obtain~~ a product or service.

HOME OCCUPATION: An accessory use which produces a good or *provides a* service for financial gain, is conducted ~~entirely~~ within ~~and/or from~~ a principal dwelling or accessory building, carried on by the residents thereof, and which use is incidental and subordinate to the residential use of the dwelling. (Eff: 6/1/91) (Updated August 2016)

Current Definition: An accessory use which produces a good or service for financial gain, is conducted entirely within and/or from a principal dwelling, carried on by the residents thereof, ~~and~~ ~~which~~ The use is incidental and subordinate to the residential use of the dwelling. (Eff: 6/1/91)

RESTAURANT, MOBILE: A licensed, motorized vehicle or other mobile food unit which is temporarily parked on a privately or publicly owned lot where food items are sold to the general public.

RETAIL WITH OUTDOOR STORAGE: Any retail establishment with an outdoor area that has been cleared for the temporary or longer term storage of equipment, supplies, products and materials as an accessory use. Such materials are generally in bulk and/or collectively do not serve the purpose of outdoor display.

RETAIL OUTDOOR SALES LOT: Part of a retail establishment with an outdoor arrangement of products or materials, designed and used primarily for the purpose of advertising or identifying a business, product, service, or other non-residential use. Said display includes items normally vended by the contiguous business, is generally deemed integral but accessory to the operation of the business, and may be a fixed, formal element of site design. Said goods are generally too heavy to be returned to the inside of the structure while the business is not in operation.

TEMPORARY RENTAL: A private dwelling or room in a dwelling available for short-term, temporary rentals of less than 30 days per party per stay. The dwelling must be the primary home of the owner for at least six months out of any calendar year.

Agricultural, Animal, and Natural Resources

AQUACULTURE, ~~INDOORTANK~~: The ~~indoor~~ farming and production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, in tanks or other built structures whether indoors or outdoors.

AQUACULTURE, ~~OUTDOORENCLOSURE~~: The farming of waters and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, in an enclosure of ~~a~~ leased, franchised or public underwater farm lands.

AQUAPONICS: Any system that combines aquaculture with hydroponics (cultivating plants in water) in a symbiotic environment.

ANIMAL FEEDLOTS: The feeding of livestock, poultry, or small animals for commercial purposes usually in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

AGRICULTURE: The use of land or buildings for agricultural purposes , including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the accessory uses and buildings for growing or storing- the products. Term may include incidental retail sales by the producer of products raised on the farm.

AGRICULTURE, COMMERCIAL: The production principally for the sale to others of plants, animals, or their products including, but not limited to: forage and sod crops, dairy animals and dairy products, livestock, including dairy, beef cattle, poultry, sheep, swine, horses and goats; including the breeding and grazing of all such animals, bees and apiary products; fruits and vegetables; nursery, floral, ornamental and greenhouse products; and Christmas trees. **Commercial agriculture may be conducted indoors or outdoors**, and shall not include animal feedlots operations, aquaculture, forestry and/or timber production.

AGRICULTURE, EVENTS: An event or activity accessory to and conducted on the same property as an ongoing bona fide Commercial Agriculture operation. Events or activities may be agricultural or non-agricultural in nature, but must use the scenic or agricultural setting of the farm as the basis for the enterprise. Agriculture events may include, but are not limited to, farm tours, classes and/or conferences related to agricultural production and skills, petting, feeding and viewing of farm animals, and special or seasonal events such as weddings, farm dinners, etc.

AGRICULTURE, HOME: The production, principally for the use or consumption of the residents of the property, of plants, animals or their products, including gardening, fruit production, and raising of poultry and livestock. May include incidental sale of products grown or produced on the site.

COMMUNITY GARDEN: A single piece of land gardened collectively by a group of people for the production of plants. Livestock shall not be raised in a community garden.

Commentary: Most community gardens do not allow livestock. However, the Town could consider allowing animals such as chickens and bees.

FORESTRY/SILVICULTURE: Any ongoing activity which may alter the physical or vegetative characteristics of any forest land and which is undertaken in connection with the harvest of commercial forest products and the long term management of the forest land.

Commentary: This is taken from the definition of "Forest Practice" from CT Statute 23-65f. That definition goes on to say that the clearance of trees for approved development is NOT a Forest Practice. As the Town does not intend to regulate forestry as a use, I don't think this exception is necessary. Instead, the definition above emphasizes the ongoing, long term nature of forestry, as opposed to a one-time clearance of land.

HYDROPONICS: A method of growing plants using mineral nutrient solutions, in water, without soil, whether indoors or outdoors.

KENNEL: Any lot on which 4 or more *pets*, six months old or older, are available for sale or boarded for compensation.

Current Definition: Any lot on which 4 or more dogs or cats, six months old or older, are available for sale or boarded for compensation.

LIVESTOCK: Any apian, avian, bovine, equine, caprine, ovine, camelid, porcine, poultry, leporine, or other animal that is raised for production of food or fiber, or is used primarily for work, commerce, or exhibition. Such animals that are kept simply for companionship or enjoyment but that do not meet the definition of “pet” herein shall still be considered livestock. This definition also does not include wild animals.

NURSERIES AND GREENHOUSES, COMMERCIAL: Any business involved in the cultivation and sale of nursery products including living tree, plant or other flora, whether or not grown on site, and any products or materials ordinarily and necessarily associated with the growing of said tree, plant or other flora, including, but not limited to, soil, mulch, fertilizer, growing containers and water delivery systems. It may include ancillary sale of decorative materials such as paving stones and lawn ornaments, but may not include machinery, or equipment such as tractors or lawn mowers.

PET: A domesticated animal such as a dog, cat, common cage bird, rodent, rabbit, ferret, or aquarium-kept fish, reptile, or amphibian, which is traditionally kept in the home for companionship or enjoyment rather than for utility or commercial purposes. Does not include livestock and wild animals.

RIDING OR BOARDING STABLE: A ~~commercial~~ riding or boarding stable open to the general public, including: boarding and training of equines and/or camelids; riding instruction; and fields or arenas used for events.

VETERINARY OR ANIMAL HOSPITAL SERVICE: An establishment of a licensed practitioner primarily engaged in the practice of veterinary medicine, dentistry or surgery for ~~pets-animals~~ such as horses, rabbits, dogs, cats, and birds and other pets with overnight keeping of ~~pets-animals~~ which require continued medical attention.

WILD ANIMAL: Any member of the animal kingdom, other than humans, that is capable of sustaining itself in its native habitat, was not born in captivity, and is not domesticated. Does not include livestock or pets.

Building and Construction Related

Commentary: There are no Use Table terms under this category.

Cultural, Recreation and Entertainment

CAMPGROUND: A lot ~~upon which~~where two or more campsites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

CAMPSITE: A plot of land within a campground intended for the accommodation of one tent, recreation vehicle, or other individual camping unit on a temporary basis not to exceed 30 days in any 12 month period.

CARNIVAL OR FAIR: A ~~traveling or transportable~~temporary group or aggregation of rides, shows, games, exhibits, demonstrations, or concessions or any combination thereof.

CLUB, LODGE OR ASSOCIATION: An association of persons which is the owner, lessee, or occupant of an establishment operated solely for a recreation, social, fraternal, religious, political, or athletic purpose whose activities are confined to the members and guests, are not extended to the general public, and include the establishment so operated; but does not include such clubs the chief activity of which is a service customarily carried on primarily for business or gain. *This use category does not include overnight accommodations.*

Current Definition: An association of persons which is the owner, lessee, or occupant of an establishment operated solely for a recreation, social, fraternal, religious, political, or athletic purpose whose activities are confined to the members and guests, are not extended to the general public, and include the establishment so operated; but does not include such clubs the chief activity of which is a service customarily carried on primarily for business or gain.

COMMERCIAL RECREATION, HEALTH AND FITNESS, INDOOR, SMALL SCALE: A recreational activity, carried out for profit, generally conducted within a building or substantial structure in a space not to exceed 2,000 square feet.

Examples may include: small yoga and pilates studios, certified massage therapy, physical therapy, sports performance training, martial arts, etc.

COMMERCIAL RECREATION, HEALTH AND FITNESS, INDOOR, LARGE SCALE: A recreational activity, carried out for profit, generally indoors in a space greater than 2,000 square feet.

COMMERCIAL RECREATION, OUTDOOR: A recreational activity, carried out for profit, conducted primarily outside of an enclosed building. (See conditions in Sec. 7.1-27.)

Examples may include: ~~golf courses,~~ golf driving ranges, miniature golf, water parks, outdoor ropes courses, wall climbing, swimming pools, batting cages, tennis clubs, etc.

Commentary:

This use is currently allowed with the conditions of 7.1-27 in the RU, CH, IL and IH. HW suggests eliminating the 10 acre minimum requirement in 7.1-27, to accommodate smaller tennis clubs, miniature golf, etc. The size of available/developable parcels and the other performance standards in 7.1-27 related to noise, setbacks, prohibition of racing motor vehicles, etc. will regulate what can reasonably go where. For example, an outdoor ropes course would technically be allowed in the CH district. In actuality, this is probably not feasible, given the amount of space a ropes course needs, the developable space actually available in the CH, and the setback standards in 7.1-27.

Alternatively, if there is a concern that any of the larger uses are not appropriate for an RU district, the Town may consider changing 7.1-27 to restrict such uses of five acres or more to the IL and IH districts, and allow such uses of under five acres in the RU, CH, IL and IH.

ENTERTAINMENT OR SPORTS FACILITIES: An indoor or outdoor land use attracting large numbers of both local and regional visitors for entertainment or sporting events. A large-scale entertainment or sports facility may include arenas, amphitheaters, megatheaters, stadiums and ball parks, other sports facilities, and theme parks. (New Eff: 10/1/97) (Updated July 2016)

Current Definition – different name: **LARGE-SCALE CONFERENCE/ENTERTAINMENT FACILITIES:** An indoor or outdoor land use attracting large numbers of both local and regional visitors for conference and/or entertainment purposes, including, but not limited to, business meetings, sporting events, concerts, family events and amusements, and trade shows. A large-scale conference facility is defined as having a minimum of 175 hotel rooms and/or greater than 20,000 square feet of meeting and exhibition space and could include meeting and exhibition rooms, guest rooms, suites, resort amenities, dining and food services, personal services for the occupants of the facility, and entertainment. A large-scale entertainment facility is defined as having a minimum seating capacity of 2,000 seats or capacity for 2,000 visitors during peak hours and could include arenas, amphitheaters, megatheaters, stadiums and ball parks, other sports facilities, and theme parks.

EXHIBITION HALL: A commercial facility used for assemblies or meetings, including exhibition space, conventions, conferences, seminars, product displays, etc.

GOLF COURSE: A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, shelters, etc. as accessory uses.

LIBRARY: A public or private, nonprofit facility, open to the general public or to members, in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

MARINA: A facility for the secure mooring of boats, including facilities for the storage and repair of boats and sale of boating equipment, supplies and fuel and accessory facilities such as showers, restrooms and self-service laundries.

MUSEUM: Any space, building or set of buildings serving as a repository for a collection of objects, art or information of interest, arranged, intended, and designed to be used by members of the general public for viewing or interaction, with or without an admission charge, and which may include as an accessory use the sale of goods to the public.

THEATER OR CINEMA: An outdoor or indoor area, building, part of a building, structure, or defined area utilized primarily for rehearsal and production of dramatic, dance, musical, or other live performances or movies. Such establishments may include related services such as food and beverage sales and other concessions, office space for theater management, costume shops, set design shops, and set and costume storage areas.

YACHT CLUB: An institutional use that is classified as either a private club or community club that consists of structures and related grounds and/or moorage used for social and recreational purposes related to pleasure boating and/or swimming, the use of which is primarily restricted to members and their guests.

Day Care Related Terms

DAYCARE: A place that provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. Of those receiving care, only dependents of an attendant adult living at the premises may reside on the site.

ADULT DAY CARE CENTER: A non-residential facility in which custodial care is provided for related or unrelated adults who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention (including drug or alcohol rehabilitation services). Programs may include training in things such as self-care, activities on daily living, personal and social adjustment, work habits and skills, and speech and language development, and/or recreational activities of a social, athletic or purely diversionary nature. (New Eff: 8/1/92) (Updated August 2016)

Current Definition: A facility established to offer activity programs authorized by the Department of Mental Retardation including training in one or more of the following areas: self-care, activities on daily living, personal and social adjustment, work habits and skills, speech and language development. Such a facility may also offer a recreational program involving activities which may be of a social, athletic or purely diversionary nature. This definition does not include facilities that provide overnight care and accommodations. (New Eff: 8/1/92)

FAMILY DAY CARE HOME: A facility which consists of a private family home caring for not more than six (6) children, including the provider's own children not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three (3) additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three (3) children who are in school full time, all of the provider's children shall be permitted. Said facility shall be considered to conform to this definition if it operates either as a for profit or nonprofit business, and meets all the requirements of the State of Connecticut Office of Early Childhood, Division of Licensing "Statutes and Regulations for Licensing Family Day Care Homes", Connecticut General Statutes Section 19a-87b through 19a-87e inclusive, as amended, and any other applicable regulations, statutes or ordinances. This definition shall be deemed not to represent an intensification of use of a property. (New Eff: 10/31/89) (Updated July 2016)

Current Definition: The only change was to the statutes referenced. The definition above now includes the most up to date statutes.

CHILD DAY CARE CENTER: A facility which offers or provides a program of supplementary care to more than twelve (12) related or unrelated children outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week, which is operated either as a for profit or nonprofit business, and meets all the requirements of the State of Connecticut Office of Early Childhood, Division of Licensing "Statutes and Regulations for Licensing Child Day Care Centers and Group Day Care Homes," Connecticut General Statutes Sections 19a-77 through 19a-87 inclusive, as amended, and any other applicable regulations, statutes or ordinances. (New Eff: 10/31/89) (Updated July 2016)

GROUP DAY CARE HOME: A facility which offers or provides a program of supplementary care to *not less than seven (7)* nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four (24) hours in one or more days in the week, which is operated either as a for profit or nonprofit business, and meets all the requirements of the State of Connecticut Office of Early Childhood, Division of Licensing "Statutes and Regulations for Licensing Child Day Care Centers and Group Day Care Homes," Connecticut General Statutes Sections 19a-77 through 19a-87 inclusive, as amended, and any other applicable regulations, statutes or ordinances. (New Eff: 10/31/89) (Updated July 2016)

Current Definition: Does not include the italicized text above. The new definition also updates the statutory reference.

Dimensions & Form

Commentary: There are no Use Table terms under this category.

Flood Protection

Commentary: There are no Use Table terms under this category.

Health Facilities

HOSPITAL/EMERGENCY TREATMENT CENTER: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition. Such facility may include overnight accommodations for patients, ancillary services such as pharmacies, cafeterias and gift shops, and emergency room facilities with accommodations for ambulance traffic.

MEDICAL/HEALTH CARE PROFESSIONAL OFFICE/CLINIC: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by one or a group of physicians, dentists, other health care professionals, or similar professions. Such facility may include ancillary laboratory, rehabilitation and pharmacy services.

MEDICAL LABORATORY: A building or group of buildings in which are located facilities for the analysis of blood, tissue, or other human medical products.

NURSING HOME: A chronic and convalescent nursing home, or a rest home with nursing supervision, as defined and licensed by the Connecticut State Department of Health.

Industrial

ALCOHOLIC BEVERAGE PRODUCTION: A ~~processing plant~~ facility used for the commercial purpose of processing grapes, other fruit products, grains or vegetables to produce wine, beer or spirits. Processing includes wholesale sales, crushing, brewing, distilling, fermenting, blending, aging, storage, bottling, administrative office functions and warehousing. Retail sales and tasting facilities of wine, beer, spirits and related promotional items, as well as a café with limited food service, may be permitted as part of any winery, brewery or distillery operations.

ALCOHOLIC BEVERAGE PRODUCTION, LARGE SCALE: Includes the definition for Alcoholic Beverage Production, ~~with the following standard: Wine, beer or spirits production of greater than 55,000 gallons per year~~ and exceeds 3,000 square feet of floor area.

ALCOHOLIC BEVERAGE PRODUCTION, SMALL SCALE: Includes the definition for Alcoholic Beverage Production, ~~with the following standards: Wine, beer or spirits production of 55,000 gallons per year or less and does not exceed 3,000 square feet of floor area.~~

Commentary: The industry standard calls for approximately 1.5 square feet per barrel produced a year. Keeping the 55,000 gallon limit discussed at the last ZC meeting, this would come to . . .

55,000 gallons = 1,774 barrels x 1.5 = 2,661 square feet. The standard above is rounded up to 3,000 square feet.

ARTISAN AND CRAFT WORKSHOPS: An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

BREWERY: Included under the definition for Alcoholic Beverages Production

DISTILLERY: Included under the definition for Alcoholic Beverages Production.

FILLING/EXTRACTION OF EARTH PRODUCTS: The removal, extraction, excavation, fill, or grading for any purpose of soil, sand, shell, gravel, ore, rock, clay or any similar material by whatever process.

FLEX SPACE: A building designed to accommodate a combination of office, light industrial, wholesale, and warehousing functions, the exact proportions of each use being subject to user needs over time.

FOOD AND KINDRED PRODUCTION, MAJOR: Any ~~establishment~~ facility of more than [~~105,000~~] square feet that engages in commercial on-site production and packaging of food, food related products, and/or non-alcoholic beverages, including wholesale.

Examples may include: machine-produced bakery and confectionary products; machine processing and jarring or canning of fruits and vegetables; large-scale dairy, meat and fish processing; etc.

FOOD AND KINDRED PRODUCTION, MINOR: Any establishment-facility of no more than [510,000] square feet that engages in commercial on-site production of artisan or small-batch food, food related products and/or non-alcoholic beverages, generally produced by hand or with limited mechanization and not including wholesale.

Examples may include: coffee roasting, ice cream, baked goods, confectioneries, canned and preserved fruits and vegetables, sodas and seltzers, and other foodstuffs.

Commentary: This category was split in two at the Town's request. Major production will be allowed in the IL and IH districts. Minor may be allowed in those districts, as well as the CH, MVC and MTC with conditions that may include:

- All storage shall be within an enclosed building.
- Hours of operation shall be limited to 7:00 a.m. until 9:00 p.m. so that neighboring residential development is not disturbed by noise and lights.
- Distribution facilities are not permitted adjacent to residentially zoned property, or mixed-use property that includes residential.

HEAVY INDUSTRIAL: Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions.

Examples may include: The manufacture of clothing, fabrics, and other textiles; Production of chemicals, drugs, plastics; Dry cleaning plants and dyeing facilities; Fabrication of metal for tools and machines; Jewelry Manufacturing or plating; Lumber, wood and paper production; Non-ferrous foundries and rolling and extruding of non-ferrous materials; Waste handling/reduction facilities; Solid waste disposal facility; Electrical equipment production.

LAUNDRY, COMMERCIAL: A building, portion of a building, or premises used or intended to be used for the commercial-scale cleaning of fabrics, textiles, wearing apparel, or articles of any sort, without the use of dry cleaning chemicals.

Commentary: Per discussion with ZC, Laundry, Commercial is keeping its own definition, dry-cleaning (pick-up only) and Laundromats are part of Personal Services, and Dry cleaning plant is part of Heavy Industrial.

LIGHT INDUSTRIAL: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products.

Examples may include: Manufacturing of furniture and fixtures; Jewelry assembly; Musical instruments and parts; Moving and storage uses; Photo processors and photo labs; Printing and publishing;

Professional, scientific, and controlling instruments; Research and testing services; Scientific and research laboratories; Screen printing/embroidery of clothing; Stone, clay, and glass production.

OUTDOOR STORAGE YARD: A facility or area for storing, ~~keeping~~, selling, dismantling, shredding, compressing, or salvaging large finished goods and equipment, or scrap or discarded material, goods, or equipment.

SAILMAKING/SAIL LOFT: A manufacturing establishment that makes and repairs sails for sailboats, kites, hang gliders, wind art, architectural sails, or other structures using sails. A sailmaker typically works on shore in an indoor sail loft large enough to lay out sails for construction or repair. Modern sailmaking may involve computer-aided design and manufacturing tools, including low-power lasers to cut sail materials.

WAREHOUSE AND DISTRIBUTION: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations. This definition includes parking lots for overnight truck, railcar or shipping container storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies. May include intermodal distribution facilities for a mix of truck, rail, or shipping transport.

WINERIES: Included under Alcoholic Beverage Production.

Lodging Related

BED AND BREAKFAST: An owner-occupied building which is open to the general public, designed, used and occupied as a single-family residence managed by the property's owner and having, as an accessory use, bedroom accommodations and meal provisions for those accommodated as paying guests.

HOTEL/MOTEL: A building or buildings open to the general public and providing lodging for compensation with or without meals and/or kitchen facilities, and intended for the accommodation of transients.

Current Definition: A building providing lodging for compensation for 12 or more persons with or without meals and/or kitchen facilities, and intended primarily for the accommodation of transients.

ROOMING OR ROOMING/BOARDING HOUSE: A dwelling whose principal use is to provide lodging, without separate kitchen facilities, with or without meals, for compensation by prearrangement for definite periods, to between 3 and _____ persons.

We need to review all residential and lodging uses with Town Attorney. See the separate document that is being sent to the Town Attorney for review and additional discussions.

Commentary: Will wait to hear what the Town Attorney has to say.

TEMPORARY RENTAL: A private dwelling or room in a dwelling available for short-term, temporary rentals of less than 30 days per party per stay. The dwelling must be the primary home of the owner for at least six months out of any calendar year.

Commentary: The above would address Airbnb and other short-term home rentals. It would also keep people from buying investment properties and turning them into full-time inns. Temporary Rentals would likely be allowed in any zoning district where a Bed & Breakfast is allowed.

Residential

ACCESSORY APARTMENT: A residential dwelling unit subordinate to a single family dwelling.

Comment from Town: "Does this affect calculations of density? So would lot size requirements go up when someone wants an ADU? Exempt this from density calculation. Make sure this goes in the right place."

ACTIVE SENIOR HOUSING: Housing designed for seniors, 55 years or older and providing several, but not all of the services and facilities required for Assisted Living and/or Congregate Living Facilities. Furthermore, it is a housing facility or community that fully complies with the provisions of the United States Fair Housing Act 42 USC Section 3601 et seq. as amended, (and Connecticut State Statutes Section 46a-64b, as amended, as it pertains to "Housing for Older Persons.") This includes compliance with any and all rules promulgated by the United States Department of Housing and Urban Development which govern implementation of such Act and compliance with all rules and restrictions promulgated by the Town of Groton and set forth in this zoning regulation. (New Eff: 3/1/05)

Commentary: References to Fair Housing re-inserted per Town's request. CT Statute reference was checked and is still up to date.

ASSISTED LIVING FACILITY: Housing designed for seniors *who require some level of assistance in their day to day care*, including such facilities licensed and designed to meet the needs of seniors with Alzheimer's or other dementia-related illnesses, that provides nursing services, communal dining facilities and meal services, and/or assistance with personal care activities of daily living to clients living within a managed residential community having supportive services that encourage clients, aged 55 or older, to maintain a maximum level of independence. (New Eff: 5/31/97; 12/10/2004) (Updated July 2016)

Current Definition: Text in italics added – otherwise the same.

COMMUNITY RESIDENTIAL COUNSELING FACILITY: A residential building or group of buildings for the temporary, transitional housing of detoxified resident persons and/or their dependents seeking to arrest, reverse, or ameliorate the compulsive use of alcohol or drugs pursuant to an organized and structured program. Such a facility will include onsite counselors and staff members providing counseling, rehabilitation, evaluation and other supportive services to the detoxified resident persons. This definition shall not include community-based service programs under the jurisdiction of the Department of Correction pursuant to Section 18-100 of the Connecticut General Statutes or court ordered treatment programs under Chapter 319j, Section 17a-680 to 17a-701 of the Connecticut

General Statutes. (New Eff: 7/1/93) (Added word 'Counseling' to the name, March 2016. Updated August 2016, including latest statutory references.)

Current Definition: A residential building or group of buildings in which counselors and staff members provide counseling, rehabilitation, evaluation and other supportive services to detoxified resident persons or their dependents seeking to arrest, reverse, or ameliorate the compulsive use of alcohol or drugs pursuant to an organized and structured program. This definition shall not include community correction programs under the jurisdiction of the Department of Correction pursuant to Section 18-100 of the Connecticut General Statutes or court ordered treatment programs under Section 17a-653 to 17a-656 of the Connecticut General Statutes. (New Eff: 7/1/93)

Commentary: Is the Town Attorney being asked to consider the issue of regulating such a use that provides counseling and support services off site?

Is being reviewed by Town Attorney for this use category and other group/institutional residential categories.

CONGREGATE LIVING FACILITY: Housing designed for seniors, 55 years or older, who require little, if any, assistance with activities of daily living and who may have some home health care-type services provided to them by in-house staff or an outside agency, offering communal dining facilities and meal services and including, but not necessarily limited to, services such as housekeeping, organized social and recreational activities, and transportation services. (New Eff: 5/31/97; 12/10/2004)

DWELLING: A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

DWELLING, ONE FAMILY: A detached building with one dwelling unit.

Current Definition: A detached building designated for or occupied by one family.

DWELLING, TWO FAMILY: A detached building with two independent dwelling units.

Current Definition: A detached building designated for or occupied by two families living independently of each other.

DWELLING, MULTI-FAMILY: A building or group of buildings on one lot containing three or more separate dwelling units.

Current Definition: A dwelling or group of dwellings on one lot containing separate living units for three or more families having separate or joint entrances, services, or facilities.

DWELLING, MULTI-FAMILY CONVERSION: A multi-family dwelling developed by converting an existing building from another use.

Commentary: This use will require new conditions.

DWELLING, MULTI-FAMILY MICRO-UNIT: A type of Multi-family Conversion Dwelling, typically less than 500 square feet, with a fully functioning and accessibility-compliant kitchen and bathroom, designed with features that mitigate the small size. See Conditional Uses, 7.1-X.

Commentary: Added per the Town's request. There is no standard definition, but in more urban communities, the maximum size is generally closer to 350 or 400 sq ft. However, extremely small units generally only work in urban areas that are active "24-7," where residents can use the City as an extension of their living space. Further, micro-units will most definitely need Conditions to ensure high-quality, comfortable spaces, and not just cheap and cramped ones. For example, a certain amount of built-in furniture, including book cases or beds; greater ceiling heights than are required in other apartments; a higher level of common amenities, such as roof decks, bicycle storage, private storage lockers, etc.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Current Definition: A dwelling or part of a dwelling occupied or intended to be occupied by one family for residence purposes.

FAMILY: Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit. A group of not more than four persons keeping house together, but not necessarily related by blood or marriage, may also be considered a family. (Eff: 9/4/93)

Review Hartford definition of [Dwelling, Dwelling Unit, Household and Household Unit](#). Need to review with Town Attorney if use this approach instead of defining and using Family.

We have sent a separate sheet to Town Attorney to address.

Commentary: HW agrees that defining "Household" rather than "Family" is a good approach. Defining "Family" at the local level is a tricky business. We will await the opinion of the Town Attorney.

All Manufactured Home and Mobile Home terms are being reviewed by Kevin Quinn for consistency with CT codes. He is on vacation for several weeks. If you include them in any draft just list use without definition until we hear back from Kevin.

Commentary: We will delete the definitions of the terms below related to manufactured and mobile homes if this list has to be sent to the Zoning Commission before Kevin weighs in.

MANUFACTURED HOME: Any home factory-built to a state code built either on a permanent chassis or with removal of the chassis frame in mind. Typically, a manufactured home is not moved from its initial installed site.

MOBILE HOME: A transportable single family dwelling unit in one or more sections which is suitable for year round habitation, and equipped with a means to connect to water, sanitary and electric facilities.

For the purpose of flood management regulations, the term also includes park trailers and recreational vehicles placed on a site for 180 consecutive days or longer and intended to be improved property. This definition shall not include recreational vehicles placed on sites for fewer than 180 consecutive days and which are fully licensed and ready for highway use; a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions (Eff: 2/10/95)

MOBILE HOME PARK OR SUBDIVISION (EXISTING): A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before April 15, 1977, the effective date of the floodplain management regulations adopted by the Town.

We may not want to use the term subdivision.

Commentary: It seems the Town has been using the term "subdivision" in relation to mobile home parks for several decades. Would the term no longer be used because none of these parks are actually subdivided, but held in common ownership by the residents or a single property manager? HW will defer to the Town on this.

MOBILE HOME PARK OR SUBDIVISION (EXPANSION): The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

MOBILE HOME PARK OR SUBDIVISION (NEW): Any area or tract of land designed for the parking or other type of installation of mobile homes on spaces or lots offered for lease or rent, including all improvements, buildings, structures, recreation areas, or other facilities for the use of the residents of such development, and situated in such a way as to comply with the Town's adopted floodplain management regulations.

RESIDENTIAL LIFE CARE COMMUNITIES: A service-enriched community comprised of a building or group of buildings located on one or more contiguous parcels of land containing dwelling units including such housing and facilities defined hereunder as congregate living facilities, assisted living facilities, and nursing homes, with or without licensed nursing or health care facilities, primarily for the aged. Said category of uses shall also contain meeting rooms, dining rooms and central kitchen, and recreation rooms or areas for the use of the residents of such facility and their guests appropriate to the facility. Any facility covered by this definition may also contain offices used for the management and operation of the facility as well as services such as, but not limited to, a general store, beauty shop, and laundry for the use of the residents of such facility. In addition, other individuals having permanent and/or temporary difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transport may also be housed in any of the housing options noted herein. Dwelling units are either multi-bedroom units or individual housing units. The units may be rented, leased, or purchased. (Eff: 5/31/97; 12/10/2004)

Retail

RETAIL: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RETAIL, LARGE-SCALE: A single user commercial building, having a gross floor area of **40,000 square feet** or greater, generally serving local, Town and regional consumer needs.

RETAIL, MEDIUM-SCALE: A single commercial use, having a gross floor area of **15,000 square feet or greater, but less than 40,000 square feet**, generally serving local and Town consumer needs.

RETAIL, SMALL-SCALE: A single commercial use, having a gross floor area of less than **15,000 square feet**, generally serving local consumer needs.

RETAIL WITH OUTDOOR STORAGE: Any retail establishment with an outdoor area that has been cleared for the temporary or longer term storage of equipment, supplies, products and materials as an accessory use. Such materials are generally in bulk and/or collectively do not serve the purpose of outdoor display.

RETAIL OUTDOOR SALES LOT: Part of a retail establishment with an outdoor arrangement of products or materials, designed and used primarily for the purpose of advertising or identifying a business, product, service, or other non-residential use. Said display includes items normally vended by the contiguous business, is generally deemed integral but accessory to the operation of the business, and may be a fixed, formal element of site design. Said goods are generally too heavy to be returned to the inside of the structure while the business is not in operation.

RETAIL WITH LARGE INDOOR DISPLAY AND STORAGE: A retail establishment that sells large items that require significant display and storage space, and larger facilities for loading and warehousing than a typical retail establishment.

Examples may include: furniture stores, appliance stores, hardware stores, carpet stores, etc.

Commentary: This use has been kept per the Town's request, in order to account for parking, loading, and warehousing needs different from those of typical retailers.

Restaurant/Drinking Establishment Related Terms

DRINKING ESTABLISHMENT (CAFÉ, BAR OR COCKTAIL LOUNGE): A commercial establishment open to the general public which sells and serves alcoholic beverages for consumption on the premises, and in which the service of food is only incidental to the consumption of such beverages. Dancing and musical entertainment may also be permitted.

FOOD TRUCK: See RESTAURANT, MOBILE

RESTAURANT, FAST-FOOD: Any establishment whose business involves the sale of pre-prepared or rapidly prepared foods, confections or beverages to the customer in a ready-to-consume state, and

whose method of operation is such that customers normally order and obtain the product at a central location separate from the tables or counters used for consumption on site. This definition includes convenience stores which sell prepared food for on-site consumption, *as well as take-out-only restaurants*. (New Eff: 12/16/88) (Updated July 2016)

Current Definition: Italicized text added – otherwise the same.

RESTAURANT, MOBILE: A licensed, motorized vehicle or other mobile food unit which is temporarily parked on a privately or publicly owned lot where food items are sold to the general public.

Commentary: As noted by the Town, Conditions will be created for this use. It will be marked as Conditional and Accessory in the Use Table.

RESTAURANT, STANDARD: Any establishment whose business involves the sale of foods, confections or beverages to the customer in a ready-to-consume state, and whose method of operation is such that an employee normally takes the seated customer's order and serves the food or beverages at tables and/or counters located inside or outside the building. (New Eff: 12/16/88)

Services

CEMETARY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematoriums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.

CHURCHES AND OTHER PLACES OF RELIGIOUS WORSHIP: A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. Includes associated residential structures and associated buildings for religious personnel, but not any school buildings or activities.

FUNERAL AND CREMATORY SERVICES: An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, columbariums, and other permanent storage of human remains. The facility may include a chapel for the conduct of funeral services and other spaces for funeral services and informal gatherings or display of funeral equipment.

PERSONAL SERVICES: Establishments primarily engaged in providing non-medical, individual services generally related to personal needs.

Examples may include: Tailoring and shoe repair; Beauty and barber services and day spas; Laundry and dry cleaning, self-service or pick-up only; Laundromats; Repair of office equipment and personal and household items.

PROFESSIONAL OFFICES: Establishments primarily engaged in providing professional assistance, as opposed to retail products, to individuals, business, industry, government, and other enterprises.

Current Definition: The office of a member of a recognized profession including doctors or physicians, dentists, optometrists, ministers, architects, engineers, lawyers, and other recognized professional occupations. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

Examples may include: Offices for architects, engineers, lawyers, real estate, insurance, and other professional occupations; Banks and financial services; Offices of Government agencies.

SCHOOLS, PUBLIC/PRIVATE (K-12): A site that is operated as a primary or secondary school and which contains all improvements required by local, State of Connecticut, and/or federal regulations necessary for general primary or secondary academic instruction.

SCHOOLS, PUBLIC/PRIVATE (Post-High School / College): A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges and trade schools that grant certificates of completion in business, technical or vocational fields.

SCHOOLS AND STUDIOS, PROFESSIONAL DEVELOPMENT AND THE ARTS: Non-degree granting professional and educational service businesses or organizations providing specialized education and instruction for children and/or adults.

Examples may include: business and office skills, public speaking, computer training, music, dance, acting, fine art, etc.

SELF-SERVICE STORAGE FACILITY: Any real property designed and used for the renting or leasing of individual self-contained units of storage space to occupants who are to have access to such units for storing and removing personal property only, and not for residential purposes. (New Eff: 12/9/96)

Transportation, Communication and Utilities

ANTENNA: A device used to receive or transmit telecommunications or radio signals. Such signals shall include, but not be limited to, radio, television, cellular telephone, paging, personal communication services (PCS), and microwave communications. Such antennae are typically mounted on a tower or support on the rooftop of a structure, or on free-standing towers. Examples include panels, microwave dishes, and single poles known as whip antennae. (New Eff: 4/15/97)

The Town will explore developing or strengthening existing guidelines for utility siting, both for small systems over which the Town has jurisdiction and to guide the decisions of the CT Siting Council about larger systems. These guidelines will not live in the Zoning Regulations.

PHOTOVOLTAIC SYSTEM: A photovoltaic system is a power system designed to supply usable solar power by means of photovoltaics. It consists of an arrangement of several components, including solar panels (collectively a solar array) to absorb and convert sunlight into electricity, a solar inverter to change the electric current from DC to AC, as well as mounting, cabling and other electrical accessories

to set up a working system. It may also use a solar tracking system to improve the system's overall performance and include an integrated battery solution.

Commentary: Currently, solar power is not mentioned in the Regulations. As the Regulations evolve, this definition will have to be updated, and additional solar-related definitions added.

SEWER SYSTEM, COMMUNITY TYPE: A sewer system operated by the Town of Groton and/or a political subdivision or a private central plant approved by the State of Connecticut for sewage treatment consisting of a primary and secondary treatment and the production of a substantially clear effluent. Community type sewer system cannot be interpreted to mean a septic tank and leaching field.

TELECOMMUNICATION FACILITY: Towers and/or antennae and accessory structures and equipment used in receiving or transmitting telecommunications or radio signals from a mobile communication source and transmitting those signals to another wireless site, and other communication source or receiver or to a central switching computer which connects the mobile unit with land based telephone lines. (New Eff: 4/15/97)

TELECOMMUNICATION TOWER: The structure designed to support equipment and antennae used to transmit and/or receive telecommunications or radio signals. Examples of such structures include, without limitation, freestanding towers, guy towers, monopoles, and lattice towers. (New Eff: 4/15/97)

Commentary: The two definitions above have been re-inserted, as they have special conditions (7.1-41) that other utility infrastructure uses do not.

TRANSIT STATIONS AND HUBS: Any property, equipment and improvements used, maintained and operated to provide public or private mass transportation for passengers and their luggage, including bus, rail, air, and ferry services, as well as associated passenger parking. May also include related ticketing sales and offices and accessory retail sales of food and sundries. This definition does not include curbside bus stops, with or without shelters.

UTILITIES: Utilities shall include water, sewer, gas, electricity, telephone and television lines and cables.

UTILITY INFRASTRUCTURE: The structures necessary to deliver services essential to the health, safety, and general welfare of the public, which may be provided by a public or a private agency.

Examples may include: Electric substations; Telephone stations; Water and sewer facilities; Water and sewer treatment plants

WATER SYSTEM, COMMUNITY TYPE: A system operated by the Town of Groton or a political subdivision or a duly licensed water company.

WIND TURBINE: An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

Vehicle and Heavy Equipment

BUS AND LIMOUSINE GARAGE AND MAINTENANCE: Any lot or land area used for the storage, layover, maintenance or repair of limousines, passenger buses or motor coaches.

CONSTRUCTION, FARM, AND HEAVY EQUIPMENT RENTALS: The use of any building, land area, or other premises or portion thereof, for the display and rental or lease of tractors or construction and heavy equipment, including incidental parking and servicing of associated vehicles and equipment.

CONSTRUCTION, FARM, AND HEAVY EQUIPMENT SALES: The use of any building, land area, or other premises or portion thereof, for the display and sale of tractors or construction and heavy equipment, including incidental parking and servicing of associated vehicles and equipment.

CONTRACTOR VEHICLE PARKING AND CONSTRUCTION EQUIPMENT STORAGE: The storage of a contractor's construction equipment and the parking of a contractor's commercial vehicle(s), as a primary, industrial use. See Conditional Uses, 7.1-X.

Commentary: A separate use for residential districts has been placed under the "Accessory" section above. New conditions will need to be written for this primary use.

FUEL DEALER WITH STORAGE: A business that sells and delivers fuel to residential, institutions and businesses and may also provide ancillary services such as equipment repair, cleaning, and maintenance. May include indoor office, truck storage, and fuel storage facilities.

FUEL DEALER WITHOUT STORAGE: A business that sells and delivers fuel to residential, institutions and businesses and may also provide ancillary services such as equipment repair, cleaning, and maintenance. May include indoor office and storage space for one fuel delivery truck, but no other fuel storage facilities.

Commentary: The two definitions above were added/alterd per discussion with the Zoning Commission on 9-7-16.

FUEL DISPENSING STATION: Any lot or parcel of land or portion thereof used partly or entirely for dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of vehicles. This does not include bulk storage and wholesale of liquid fuels. May also include, separately or in conjunction, electric fuel stations for electric and hybrid plug-in vehicles.

MARINE CRAFT AND EQUIPMENT SALES AND RENTALS: A marine-oriented retail sales, rental and service ~~use facility in which marine craft are rented or sold, and in which equipment is rented or sold.~~

RECREATIONAL VEHICLE: A vehicular type unit with a maximum size of 400 square feet, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or is drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home (self propelled). (Eff: 2/10/95)

VEHICLE DEALERS (NEW): The use of any building, land area, or other premises or portion thereof, for the display, sale, ~~or lease~~, or service of new automobiles and/or other vehicles, ~~panel trucks or vans, trailers, recreational vehicles, motorcycles, all terrain vehicles, and other such new vehicles, and including any warranty repair work and other repair service conducted as an accessory use.~~

VEHICLE DEALERS (USED): The use of any building, land area, or other premises or portion thereof, for the display, sale, ~~or lease~~, or service of used automobiles and/or other vehicles, ~~panel trucks or vans, trailers, recreational vehicles, motorcycles, all terrain vehicles, and other such used vehicles, and including any warranty repair work and other repair service conducted as an accessory use.~~

VEHICLE PARTS AND SUPPLIES (NEW): Stores that sell new automobile parts, tires, batteries, and accessories. May also include minor parts installation. Does not include businesses dealing exclusively in used parts.

VEHICLE RENTAL: The use of any building, land area, or other premises or portion thereof, for the display and rental of automobiles, panel trucks or vans, trailers, or recreational vehicles, including incidental parking and servicing of vehicles for rent or lease.

VEHICLE REPAIR AND SERVICE, MAJOR: Repair of construction equipment, commercial trucks, agricultural implements, and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, and other similar uses where major repair activities are conducted.

VEHICLE REPAIR AND SERVICE, MINOR: The business of minor repairs to any vehicle, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers, ignition systems, and mufflers.

VEHICLE WASHING FACILITY: A commercial establishment for washing, polishing and/or detailing vehicles.

VEHICLE: Shall include all automobiles, trucks, *trailers*, vans, camp trailers, house trailers, *recreational vehicles*, *motor homes*, motorcycles, or any other wheeled vehicle used on or off road and which may be required to be registered by the State of Connecticut Motor Vehicle Department. *Devices powered by humans are not considered a vehicle under this definition.* (New Eff: 5/1/89) (Updated July 2016)

Current Definition: Shall include all automobiles, trucks, vans, camp trailers, house trailers, mobile homes, motorcycles, or any other motorized, wheeled vehicle designated or used for highway purposes and required to be registered by the State of Connecticut Motor Vehicle Department. (New Eff: 5/1/89)

M E M O R A N D U M

TO: Town of Groton Zoning Commission
FROM: Diane Glemboski, Planner II
DATE: September 29, 2016
SUBJECT: Zoning Commission Meeting 10-5-16 – Regulation Updates

At the Zoning Commission meeting on October 5, 2016, staff will be working with the Commission on the following items:

1. Definitions for Table of Permitted Uses:

We have attached the updated draft list of definitions that will correspond to the future Table of Permitted Uses. Staff and the consultants have reviewed the comments received from the Commission members and incorporated the changes, as appropriate, after also consulting with the Zoning Official.

- The updated draft list of definitions provides a color code for clarification on new definitions vs. modified definitions.
- There are some definitions we are continuing to work on with the Zoning Official and the Town Attorney and have not provided updated definitions at this time. These uses deal with mobile/manufactured homes, various group residential uses, lodging, and definitions of households and/or families. We will provide updates for these uses when available.
- We will go over some of the significant changes from the last draft reviewed at the September 7th Zoning Commission meeting.
- Again, this is not a final list and we will review the definitions and refer to and add to these use definitions as we move forward with creating a new table of permitted uses and revising other sections of the regulations.

2. WRPD:

Staff and the consultants met with Groton Utilities since the last Zoning Commission meeting to clarify and discuss their concerns with the proposed regulations. The regulations have been changed based on this meeting with Groton Utilities and comments received from the Commission at the last meeting.

- We have added the Hazardous Materials Section and standards Solid Waste Storage to this clean draft.
- The consultants have also provide a memo with a table that notes how each section has changed with this new document.
- A memo is also provided to address increasing the non-disturbance area from 50-feet to 100-feet.

We are sending you the draft text for both sections in a word document. As always, please feel free to provide comments on anything within the documents and mark up the documents with comments.

Please bring your notebooks to the meeting. If you need additional help or information, please email dgilot@groton-ct.gov or dglemboski@groton.ct.gov .

Horsley Witten Group

Sustainable Environmental Solutions

55 Dorrance Street • Suite 403 • Providence, RI 02903
401-272-1717 • horsleywitten.com



MEMORANDUM

TO: Jonathan Reiner, AICP
FROM: Nathan Kelly, AICP
DATE: September 28, 2016
RE: Summary of Water Resource Protection District (WRPD) Edits

Table 1 below summarizes the changes that have been made to the WRPD to date. The left column shows the heading or topic in the existing WRPD. The second column shows where that content can be found in the new WRPD. The third column summarizes any changes to the content. In the majority of cases, the content is either the same, meant to be a clearer wording of the same intent, or is an expansion of the existing content.

Table 1: Summary of Changes in the WRPD

| Current WRPD | New WRPD | Notes |
|---|--|---|
| Statement of Intent 6.12-1 | 6.12-1 | Largely the same |
| Establishment of District 6.12-2 | 6.12-2 | Largely the same |
| WRPD Boundary Disputes 6.12-2 Second paragraph | Divided Lots and Determination of Applicability 6.12-3 | A short paragraph in the current WRPD has been expanded into its own section to clarify applicability and process for disputes. |
| Non-Permitted/Regulated Uses 6.12-3 | Prohibited Uses and Activities 6.12-4.C & WRPD Prohibited Uses and Uses with Specific Conditions Table 6-12.4.B.1 | This section reflects the extensive discussion with Staff and the Zoning Commission (Commission) about additional use restrictions in the WRPD. All uses in 6.12-3 of the current WRPD have been incorporated into the new draft in a way that aligns with the terms used in the Use Table (5.1-3). |
| Lot Coverage 6.12-4.A | Impervious Surface 6.12-5.C.1 | The new draft keeps the 70% maximum for impervious coverage, but has a 50% maximum for larger lots. |
| Minimum Natural Area | Vegetated Areas | All the concepts of 6.12-4.B were |

| | | |
|--|--|--|
| 6.12-4.B | 6.12-5.C.2 | maintained, but clarified. |
| Minimum Buffer 6.12-4.B | Non-Disturbance Area 6.12-5.C.3 | The 50 foot buffer has been maintained, but has been changed to a more restrictive non-disturbance area. |
| Underground storage of hazardous materials 6.12-5.A | Hazardous Materials: Underground Storage Tanks 6.12-5.D.3 | This continues to prohibit USTs in the WRPD, and sets stricter standards for the replacement of existing USTs. It also includes an exemption from propane tanks. |
| Above ground storage of hazardous materials 6.12-5.B | Hazardous Materials 6.12-5.D | The new hazardous materials section is far more detailed and robust. It adds a definition and specific standards for Minor Hazardous Materials. It significantly expands on the six existing site design criteria in the current WRPD, and includes standards for spill prevention and response. |
| Stormwater management facilities 6.12-5.C | Stormwater management 6.12-5.B | The new section adds more definitive objectives for stormwater management (6.12-5.B.1) and differentiates standards for new development vs. redevelopment (6.12-5.B.2) |
| Use of underground drywells or leaching trenches 6.12-5.C.1 | Runoff Discharge 6.12-5.B.3.b and Rooftop Equipment 6.12-5.D.2.h | This is largely the same, and prohibits such uses except where runoff comes from rooftops (and conforms with 6.12-5.D.2.h). The current WRPD only restricts these uses from developed parking areas. |
| Stormwater discharges from rooftops 6.12-5.C.2 | Runoff Discharge 6.12-5.B.3.c and Rooftop Equipment 6.12-5.D.2.h | This is largely the same, but now also references specific standards for hazardous materials under 6.12-5.D.2.h. |
| Sending pre- and post-construction discharges to the same places 6.12-5.C.3 | Runoff Discharge 6.12-5.B.3.d | This is largely the same, but is re-worded to be clearer and adds the term “to the greatest extent practicable” (the existing language says “should” as |

| | | |
|--|---|--|
| | | opposed to “shall”). |
| 100 ft termination from AA waters 6.12-5.C.4 | Runoff Discharge 6.12-5.B.3.e | The termination remains at 100 ft, but from perennial watercourses (those with continuous flow) rather than just AA waters. It also spells out more specific standards for making exceptions. |
| Detention ponds, swales, etc. 6.12-5.C.5 | Runoff Discharge 6.12-5.B.3.a | There is still no net increase in the peak rate of runoff over developed conditions for the 1, 2, 5, 10, 25, and 100-year storms. However, rather than calling out detention ponds, etc., this now refers more inclusively to all “Stormwater management systems.” |
| Liquid/Solid Separators 6.12-5.C.6 | Water Quality Treatment 6.12-5.B.4.b | Such separators are currently required “when deemed necessary.” The new draft will require them for “parking lots and for any other areas that may have the potential for such pollution and where a piping system is used for stormwater.” |
| Settling and Evaporation 6.12-5.C.7 | Removed. | This section is now obsolete given the new guidance for selecting stormwater BMPs. |
| Maximizing Overland Flow 6.12-5.C.8 | Water Quality Treatment 6.12-5.B.4.b | This is largely the same, though some specific uses now have further conditions for overland flow. Also, the new draft encourages vegetated stormwater BMPs to be integrated into the treatment sequence to the maximum extent practicable. |
| Removing 80% of total suspended solids 6.12-5.C.9 | Water Quality Treatment 6.12-5.B.4.a | The new WRPD requires 85% TSS removal, and adds standards for pathogens, phosphorous, and nitrogen. An appendix is also added making it easier for staff to determine the effectiveness of |

| | | |
|--|--|---|
| | | BMPS at reaching these standards. |
| Fire protection measures 6.12-5.D | Fire protection 6.12-5.D.2.i | This is largely the same. |
| Public sewers used for wastes other than domestic sewerage 6.12-5.E | Sewer lines 6.12-5.D.2.l | This is largely the same, though it is still a question as to whether DPW has such standards. |
| BMPs and BATs 6.12-5.F | Selection of BMPs 6.12-5.B.5 | This new section provides better guidance on resources for selecting defensible BMPs. |
| Emergency spill contingency plan 6.12-5.H | Materials Management Plan and Spill Preventions and Response Plan 6.12-5.D.2.j and 6.12-5.D.2.k | More detailed standards for record keeping, planning and reporting, along with draft examples for the Appendices. |
| Expansion of Non-Permitted Uses 6.12-6 | Expansion of Prohibited Uses 6.12-7.A | The opening paragraph is largely the same. |
| Extent of expansion (50%) 6.12-6.A | Expansion of Prohibited Uses 6.12-7.A.1 | Largely the same, but proposes an additional 10% expansion for any use that has already expanded by up to 50% and meets these new standards. |
| Demonstrate no additional threat 6.12-6.B | Expansion of Prohibited Uses 6.12-7.A.3 | The same. |
| BMPs 6.12-6.C | Expansion of Prohibited Uses 6.12-7.A.4 | This is worded differently, but the intent is the same. All other standards in this section must be met by expanding prohibited uses, including BMPs. |
| All other requirements 6.12-6.D | Expansion of Prohibited Uses 6.12-7.A.4 | This new section combines the intent of 6.12-6.C and 6.12-6.D. ALL standards in 6.12 must be met by the expanding use. |
| Relocation of Non-Permitted Uses 6.12-7 | Relocation of Non-Permitted Uses 6.12-7.B | The opening paragraph is the same. |
| No more than 50% increase in area 6.12-7.A | Relocation of Non-Permitted Uses 6.12-7.B.1 | The intent is the same, but this better defines "area." |
| Demonstrate no additional | Relocation of Non- | The same. |

| | | |
|--|---|---|
| threat 6.12-7.B | Permitted Uses 6.12-7.B.2 | |
| BMPs 6.12-7.C | Relocation of Non-Permitted Uses 6.12-7.B.3 | While BMPs are not specified, this new section notes that ALL standards in 6.12 must be met by the relocating use. |
| All other requirements 6.12-7.D | Relocation of Non-Permitted Uses 6.12-7.B.3 | This new section combines the intent of 6.12-6.C and 6.12-6.D. ALL standards in 6.12 must be met by the relocating use. |
| Cessation of non-permitted use at the old site 6.12-7.E | Relocation of Non-Permitted Uses 6.12-7.B.6 and 6.12-7.B.7 | This is already implied in the existing 6.12-7.H and 6.12-7.H which have been retained in the new draft. |
| Testing of soils on the old site 6.12-7.F | Relocation of Non-Permitted Uses 6.12-7.B.4 | The same |
| Cleaning of soil contamination on the old site 6.12-7.G | Relocation of Non-Permitted Uses 6.12-7.B.5 | The same |
| Land Records statement of cessation of non-permitted use at the old site 6.12-7.H | Relocation of Non-Permitted Uses 6.12-7.B.6 | The same. |
| Property owner statement of cessation of non-permitted use at the old site 6.12-7.I | Relocation of Non-Permitted Uses 6.12-7.B.7 | The same. |

Finally, at the request of the Town, the WRPD ends with a new section on Alteration of Prohibited Uses.



MEMORANDUM

TO: Jonathan Reiner, AICP
FROM: Jeff Davis, AICP
DATE: September 28, 2016
RE: Assessment of Impacts from Different Buffer Sizes to Commercial and Industrial Lands in the WRPD.

Introduction

The Town of Groton requested that Horsley Witten analyze the impact of a 50-foot and 100-foot “no disturb” buffer to perennial watercourses and lotic wetlands on the commercial and industrially zoned parcels within the Water Resource Protection District (WRPD). The request was inspired by HW’s proposed 50-foot no disturbance zone adjacent to lotic wetlands and surface waters in recent drafts of potential WRPD zoning amendments. The proposal for a no disturbance buffer is stricter than what the regulations have today, but prompted the discussion of whether 50 feet “is enough” or perhaps should be increased. The standards in the existing WRPD language include a 50-foot buffer, but do not treat this as a “no disturb” area. Importantly, the HW proposal would not only prohibit any finished development in this area, but would also prohibit disturbance that might occur in the course of construction.

HW’s work on this subject has shown that it is difficult to find a fixed numeric setback that will meet the resource protection needs within a given watershed for all situations, and our earlier memorandum to the Town (September 23, 2015) discusses these issues in greater detail. Notwithstanding some of the uncertainties with setting buffer distances, there is widespread agreement in the scientific community that, as a general rule, water quality protection increases as buffer size increases. The question for a Town like Groton is, therefore, “Can we establish a no disturb zone that provides resource protection while reasonably regulating a property owner’s ability to develop his/her land?”

The tables in the next section of this memorandum provide a summary of how much land would become undevelopable as a consequence of establishing 50-foot or 100-foot buffer zones.

Summary of Calculations

Table 1 below provides the total amount of commercial land within the WRPD and then the percentage of that land that would be covered with the 50-foot and 100-foot no disturbance buffer. Table 2 does not assess the impacts across the *entirety* of the commercially zoned lands, but assesses parcels that are covered by at least 1.0% wetlands or surface waters. These

properties are hereafter referred to as “affected parcels”. Tables 3 and 4 provide the same analyses as Tables 1 and 2 respectively, but for industrially zoned property.

Table 1. Summary of all commercially zoned property and buffer area.

| | Acres within the Buffer | Percentage within the Buffer |
|----------------------|--------------------------------|-------------------------------------|
| 50 ft Buffer | 120.5 | 9.0% |
| 100 ft Buffer | 241.1 | 17.6% |

Table 2. Summary of all commercial property and buffer area per affected parcel.

| | Total Number of Affected Parcels | Average Percentage in the Buffer | Median Percentage in the Buffer | Highest Individual Percentage | Total # of Parcels > 25% |
|----------------------|---|---|--|--------------------------------------|------------------------------------|
| 50 ft Buffer | 105 | 15.6% | 12.9% | 52.0% | 14 |
| 100 ft Buffer | 118 | 29.5% | 26.6% | 92.2% | 59 |

Table 3. Summary of all industrial zoned property and buffer area.

| | Acres within the Buffer | Percentage within the Buffer |
|----------------------|--------------------------------|-------------------------------------|
| 50 ft Buffer | 60.87 | 10.6% |
| 100 ft Buffer | 115.85 | 19.7% |

Table 4. Summary of all industrial property and buffer area per affected parcel.

| | Total Number of Affected Parcels | Average Percentage in the Buffer | Median Percentage in the Buffer | Highest Individual Percentage | Total # of Parcels > 25% |
|----------------------|---|---|--|--------------------------------------|------------------------------------|
| 50 ft Buffer | 35 | 17.2% | 14.6% | 53.9% | 5 |
| 100 ft Buffer | 38 | 29.3% | 24.3% | 72.5% | 17 |

HW Observations

- Approximately one tenth of the commercially and industrially zoned areas within the WRPD (9.0% - 10.6% respectively) would rest under a 50-foot no disturb buffer if it were adopted.
- This aggregate amount of undevelopable land would increase to 17.7% for commercial land and 19.7% for industrial land if a 100-foot buffer were adopted.

- The *total number of parcels* affected by an increased buffer size between 50 and 100 feet is small (13 for commercial and 3 for industrial).
- The *total area* affected by an increased buffer size between 50 and 100 feet is significant almost doubling for both commercial and industrial land.
- The number of parcels that would have 25% or more of the property fall into a no disturb buffer approximately quadruples with commercial land and approximately triples with industrial land when moving from 50 to 100 feet.

Based on these observations, and our belief that a 50-foot no disturb buffer will help protect water quality beyond the standards the Town currently uses, HW recommends the no disturb buffer remains at 50 feet. This standard is part of a much larger system of protections in the WRPD that includes, but is not limited to:

- Updated language regarding which land uses are allowed, allowed with conditions, or prohibited.
- Updated performance standards for stormwater management.
- Updated standards and broader jurisdiction for protections during construction.
- Incentives for increased compliance for existing operations.
- Requirements and contingency planning for storage, handling and disposal of hazardous materials/waste.
- Performance standards customized to the characteristics of over a dozen potential future land uses.

Along with the use of a 50-foot no disturb buffer, this full suite of protections will provide a much higher level of protection to the resource than what is provided in existing language, and in a manner that is much clearer for both property owners and Commission members.

HW Response to OPDS Staff and Zoning Commission Comments Clean Version (without commentary and track changes)

6.12 Water Resource Protection District

6.12-1 Statement of Intent

Creation of this district is deemed essential to protect water supply sources in the Town and is promulgated under the following Connecticut General Statutes: 25-32 f, 25-32 g, 8-2 and 8-23 3(d). As groundwaters and surface waters have been shown to be easily, and in many cases, irrevocably contaminated by many common land uses, it is imperative that all reasonable controls over land use, waste disposal, and material storage be exercised within this district. This district is designed to protect the following existing and future water supply resources: extensive stratified drift aquifers, surface water reservoirs, and areas of future water supply.

6.12-2 Establishment of District

The Water Resource Protection District (WRPD) is herein established as an overlay district. The boundaries of this district are those shown on the map entitled Town of Groton Zoning on file with the Town Clerk and the Office of Planning and Development Services. The district includes all land over and upgradient of the current and future water supply resources as defined by the watershed drainage boundaries.

6.12-3 Divided Lots and Determination of Applicability

- A. Applicability. Where the boundary line of the WRPD divides a lot or parcel, the requirements established by this regulation shall apply only to the portion of the lot or parcel located within the WRPD.
- B. Separation. Where a lot is divided by the WRPD boundary line, applicants shall demonstrate, through the use of site plans, that development activity outside of the boundary shall not be connected to land within the boundary in such a way that could lead to the contamination of groundwater, wetlands, or surface waters within the WRPD.
- C. Determination of Applicability. If an applicant questions the accuracy of the WRPD boundary as presented on the Zoning Map, the applicant may request an interpretation of the map from the Zoning Official per section 3.3-4 or may amend the zoning map per section 8.2 of these regulations.
- D. Application. Where an applicant files for a zoning map change to move the WRPD boundary, the burden of proof shall be upon the applicant to

determine the extent to which the boundary covers his/her property. A plan signed by a professional engineer or State of Connecticut registered Land Surveyor shall be required to determine more accurately the boundaries of the district with respect to individual parcels of land.

1. General Plan Information

- a) Name and address of the applicant and current owner as listed on the Town's tax rolls.
- b) Date, north arrow, and numerical and graphical scale on each map.
- c) The property address and/or parcel identification number.

2. Location Map – Applications shall include an accurate scale location map as depicted on the Zoning Map and shall be submitted showing the subject property and all property and streets within 1,000 feet of any part of the subject property, and the following information:

- a) All lots and lot lines.
- b) All zoning district boundaries including the WRPD.
- c) All existing streets and roads with associated names.

3. Proposed WRPD Boundary

- a) Plan(s) shown at the extent required to demonstrate the justification for a determination of applicability.
- b) Existing and proposed WRPD boundary lines.
- c) Topography field survey information shown with two-foot contours or greater detail necessary to support requested modification.
- d) Arrows indicating the direction of overland flow that demonstrate the need to adjust the applicability of the WRPD on the subject site.
- e) All existing drainage structures and direction of stormwater flow.

6.12-4 Use Regulations

A. Allowed Uses

Allowable uses within the WRPD are all those listed as allowed in the underlying zone in the Land Use Table per Section 5.1 of these regulations that do NOT have any WRPD prohibitions or specific conditions associated with the use.

Allowable uses within the WRPD are required to meet the General Performance Standards of Section 6.12-5.

B. Exempt Uses or Activities

The following uses and activities are specifically exempt from the General Performance Standards related to the WRPD overlay district.

1. Any pollution treatment facilities exclusively designed for the temporary treatment of contaminated ground or surface water.
2. Repair and replacement of existing drainage structures and pipe.
3. Activities exclusively limited to municipal maintenance, improvements, or expansions to public roads.
4. Normal operation and maintenance by water companies (as defined by CGS 16-1) of existing water bodies and dams, and other water control, supply and conservation devices related to reservoirs and public drinking water supply.
5. Construction, maintenance, repair, and enlargement of ancillary drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels. This exemption does not include new or expanded buildings, parking lots or facility site construction activities.

C. Prohibited Uses and Activities

1. Categorical Prohibited Activities – The following activities are **prohibited** in the WRPD across any and all use categories:

- a) The establishment of any industrial, commercial, or other establishment in which the manufacture, use, storage, transport, process or disposal of hazardous waste is a principal activity.
 - b) Discharge to the ground of non-sanitary wastewater including industrial and commercial process wastewater, unless specifically exempt.
 - c) Establishment of septage lagoons.
 - d) Stockpiling of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads.
 - e) Stockpiling and disposal of snow or ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads which has been removed from highways and streets located outside of the WRPD.
2. Prohibited Uses - Uses specifically prohibited in the WRPD are listed in Table 6.12-4.B.1.
- D. Conditional Uses – Table 6.12-4.B.1 shows conditional uses in the WRPD. Specific performance standards for conditional uses can be found below at 6.12-6.

Table 6-12.4.B.1: WRPD Prohibited Uses and Uses with Specific Conditions

Key: S = Allowed on Sewer
 C = Allowed with Specific Conditions
 X = Prohibited

| USE & ALLOWANCE | | CONCERNS |
|---------------------------------------|---|---|
| AGRICULTURAL, ANIMAL AND FOOD | | |
| Agriculture, Commercial | C | Pesticides, animal waste, fuel storage and related hazards associated with heavy equipment. |
| Agriculture, Home | C | Animal waste |
| Kennel, Commercial | C | Animal waste |
| Nurseries and Greenhouses, Commercial | C | Pesticides, fuel storage and related hazards associated with heavy equipment. |
| Riding or Boarding Stable | C | Animal waste |
| Veterinary or Animal Hospital | C | Animal waste, medical waste, |

| | | |
|---|--------|--|
| | S | hazardous chemicals. |
| Pet Grooming | S | Hazardous chemicals, ancillary animal waste. |
| INDUSTRIAL | | |
| Alcoholic Beverage Production | S | |
| Heavy Industrial | X | Storage, use & production of chemicals, equipment cleaning and maintenance, hazardous waste generation, machine shops. Organic and inorganic chemicals, heavy metals, chlorinated solvents, strong acids and alkalis, dyes, paint and thinner wastes, waste oils, phenols, PCBs, cyanides, metals, hydrocarbons. |
| Light Industrial (<i>except for the specific activities below, which have further restrictions</i>) | C S | Storage and use of ink chemicals, equipment cleaning, engraving Chlorinated solvents, phenols, hydrocarbon compounds. |
| ▪ Furniture Strippers | X | General use of cleaning solvents, hazardous materials. Chlorinated solvents. |
| ▪ Screen Printing of Clothing | X | Ink waste, parts cleaning, screen disposal, chemicals and solvents. |
| Outdoor Storage Yard | C | Spills, leaks, possible leachate, and runoff during rain storms, from storage of anything hazardous. |
| Warehouse and Distribution | C | Spills, leaks, possible leachate from storage of anything hazardous. |
| RETAIL | | |
| Retail Establishment | | |
| ▪ With any outdoor storage or display of hazardous materials as defined in 40 CFR 302.4 and herein. (Indoor storage of hazardous materials will follow the standards for this section.) | X | Large volumes of various materials and products handled, stored and distributed that might contaminate groundwater as a result of accidents, poor management practices, flooding or fires. Solvents, organic and inorganic chemicals, and hydrocarbon contamination threats. |
| SERVICES | | |
| Cemetery (new) | X | Embalming fluids, varnishes, sealers and preservatives for wood coffins, mercury from medical implants in the deceased. |

| | | |
|---|---|---|
| Beauty & Barber Services and Day Spas | S | Various chemicals, including solvents, formaldehyde, biocides, and acrylates in hair. Dyes, bleaching agents, polish, etc. |
| Funeral and Crematory Services (with on site embalming) | X | Embalming fluids |
| Health Care Facility | S | Hazardous chemicals, bodily fluids, medical waste. |
| Laundry, Commercial | S | Cleaning agents and solvents. |
| Medical Clinic | S | Hazardous chemicals, bodily fluids, medical waste. |
| Pest Control Services | X | Storage & mixing of chemicals, equipment cleaning, equipment fueling and maintenance. Various pesticides. |
| Other Services | | |
| <ul style="list-style-type: none"> ▪ Any other service with outdoor storage or display of hazardous materials as defined in 40 CFR 302.4 and herein. (Indoor storage of hazardous materials will follow the standards for this section.) | X | Large volumes of various materials and products handled, stored and distributed that might contaminate groundwater as a result of accidents, poor management practices, flooding or fires. Solvents, organic and inorganic chemicals, and hydrocarbon contamination threats. |
| TRANSPORTATION, COMMUNICATIONS, AND UTILITIES | | |
| Airport | X | Fuel storage, leaks and drips of various solvents, brake and transmission fluids. |
| Transit Stations and Hubs | C | Fuel storage, leaks and drips of various solvents, brake and transmission fluids. |
| Utility Infrastructure | | |
| <ul style="list-style-type: none"> ▪ Power Plants | X | Risks associated with fuel storage /use, large quantities of waste generation, machine shops, equipment maintenance. |
| <ul style="list-style-type: none"> ▪ Sewer Treatment Plants | X | Human waste, treatment chemicals, storm water runoff. |
| VEHICLE & HEAVY EQUIPMENT | | |
| Bus & Limousine Garage and Maintenance | X | Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene |
| Construction, Farm & Heavy Equipment Rentals | X | Fuel storage, use & storage of oils, paints, thinners, various solvents, |

| | | |
|---|--------|--|
| | | brake and transmission fluids. Hydrocarbons, solvents, benzene |
| Construction, Farm & Heavy Equipment Sales | C S | Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene |
| Contractor Vehicle Parking And Construction Equipment Storage (does not include Contractor Vehicle Parking And Construction Equipment Storage, Residential) | X | Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene |
| Fuel Dealer | C | Leaks, drips, ruptures of tanks, pipelines or joints. Hydrocarbons, benzenes and other contaminants. Liquid fuel hazardous material. |
| Fuel Dispensing Station | C S | Leaks, drips, ruptures of tanks, pipelines or joints. Hydrocarbons, benzenes and other contaminants. Liquid fuel hazardous material. |
| Marine Craft & Equipment Display and Sales | C S | Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene |
| Motor Vehicle Dealers (New) | C S | Fuel storage, leaks and drips of various solvents, brake and transmission fluids. |
| Motor Vehicle Dealers (Used) | X | Fuel storage, leaks and drips of various solvents, brake and transmission fluids. |
| Motor Vehicle Repair & Service, Major | X | Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene |
| Motor Vehicle Repair & Service, Minor | C S | Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene |
| Motor Vehicle Washing Facility | C S | Wastewater discharge, acid based wheel cleaner, other cleansers and solvents. |

6.12-5 General Performance Standards

All uses and activities within the WRPD shall be subject to the following performance standards unless specifically exempt under Section 6.12-4. The construction of individual single-family and two-family dwelling units (not part of a subdivision) must follow the performance standards for Site Design, but

are exempt from the other performance standards in this section. These performance standards include:

- Erosion and Sediment Control (6.12-5 A)
- Stormwater Management (6.12-5 B)
- Site Design (6.12-5 C)
- Hazardous Materials (6.12-5 D)

A. Erosion and Sediment Control.

1. The requirements of Section 6.11 Erosion and Sediment (E&S) Control Plan shall apply to any proposed construction activity that will disturb more than 2,000 square feet of a site.
2. Where an applicant proposes to disturb 2,000 square feet of land or less, the applicant shall specify the manner in which E&S controls will be used during construction through Site Plan Review. The Town will approve these measures where site plans show E&S control measures located appropriately and where the selection of best management practices is consistent with the Measure Selection Matrix provided in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (as amended). (See [Appendix X](#))

B. Stormwater Management.

1. Stormwater Management Objectives.

The Town of Groton herein requires stormwater management practices for the WRPD specifically designed and maintained to achieve the following objectives:

- a) To achieve the pre-construction hydrologic conditions on-site through the use of stormwater Best Management Practices (BMPs) to the maximum extent practicable.
- b) To minimize impacts to the quality of surface water streams, ponds, and wetlands within the WRPD.
- c) To minimize impacts to the quality of groundwater within the WRPD.

2. New Development and Redevelopment/Expansion

a) New Development:

All new development shall conform in its entirety with the standards and requirements provided in Subsections 3, 4 and 5, below.

b) Redevelopment or Expansion:

The redevelopment or expansion of an existing site shall comply with the following:

New Impervious Cover:

- Shall meet the standards and requirements for new development in Subsections 3, 4 and 5.

Existing Impervious Cover:

- Comply with all standards and requirements in Subsection 3.
- Comply with Subsection 4 by meeting at least one of the following standards and requirements:
 - 1) Reduce the total impervious cover by 40% from existing conditions; or
 - 2) Where site conditions prevent a reduction in impervious cover, implement stormwater controls that reduce runoff or improve water quality for at least 40% of the site's existing impervious cover; or
 - 3) Implement a combination of impervious cover reduction and area treated with stormwater controls that shall equal or exceed 40% of the site's impervious cover.

3. Runoff Discharge

- a) Stormwater management systems shall be designed to ensure there is no net increase in the peak rate of runoff over pre-developed conditions for the 1, 2, 5, 10, 25, and 100-year storms.
- b) The use of underground drywells or leaching trenches is not allowed for any stormwater from any areas except from rooftops in conformance with Section 6.12-5.D.2.g.
- c) Stormwater discharges from rooftops shall not be directed to impervious surfaces. The stormwater shall discharge to the

ground or to other stormwater facilities in compliance with section 6.12-5.D.2.g.

- d) As part of the application process, Site Plans shall identify the water body and/or wetlands that directly receive stormwater runoff from the site predevelopment. All stormwater shall be directed to the same wetland or watercourse system that received the stormwater in predevelopment conditions to the greatest extent practicable.
- e) Stormwater discharges shall terminate at least 100' from all perennial watercourses (a stream or river that has continuous flow in parts of its stream bed all year round during years of normal rainfall) in the watershed, unless a modification is approved by the Planning Commission due to the geometry of the lot, topographic conditions, or other physical constraints and where the applicant can clearly demonstrate that this reduction complies with other stormwater management standards and is consistent with the stormwater management objectives of the WRPD.

4. Water Quality Treatment

- a) Stormwater discharges to wetlands or watercourses shall be treated first by a sequence of BMPs and/or BATs designed to remove 85% of total suspended solids, 60% of pathogens, 30% of phosphorous and 30% of nitrogen from runoff generated from the first inch of rainfall. Pollutant removal efficiencies will be determined using Appendix X of the Zoning Regulations. Where proprietary structural BMPs are proposed, performance data for those BMPs shall be submitted as part of an application and must be approved by the Town and independently assessed by a third party.
- b) Grease, oil, and other floating liquid/solid separators shall be incorporated into the stormwater management system for all parking lots and for any other areas that may have the potential for such pollution and where a piping system is used for stormwater.
- c) Pervious pavement, porous asphalt or other similar practices shall not be used except for areas used exclusively for pedestrian traffic or activities or non-motorized vehicles.

- d) Unless otherwise specified in Sec. 6.12-6 Conditions for Specific Uses, the drainage design shall maximize overland flow of stormwater prior to discharge to wetlands or watercourses. This may be accomplished by the elimination of curbing, provision of leak-offs, the use of grassed swales and/or use of other best management practices to promote stormwater renovation, reduce point discharges, and reduce the discharge of heavy metals and nutrients. Vegetated stormwater best management practices shall be integrated into the treatment sequence to the maximum extent practicable.
5. Selection of BMPs: Stormwater management facilities shall be selected to meet the Stormwater Management Objectives listed in Subsection 1 above, and to achieve compliance with Subsections 2 through 4. The selection and design of stormwater management practices shall be consistent with the guidance provided in the 2004 Connecticut Stormwater Quality Manual, as amended, particularly including all criteria for water supply aquifers. The project narrative shall explain how and why the BMPs were selected and evaluate consistency with the following sections of the 2004 Connecticut Stormwater Quality Manual:
 - a) Stormwater Management Effectiveness (Table 8-1, Pg 8-3)
 - b) Land Use Selection (Table 8-2, Pg 8-4)
 - c) Physical Feasibility (Table 8-3, Pg 8-7)
 - d) Downstream Resource (Table 8-4, Pgs 8-8 & 8-9)
- C. Site Design.

Within the district, the following additional lot requirements shall apply. Specifically for this subsection, in the instances where the underlying zone requirements are different, the more stringent shall apply.

 1. Impervious Surface: Total impervious surface area shall not exceed 70% of total lot area. Where lots are 200,000 sq ft or greater, total impervious surface area shall not exceed 50% of total lot area.

2. Vegetated Area: A minimum of 20% of total lot area shall be retained in its natural state with no more than minor removal of existing trees and vegetation.
 - a) Disturbance of Vegetated Area: Areas within this 20% minimum that should not be disturbed include 100-year flood plains, slopes in excess of 25 percent, and non-disturbance areas for wetlands and surface water bodies. An applicant may propose a minor disturbance or removal of existing vegetation where damaged or dead vegetation is present in significant quantity, or where the removal/management of invasive or otherwise harmful plant species is proposed. A revegetation plan that specifies native, to the extent practicable, and non-invasive plants shall be required.
 - b) Landscape and Buffer Requirements: All lots must still comply with the landscaping, screening, and buffer standards of Section 7.4. Areas used for the buffering required by Section 7.4-4 may count toward the 20% vegetated minimum required within the WRPD so long as they are left in their natural state, as described above. Areas used to meet the requirements of Section 7.4-3 for front yards and Section 7.4-5 for parking areas, including all lawns, manicured plantings, new trees, planter boxes, and other such landscaping, may NOT count toward the 20% vegetated minimum.
 - c) Restoration: On those sites where previous land disturbance has occurred, this 20% minimum may include restored land that is re-vegetated with non-invasive plant species appropriate for the site and soil conditions in keeping with the intent of this regulation.
3. Non-Disturbance Area: A minimum 50-foot non-disturbed area shall be maintained between watercourses and directly adjacent lotic wetlands and the developed land area. This non-disturbance area shall be measured from the top edge of the watercourse bank or from the edge of the wetland.
 - a) Modification or Reduction: In those areas where extreme topographic or landscape irregularity exists along water resource boundaries, the non-disturbance area may be modified or reduced by the Planning Commission. In these instances, the applicant must identify and justify specific site

design measures that will mitigate impacts of a modified or reduced non-disturbance area such as:

- directing site drainage away from these areas through the use of grading, berms, under drains, swales or other conveyance structures,
- increasing the non-disturbance area in other areas along the water resource boundary, or
- enhancing the proposed non-disturbance area with native and non-invasive plantings.

b) **Septic System:** All components of on-site septic systems, including future septic reserve areas, shall be located 100 feet from the edge of any perennial watercourse.

c) **Pre-Existing Access Ways or Structures:**

- **Access Ways:** The required non-disturbance area may be encroached upon where pre-existing access ways will remain in use and/or require maintenance and/or improvements to meet or maintain the minimum road safety standards for the type of road (private, local, state or federal).
- **Structures:** Pre-existing structures shall be allowed to remain and be maintained in the required non-disturbance area. Enlargement of the structures shall not be allowed.

4. **Equipment:** Where equipment for heating, ventilation, air conditioning or similar functions shall be installed and periodically serviced, these structures shall include containment or be surrounded by containment barriers to allow for safe cleanup and minimized contamination of runoff.

5. **Solid Waste Storage, Non-hazardous:** Accessory storage of solid waste (including but not limited to dumpsters), shall be done according to the following standards:

a) Solid waste storage shall occur in a building/structure or within a dumpster with an impermeable cover and designed to prevent the generation of contaminated runoff or leachate (e.g. through the use of berms).

- b) Drain plugs shall remain closed and dumpsters shall be on an impervious surface such as a concrete pad and located away from the stormwater system catch basins.
- c) Liquids shall not be disposed of in a dumpster. Liquid waste can only be disposed of in a sanitary sewer, recycled, or contained and removed as hazardous waste.
- d) All dumpsters shall be leak-tight with tight fitting lids and doors that shall be kept closed and locked to prevent access by rainwater, animals and unauthorized users. A locked fence around the dumpster is also recommended, when practical.
- e) Rainwater surface runoff near the dumpster shall not flow toward any stormwater system catch basins.
- f) Dumpsters or other waste receptacles shall not be washed or hosed out, unless a diversion drain is installed to divert dumpster wash water into a sanitary sewer.
- g) Kitchen and restaurant wastes (e.g. fats, oils, and grease) shall be disposed of in special recycling containers that prevent contents from coming into contact with stormwater runoff.

D. Hazardous Materials.

1. Hazardous Materials – Minor

- a) The following use of hazardous materials is considered minor in the WRPD:
 - Cleaning Agents; household hazardous materials in prepackaged original containers used for cleaning and maintenance of the site and not used in any processing or manufacturing or for any other uses on the site.
 - Retail Sales; household hazardous materials that are for retail sale and are kept in prepackaged original containers of a typical size for household use.
- b) The minor use of hazardous materials in the WRPD shall meet the following requirements:

- Hazardous Materials shall be sold and/or stored within an enclosed building on an impermeable surface.
 - The area where hazardous materials are sold and/or stored shall meet the requirements of Section 6.12-5.D.2.d for floor drains.
 - A spill containment kit and signs for spill notification (typical spill containment kit and notification sign information in Appendix or Other Document) shall be provided within the retail area and storage area of the hazardous materials.
 - A Large-Scale Retail use shall also meet the requirements of Section 6.12-5.D.2.f for Loading/Transfer Areas.
2. Hazardous Materials – Other Than Minor: Any other use, storage, or production of Hazardous Materials in the WRPD shall comply with the following standards:
- a) Enclosed Building: Hazardous materials shall be used and stored within an enclosed building.
(Exception: See Outdoor Storage Yards for Nurseries, Greenhouses, Retail Garden Supply Stores in Section 6.12-6.1.)
 - b) Floor Surface: The floor where hazardous materials and/or waste are used or stored shall be impermeable and constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material.
 - c) Containment: Hazardous materials shall be stored within an impermeable containment area which is capable of containing at least 110 % of the volume of the largest container of hazardous material present in such an area or 10% of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area. Containment measures may include dikes, sumps, or doorway lips or similar structures to inhibit the ability of spilled material to pass through the opening.
 - d) Floor Drains: There shall be no floor drains in areas where hazardous materials are sold, used, or stored unless the site design shall show specific compliance with the following:
 - 1) Floor drains shall connect to the sanitary sewer system or to an on-site holding tank or tanks when the discharge

- contains petroleum-based oil, grease, sand or other harmful or hazardous substances.
- 2) Interceptors and separators shall be provided when floor drains connect to the sanitary sewer system.
 - 3) Floor drains shall not be connected to a storm sewer, a storm drainage system or a storm building drain.
 - 4) Floor drains shall have trap seals.
 - 5) Floor drains that only accept animal fecal waste and first discharge into a settling tank prior to release into a septic system may be allowed.
 - 6) Floor drains allowed by CT DEEP (in accordance with the "Non-Stormwater Discharges" section of a General Permit for the Discharge of Stormwater Associated with Industrial Activity) shall be allowed.
- e) Discharge: Discharge of production wastewater or any wastewater that may contain hazardous materials shall meet the following requirements:
- 1) All wastewater generated by the use is lawfully disposed through a municipal sewer system.
 - 2) If there is no sewer system the following shall be met:
 - A zero discharge/closed loop system shall be employed where possible or where required by Section X.
 - Where such a system is not possible, liquid hazardous materials or waste shall be collected in tight tanks and removed periodically by a licensed professional. The tanks shall be above ground and comply with design and containment standards of this section.
- f) Loading/Transfer Areas: Any area that may be used for transfer of hazardous materials shall be designed to prevent contaminated storm water runoff and ground water intrusion. Such loading docks (excluding those that allow a vehicle to enter the building) shall be protected with a permanent roof or other structure that protects the loading dock from direct rainfall.

Depressed loading docks or other sub-grade facilities shall be designed to ensure that hazardous materials are properly collected and disposed of, using appropriate technology such as oil-water separators, subsurface tight tanks, or equivalent.

- g) Rooftop Equipment: Where equipment for heating, ventilation, air conditioning or similar functions shall be installed and periodically serviced on rooftops, these structures shall be surrounded by containment barriers to allow for safe cleanup and minimized contamination of rooftop runoff.
- h) Security: Hazardous materials shall be stored in an area that is secured against unauthorized entry by the public.
- i) Fire Protection: Where a use containing hazardous materials poses a significant threat to water quality due to total structure loss because of fire, fire protection measures shall be required including, but not limited to, public water, sprinklers, or chemical extinguishers.
- j) Materials Management Plan: All facilities shall submit to the Town and maintain a Materials Management Plan (Appendix X) that clearly describes the location and methods for the use, storage, recycling and disposal of any hazardous materials on the site. Where any hazardous materials are hauled off-site by a contractor, the facility shall maintain the name and contact information for that contractor.
- k) Spill Preventions and Response Plan: All facilities shall submit to the Town and maintain a Spill Prevention and Response Plan (Appendix X) detailing the measures taken to avoid the unintentional spilling of any hazardous materials and, in the event a spill does occur, the measures that will be taken to adequately respond.
- A spill containment kit and signs for spill notification (typical spill containment kit and notification sign information in Appendix or Other Document) shall be provided within areas where hazardous materials are used and stored.
- l) Sewer Lines: Where potential exists for sewers to be used for wastes other than domestic sewerage, or where the sewer line passes through or adjacent to a sensitive resource area including a watercourse, wetland or stratified drift aquifer, the sewer line shall be constructed to a higher class standard to prevent pollution from sewer line failure. Standards shall be determined by the Public Works Department.

- m) Other Requirements: Requirements for hazardous materials are intended to supplement and not to supersede any other applicable requirements of federal, state or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976.
3. Hazardous Materials: Underground Storage Tanks: Underground Storage Tanks (USTs) are not allowed in the WRPD with the exception of the following:
- a) Underground propane tanks are allowed in the WRPD.
 - b) For an approved Fuel Dispensing Station, or for other uses, no new USTs are allowed. However, the replacement of existing USTs with the same capacity tank shall be allowed if the following requirements are met:
 - c) The facility shall have an appropriate method of leak detection;
 - d) Fill-pipes on tanks shall have means to collect spills from delivery hoses;
 - e) The tanks shall have overfill protection, such as automatic shutoff devices which activate at 90% UST capacity and restrict flow during deliveries;
 - f) Tanks and/or piping installed must be double-walled with continuous interstitial monitoring;
 - g) These requirements for USTs are intended to supplement and not to supersede any other applicable requirements of CT's Underground Storage Tank Regulations, inclusive of Sec. 22a-449 (d)-1 (e) (1) and Sec. 22a-449 (d)-104 (d).

6.12-6 Conditions for Specific Uses

A. Construction, Farm & Heavy Equipment Sales

1. The facility shall be tied in to and use a sewer system.
2. Repair work or changing of fluids shall take place inside on non-pervious floors, and shall be prohibited outside.
3. Washing of vehicles or equipment shall take place inside with all wash water collected and recycled onsite, and shall be prohibited outside.

4. No washing or rinsing of vehicles shall be allowed that would allow wash or rinse waters to enter any storm drainage system or surface waters.
5. No more than 10% of inventory may consist of used vehicles or equipment.

B. Commercial Agriculture and Home Agriculture

1. All Commercial and Home Agriculture uses shall meet the non-disturbance area requirements for all crop fields and animal structures/fields/pastures, especially where runoff enters or leaves the field.
2. All outdoor pasture/recreation areas shall provide fencing along the non-disturbance area border to prevent the escape of the animals into neighboring water bodies or wetlands.
3. All animal wastes shall be properly stored and disposed of, so as not to contaminate nearby water bodies and wetlands. Manure shall be composted in enclosed bins or transported offsite.

C. Fuel Dealer

1. All fuel dealers are prohibited with the exception of those who strictly store and vend propane without the use of underground storage tanks and those that meet the definition of "Fuel Dealer without Storage."
2. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

D. Fuel Dispensing Station

1. Concrete pads at fuel dispensing stations shall have containment grooves that can trap and facilitate the recovery of spilled gasoline or other hazardous materials.
2. Fueling areas shall be covered with a roof or canopy to prevent stormwater runoff from washing away pollutants. The cover shall not drain into the fueling area.

3. The area around the fueling island shall be graded or curbing installed to prevent stormwater from flowing onto the area and becoming contaminated.
 4. Fueling areas shall not be cleaned with water, but with dry methods such as spot cleaning with absorbents or mechanical sweepers.
 5. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
 6. Any Fuel Dispensing Station that also includes Vehicle Service and Repair, Minor shall follow the conditions for that use in addition to these conditions.
- E. Kennel, Commercial
1. Dipping is prohibited.
 2. Outside runs shall be roofed and not allowed in flood zones or the non-disturbance area.
 3. Excrement shall be removed from each run and recreation area at least once daily.
 4. Swales or drains shall be required to direct stormwater away from runs.
 5. A list of chemicals and cleaning agents to be used shall be provided. Handling of these chemicals and cleaning agents shall be managed in accordance with Sec. 6-12.5.D for hazardous materials.
- F. Light Industrial
1. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
- G. Marine Craft & Equipment Display and Sales; Vehicle Dealers (New); and Vehicle Repair & Service, Minor
1. The facility shall be tied in to and use a sewer system.

2. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
 3. Repair work or changing of fluids shall take place inside on non-pervious floors, and shall be prohibited outside.
 4. Washing of vehicles or equipment shall take place inside with all wash water collected and recycled onsite, and shall be prohibited outside.
 5. No washing or rinsing of vehicles shall be allowed that would allow wash or rinse waters to enter any storm drainage system or surface waters.
 6. No more than 10% of inventory may consist of used vehicles or equipment.
- H. Nurseries and Greenhouses, Commercial
(See Outdoor Storage Yards for nurseries, greenhouses, retail garden supply stores or similar uses or activities)
- I. Outdoor Storage Yards for nurseries, greenhouses, retail garden supply stores or similar uses or activities
1. Outdoor storage of any hazardous materials, other than as described below, shall be prohibited.
 2. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
 3. Runoff from areas where plants are regularly watered shall be recaptured and recycled or directed to areas where the water will be pre-treated before disposal to mitigate impacts from pesticides, fertilizers, or other harmful constituents.
 4. Where such runoff is directed to outdoor stormwater management facilities, the applicant must demonstrate that the runoff volume and pollutant removal calculations account for the addition of this source.
 5. Bulk storage of fertilizers, pesticides, herbicides and other typical products shall remain in their original package, and shall be stored in a contained area, under permanent cover, and on an

impermeable surface with no floor drains. The storage area shall be designed so that any drainage from the area shall not enter the storm drainage system or any wetlands.

J. Riding or Boarding Stable

1. Manure should be collected daily then contained and covered. Such manure, temporarily stored prior to removal off-site, should be covered with a waterproof cover on an impermeable surface to prevent liquid waste runoff and discharge to the ground. Manure storage areas should be designed to hold all manure collected prior to disposal and shall be located outside of the non-disturbance area.
2. Roof water shall be directed away from stable areas.
3. Uncontaminated surface runoff shall be directed away from stables, riding arenas, manure storage areas, exercise areas and wastewater storage ponds.
4. Fencing shall be used to prevent horses from congregating in poorly drained areas.
5. Wash-down and runoff from stables shall be directed to adequately designed septic tank systems or connected to a sewer system.

K. Transit Stations and Hubs

1. Passenger train stations are allowed so long as there is no outdoor storage or maintenance of vehicles, trains, and other equipment.
2. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

L. Vehicle Dealers (New)

(See Marine Craft & Equipment Display and Sales; Vehicle Dealers (New); and Vehicle Repair & Service, Minor)

M. Vehicle Repair & Service, Minor

(See Marine Craft & Equipment Display and Sales; Vehicle Dealers (New); and Vehicle Repair & Service, Minor)

N. Vehicle Washing Facility

1. The facility shall be tied in to and use a sewer system.
2. Washing of vehicles shall take place inside with all wash water collected and recycled onsite, and shall be prohibited outside.
3. No washing or rinsing of vehicles shall be allowed that would allow wash or rinse waters to enter any storm drainage system or surface waters.
4. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

O. Veterinary Services

1. Should any activities with animals be conducted outside, they shall follow the conditions for Commercial Kennels under Sec. 6.12-6.D.

P. Warehouse and Distribution

1. Where Warehouse and Distribution is a primary use, no outdoor storage of any kind is allowed.

6.12-7 Nonconforming Uses

A. Expansion of Prohibited Uses. Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to expand subject to approval of a special permit by the Zoning Commission, site plan approval by the Planning Commission, or administrative site plan approval by OPDS staff, whichever is appropriate, and the following conditions:

1. The proposed expansion shall not exceed an increase of more than 50% of the developed area of the parcel previously dedicated to the prohibited use, whether indoor gross floor area, outdoor developed area, or both. Any prohibited use that had already fully taken advantage of this expansion provision prior to the update to these Zoning Regulations [Add Date] may expand an additional 10% based on the original size of the use, so long as they meet the other requirements contained in the general and/or specific performance standards of these WRPD regulations.

2. The proposed expansion shall not create any new dimensional non-conformity nor increase an existing dimensional non-conformity.
 3. The applicant shall demonstrate to the Commission's satisfaction that the proposed expansion shall not in any way pose more of a threat to the existing or future water supply source than does the existing prohibited use.
 4. All other requirements contained in the general and/or specific performance standards of these WRPD regulations must be met by the proposed expansion applied for under this provision, and pose the same or less of a threat to the existing or future water supply source than does the existing prohibited use due to enhanced employment of best management practices.
- B. Relocation of Non-Permitted Uses. Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to relocate to other sites in the WRPD which have access to municipal sewer subject to approval of a special permit from the Zoning Commission and the following conditions:
1. The proposed relocation shall not result in an increase of more than 50% of the developed area of the parcel previously dedicated to the prohibited use, whether indoor gross floor area, outdoor developed area, or both.
 2. The applicant shall demonstrate to the Commission's satisfaction that the proposed relocation shall pose less of a threat to the existing or future water supply source than does the existing prohibited use due to the new site's physical characteristics, location, and employment of best management practices.
 3. All other general and specific performance standards of the WRPD must be met by the proposed relocation applied for under this provision. Once the non-permitted use is relocated, prior to the issuance of a Certificate of Occupancy at the new site, the non-permitted use at the old site shall cease. In no way shall this regulation result in the establishment of or the continued maintenance of a prohibited use at the old site.
 4. After grant of special permit and prior to approval of the site plan by the Planning Commission or staff, soils at the old site shall be

tested by a state certified laboratory and test results reported to the Town and DEEP.

5. The old site shall be cleaned of any soil contamination found, and debris and other old underground tanks shall be removed, prior to the issuance of a Certificate of Occupancy at the new site. If the removal operation is under way but not completed at the time the use is ready to open for business at the new site, a bond may be posted for the remaining cleanup effort prior to issuance of a Certificate of Occupancy subject to Planning Commission approval.
 6. Upon recording of the special permit in Land Records, a statement shall be recorded in Land Records, indexed by the address of the old site, stating that during the time the WRPD overlays the site, the old site cannot be converted back to a prohibited use.
 7. The application shall include a statement from the owner of the property where the old use is located noting his understanding that once the use is relocated to the new site, the old site cannot be converted back to a prohibited use while overlain by the WRPD.
- C. Alteration of Prohibited Uses. Alteration includes any repair or replacement of an existing site element that will change provisions for hazardous materials storage (without increasing the amount of storage), or trigger the need for additional erosion and sediment control measures per Section 6.12-5.A, and/or stormwater management measures per Section 6.12-5.B (without increasing the footprint or intensity of the use). Alteration does not include the expansion of a prohibited use as regulated in 6.12-7.A.
1. Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to alter specific site elements subject to Site Plan Approval from the Planning Commission.
 2. The alteration shall be performed in a manner that brings that part of the site into greater conformity with the applicable general and/or specific performance standards related to the WRPD.
 3. The proposed alteration shall not create any new dimensional non-conformity nor increase an existing dimensional non-conformity.