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# **ZONING REGULATIONS**

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**Town of Bridgewater**



**ZONING FIRST IMPLEMENTED  
July 6, 1962**

**EFFECTIVE WITH ADDITIONS AND CHANGES  
September 16, 2021**

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## **ARTICLE I – PREAMBLE**

### **1.1 – Purpose and Authority**

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

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

### **1.2 – Comprehensive Plan**

The Zoning Regulations established hereunder, including the official Zoning Map, are in accordance with, and are hereby declared to embody, the comprehensive zoning plan of the Town of Bridgewater. In adopting these Regulations, the Commission has considered the Bridgewater Plan of Development prepared pursuant to Connecticut General Statutes Section 8-23.



## ARTICLE II – INTERPRETATION OF REGULATIONS

### **2.1 – Construction of Language**

For the purposes of these Zoning Regulations, the following terms, phrases, words, and their derivations shall have the meanings given below. When not inconsistent with the content, words used in the present tense include the future, and the singular includes the plural. The words “shall” and “must” are always mandatory and not merely directory, and the word “may” is permissive. In case of any difference of meaning or implication between the text of these Regulations and any caption, illustration, summary, table, or illustrative table, the text shall control. Whenever any statute, regulation, or ordinance is referred to by number (for example, Connecticut General Statutes Section 8-2) in these Regulations, the reference shall be deemed to be to the most recently amended version, and if the statute, regulation, or ordinance has been renumbered or otherwise recodified after the effective date of these Regulations, the reference shall be deemed to be the most recently amended version as so renumbered or recodified.

### **2.2 – Definitions**

For the purposes of these Regulations, the terms, phrases, and words listed below shall have the meanings thereafter stated. The fact that a particular use may be defined in this section does not mean, and shall not be construed to mean, that such use is a permitted use in any zoning district within the Town of Bridgewater.

**Accessory Apartment:** An accessory dwelling unit within a dwelling.

**Accessory Building or Structure:** A building or structure that is both (i) located on the same lot as the principal building or structure or on an adjoining lot under the same ownership, and (ii) used in a manner subordinate or incidental to the use of the principal building or structure. The main dairy, livestock, poultry, nursery or other barn on a farm shall not be deemed to be an accessory building or structure.

**Accessory Dwelling Unit:** A dwelling unit that is both (i) located on the same lot as the principal dwelling unit, and (ii) used in a manner subordinate or incidental to the use of the principal dwelling unit.

**Accessory Use:** A use of land, or of all or a portion of a building or structure, that is both (i) located on the same lot as the principal use or on an adjoining lot under the same ownership, and (ii) subordinate or incidental to the principal use of the land, building or structure.

**Accessway:** The portion of a rear lot that provides access to and from a street but does not meet the requirements of these Regulations for minimum lot width.

**Adjoining:** A term describing lots or parcels of land that either have a common boundary or are separated only by a street or other existing or proposed public or private right-of-way.

**Agricultural Buildings and Structures:** Buildings or structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment, and supplies.

**Agriculture:** The cultivation of land, including planting and harvesting of crops, tillage, horticulture, and forestry; and the raising and management of livestock.

**Apartment House:** A building containing three (3) or more dwelling units.

**Aquifer:** A geological formation, such as bedrock, stratified sand and gravel deposits, or glacial till, capable of yielding usable amounts of groundwater.

**Area of Special Flood Hazard:** Land that has a one percent (1%) or greater chance of being flooded in any given year. These lands include all “flood prone areas,” as defined in these Regulations.

**Barn:** An agricultural building where hay, tools, and equipment are kept and livestock may be sheltered.

**Base Flood:** A flood level having a one percent (1%) chance of being equaled or exceeded in any given year. The “100-year flood” as portrayed on the current Flood Insurance Rate Map for the Town of Bridgewater.

**Basement:** A portion of a building partially or completely below finished grade, and having at least three feet (3') of its wall height below grade plane for at least one-half (1/2) of its perimeter. For the purposes of the National Flood Insurance Program only, a basement means that portion of a building having its floor subgrade (below ground level) on all sides.

**Bed and Breakfast:** A dwelling, part of which is occupied by the owner of the building as a permanent residence, in which no more than four (4) rooms and breakfast meals only are provided on a daily basis to transients for compensation.

**Buffer Area:** A strip or strips of land that are both (i) densely planted (or having equal natural growth) with shrubs and/or trees at least four feet (4') high at the time of planting, of a type that will form year-round dense screening; and (ii) free of buildings, structures, parking, or other accessory uses.

**Building:** Any structure having a roof, supported by columns or walls, and intended for the shelter, housing, or enclosure of persons, animals, or materials. The word “building” shall also refer to any modification, addition, or alteration to an existing building.

**Building, Accessory:** See “Accessory Building or Structure.”

**Building Area:** The ground area enclosed by the walls of a building, together with the area of all covered porches and other roofed portions.

**Building Coverage:** The percentage of the total lot area occupied by buildings.

**Building Height:** The vertical distance from the average ground level at the building wall to the highest point of mansard, curvilinear or flat roofs and parapets, or to the mean level between the eaves and ridges of gable, hip or gambrel roofs.

**Building Line:** A line parallel to a street at a distance equal to the minimum required front yard, or at a greater distance when otherwise provided by these Regulations or legally established by the Town.

**Building Permit:** A permit that must be obtained from the Building Official before construction starts.

**Building, Principal:** See “Principal Use.”

**Cellar:** Same as “Basement.”

**Certificate of Compliance:** See “Zoning Compliance Certificate.”

**Certificate of Occupancy/Use:** A certificate granting the right to occupy or use a building, structure, or land and attesting that such use meets all the requirements of these Regulations and other applicable laws. Such certificate may be issued only after a final inspection by the Building Official.

**Certified Soil Scientist:** See “Soil Scientist, Certified.”

**Club:** An organization catering exclusively to members and their guests, provided that the primary purpose of the organization is not financial gain, and that any commercial activities conducted by the organization are incidental to its purposes.

**Commission:** The Bridgewater Planning and Zoning Commission.

**Conditions:** Necessary requirements or stipulations to ensure compliance with the objectives of these Zoning Regulations.

**Conservation Area:** A parcel of land designated for open space use or conservation by the Commission or another appropriate Town agency or official.

**Construction, Start of:** For flood insurance purposes, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date, including substantial improvement. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure.

**Convalescent Home:** A home for the aged, or any establishment, other than a hospital, where three (3) or more persons suffering from, afflicted with, or convalescing from any infirmity, disease, or ailment are kept, boarded, or housed for remuneration.

**Corner Lot:** See “Lot, Corner.”

**Coverage:** See “Lot Coverage” and “Building Coverage.”

**Current:** When used in reference to a periodically amended or updated document, such as a map, set of ordinances or regulations, or other written, printed or graphic material, the term “current” shall mean the most recently amended and up-to-date version of the document at the time the relevant zoning regulation is applied.

**Development:** Any man-made change to improved or unimproved real estate, or to buildings or other structures. The term includes, but is not limited to, construction, mining, dredging, filling, grading, paving, excavation, drilling operations, and permanent storage of materials.

**Driveway:** A strip of land that has been altered or improved to provide vehicular access to or from a street. The definition is intended to be consistent with the definition of “driveway” set forth in the Town of Bridgewater’s Ordinance Covering the Construction of Driveways Intersecting Town Streets, as it may be amended.

**Dwelling:** A building designed and used exclusively as living quarters for not more than two (2) families. The term “dwelling” shall not be deemed to include hotel, motel, inn, boarding or rooming house, convalescent or nursing home, mobile home trailer, tourist home, or tent, except as these Regulations may otherwise specifically provide. In the case of buildings having two (2) or more portions divided by party walls forming a complete separation above the basement, each such portion shall be considered to be a separate principal dwelling unit.

**Dwelling, Detached:** A dwelling surrounded on all sides by yards.

**Dwelling, Multiple:** A dwelling or group of dwellings on one (1) lot, containing dwelling units for three (3) or more families and having separate or joint entrances, services, and facilities.

**Dwelling Unit:** One (1) or more rooms in a residential building that are collectively arranged, designed, or intended for use by one (1) family, and that include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof. The term “dwelling unit” shall not be deemed to include hotel, motel, inn, boarding or rooming house, convalescent or nursing home, mobile home trailer, tourist home, or tent, except as these Regulations may otherwise specifically provide.

**Dwelling Unit, Accessory:** See “Accessory Dwelling Unit.”

**Dwelling Unit, Attached:** A dwelling unit in a building containing at least one (1) other dwelling unit.

**Dwelling Unit, Detached:** A dwelling unit comprising an entire building; in other words, a single-family detached dwelling.

**Dwelling Unit, Guest:** See “Guest Dwelling Unit.”

**Dwelling Unit, Principal:** See “Principal Dwelling Unit.”

**Earth Removal:** Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock, or similar material, or combinations thereof.

**Family:** One (1) person, or two (2) or more persons related by blood, adoption, marriage, or legal guardianship; living, sleeping, cooking, and eating as a single housekeeping unit on the same premises. The term “family” shall also be deemed to include (i) up to four (4) persons living and cooking together as a single housekeeping unit on the same premises, even though not all are related by blood, adoption, or marriage; and (ii) domestic servants. Roomers, boarders, and other paying guests shall not be deemed to be a part of any family as defined herein.

**Farm:** A tract of land containing five (5) acres or more, with a minimum of three (3) acres used principally for agricultural purposes.

**Finished Grade:** See “Grade, Finished.”

**Flood Insurance Rate Map (FIRM):** The current map of Bridgewater on which the Federal Emergency Management Agency has delineated special flood hazard areas and risk premium zones.

**Flood Prone Areas:** Any area which is designated as a special flood hazard area or a Zone A on the FIRM.

**Floodway:** The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1’). The term “floodway” shall include all land designated as such on the current Floodway Map of Bridgewater, as amended by the Federal Emergency Management Agency.

**Floor, Lowest:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, shall not be considered a building’s lowest floor.

**Floor Area:** The floor area for a dwelling unit shall be measured by the outside dimensions of the walls enclosing the dwelling unit, but it shall not include porches, entries or breezeways, basements, garages, heater rooms, uninhabitable or unfinished attic space, or any common areas serving several dwelling units. Party walls serving two (2) dwelling units shall be equally divided between the dwelling units for the purpose of determining the floor area. Only that portion of the floor area which is finished for living purposes shall be counted in meeting the above requirements.

**Forestry:** The planting, managing and care of trees, excluding any or all of the following: (1) the milling of logs for lumber except as an incidental accessory use of the lumber on the subject farm; (2) any use of a wood burning kiln or other wood burning heat source to dry lumber; (3) any manufacturing of an end product from wood unless the product is incidental to and necessary for the subject farming operation.

**Frontage:** Same as “Lot Frontage.”

**Front Lot Line:** See “Lot Line, Front.”

**Garage, Private:** An accessory building, or a portion of a primary building, providing for the storage of motor vehicles belonging to the occupants of the premises.

**Garage, Public:** A building, other than a private garage or carport, used for storing, selling, maintaining, servicing, or repairing motor vehicles.

**Golf Course:** A par-three or regulation golf course containing nine (9) or more holes, designed by a professional golf course architect, and expressly excluding miniature golf courses.

**Grade, Finished:** The completed surfaces of lawns, walks, and roads. If proposed final grades are shown on approved official plans or designs relating thereto, such grades shall be deemed to be the finished grades for purposes of these Regulations.

**Greenhouse:** A structure devoted to the production of plants and flowers, including the seasonal retail sale of such products raised exclusively on the site.

**Gross Floor Area:** The sum of the horizontal areas of all floors of a building, measured by exterior dimensions.

**Groundwater:** All water beneath the surface of the ground. The maximum groundwater level is defined as the level to which the water table rises for a duration of one (1) month or longer during the wettest season of the year.

**Guest Dwelling Unit:** An accessory dwelling unit containing no more than twenty-five percent (25%) of the total floor area of the principal dwelling unit.

**Habitable Room:** See “Room, Habitable.”

**Hazardous Materials or Wastes:** Any substance or combination of substances that because of quantity, concentration, or physical, chemical, or infectious characteristics, could pose a significant present or potential hazard to land, water supplies, or human health if disposed of into or on any land or water in the Town of Bridgewater. “Hazardous materials or wastes” include, but are not limited to, the following: (1) any chemical, substance, or material identified as a “hazardous waste” in Connecticut General Statutes Section 22a-448 or any regulations promulgated pursuant to Connecticut General Statutes Sections 22a-448 through 22a-457; (2) any chemical, substance, or material identified as a “hazardous chemical” in Connecticut General Statutes Section 29-336 or any regulations promulgated under Connecticut General Statutes Sections 29-336 through 29-341; (3) any chemical, substance, or material identified as a “hazardous waste” in 42 United States Code Section 2903 or in any regulations (including, but not limited to, 40 Code of Federal Regulations, Part 261) promulgated under the Federal Resource Conservation and Recovery Act of 1976 (42 United States Code Sections 6901, et seq.), as amended.

**Home Occupation:** Any use that meets the criteria set forth in Section 5.8 of these Regulations and that is customarily carried on entirely within a dwelling by the residents thereof.

**Hotel, Inn, Motel, or Motor Court:** A building or group of buildings used primarily as a temporary rooming place and having five (5) or more sleeping rooms in which lodging is provided for compensation with or without meals.

**Impervious:** Not capable of being penetrated by water.

**Inland Wetland:** See “Wetland, Inland.”

**Inn:** See “Hotel.”

**Junk:** Any worn out, cast off, or discarded article or material that is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material that, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

**Junkyard:** A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded materials, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or discarded solid materials including garbage, scrap metal, junk, and refuse materials including inert matter and landscape refuse.

**Kennel, Commercial:** Any premises, other than a farm, on which animals are boarded for profit or raised for sale.

**Livestock:** Animals kept for purposes of sale or the production of products for sale.

**Lot:** A plot or parcel of land, all parts of which are under the same ownership, that (i) was created before the adoption of Zoning Regulations in the Town of Bridgewater or that, when created, was of at least sufficient size to meet all then-applicable zoning requirements; (ii) is occupied or capable of being occupied by one (1) principal use, including one (1) principal building and the accessory buildings or uses customarily incidental to it; and (iii) includes such yards, other open spaces, and buffer areas as are required by these Regulations.

**Lot Area:** The actual area, in square feet, enclosed by the boundaries of a lot.

**Lot, Corner:** A lot located at the intersection of and abutting two (2) streets.

**Lot Coverage:** The percentage of the total lot area occupied by buildings, surface structures, and parking lots.

**Lot Depth:** The mean distance from the front lot line to the rear lot line or, on corner lots, to the opposite side lot line, measured in the direction perpendicular to the direction in which lot width is measured.

**Lot Frontage:** The distance between the side lines of a lot measured along the front lot line or, on curved streets, measured in a straight line between the two points of intersection of the side lot lines with the street line. On corner lots, lot frontage shall be measured along each street between the intersecting side lot line and the opposite street line.

**Lot Line:** The established division line between lots, or between a lot and a street or other proposed or dedicated public right-of-way.

**Lot Line, Front:** The line separating the lot from the street right-of-way. If street right-of-way boundaries have not been established, they shall be deemed to be twenty-five feet (25') off the center line of the existing travelled way, or such other distance from the center line as established by the Town.

**Lot Line, Rear:** The lot line that is generally opposite the front lot line; if the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, ten feet (10') long, and lying wholly within the lot and farthest from the front lot line.

**Lot Line, Side:** Any lot line that is not a front lot line or a rear lot line as defined herein, extending from a street and dividing separate lots or parcels on the same side of the street.



**Lot of Record:** A lawfully created lot, a description of which (either by metes and bounds or as shown on a map or plan) has been filed in the office of the Town Clerk.

**Lot, Rear:** A lot not having the required lot frontage but having lawful access onto a street by an accessway.

**Lot, Substandard:** A lot that does not meet the current minimum requirements for area, frontage, or width in its zone.

**Lot, Through:** A lot abutting two (2) generally parallel streets.

**Lot Width:** Where the side lot lines are parallel, lot width means the distance between the side lot lines measured at right angles to the side lot lines. Where the side lot lines are not parallel, lot width means the distance between the side lot lines measured in a direction parallel to the line along which lot frontage is measured. On corner lots, lot width shall be measured from each side lot line to the opposite street line.

**Manufactured Home:** A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to the required utilities. For purposes of these Regulations, the term includes park trailers, travel trailers, and other similar vehicles placed on a site for more than one hundred eighty (180) consecutive days.

**Mean Sea Level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or any other datum to which base flood elevations shown on Bridgewater's current Flood Insurance Rate Map are referenced.

**Mobile Home:** See "Trailer."

**Motel:** See "Hotel."

**Motor Court:** See "Hotel."

**Nonconforming Building:** An existing building that was lawfully erected but does not conform to all of the currently applicable requirements of these Regulations.

**Nonconforming Lot:** A lot that does not conform to all of the current requirements of these Regulations but that conformed fully, when it was created, to all zoning regulations and other legal requirements existing at that time.

**Nonconforming Use:** A use of any land, building, or structure that does not conform to all of the currently applicable requirements of these Regulations but that conformed fully, when it was commenced, to all zoning regulations and other legal requirements existing at that time.

**Nursing Home:** See "Convalescent Home."

**Occupied:** Arranged, designed, or intended to be occupied, or actually occupied.

**Open Space:** Undeveloped land not in active use, or land used primarily for conservation or recreational purposes.



**Owner of Record:** The person(s) currently listed as the owner(s) of property in the street books in the office of the Assessor.

**Park:** An area of land and/or water primarily in its natural state, except for man-made recreational facilities or other improvements related to the purposes hereafter stated, and dedicated and used for nonprofit recreation, scenic, leisure, conservation, historic, or ornamental purposes. A park, as used herein, does not include an “amusement park” or any type of park with mechanical rides, games, arcades, or similar amusements.

**Parking Area:** A space used exclusively for parking motor vehicles.

**Passive Geothermal:** A dwelling specifically designed to use natural and architectural components to collect and store the heat of the earth’s interior without using any external mechanical power.

**Passive Solar:** A dwelling specifically designed to use natural and architectural components to collect and store solar energy without using any external mechanical power.

**Person:** Any legal entity, including, but not limited to, a natural person, partnership, corporation, organization, association, or syndicate.

**Personal Physical Service:** A physical service performed by one (1) person on another person; that is, a service involving the physical touching by one (1) person of another. Examples, without limitation, include massage, barbering, hairstyling, manicure and pedicure.

**Principal Dwelling Unit:** A dwelling unit in which the principal users of the lot reside.

**Principal Use:** The primary purpose for which land, water, or a building or structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

**Private Garage:** See “Garage, Private.”

**Property Line:** The boundary of a lot or other parcel of land.

**Public Garage:** See “Garage, Public.”

**Rear Lot:** See “Lot, Rear.”

**Rear Lot Line:** See “Lot Line, Rear.”

**Rear Yard:** See Yard, Rear.”

**Recreational Vehicle:** Any motorized vehicle that can be registered for highway use and is capable of being occupied with sleeping and/or cooking accommodations on a temporary basis, whether or not such vehicle contains toilet facilities.

**Regulations:** The term “Regulations” means these Zoning Regulations unless otherwise indicated.

**Restaurant:** The retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters in an enclosed building. A restaurant shall not include drive-thru, window counter, or other outdoor services, other than outdoor tables.

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

**Road:** Same as “Street.”

**Room, Habitable:** A room or enclosed floor space arranged for living, eating, or sleeping purposes, in compliance with the building and fire codes, and having a minimum dimension of seven feet (7') and a minimum area of seventy square feet (70 sq. ft).

**Screening:** Natural or man-made materials used to prevent a structure or land use from being visible from a street or from nearby property.

**Septage:** Domestic wastes pumped from septic tanks.

**Septage Lagoon:** An open pit, depression, or pond used to hold septage.

**Setback:** The shortest distance between a structure and a street right-of-way or lot line.

**Side Lot Line:** See “Lot Line, Side.”

**Side Yard:** See “Yard, Side.”

**Sign:** Any device for visual communication used to announce, advertise, identify, or attract attention to any object, project, place, person, activity, institution, organization, or business. The term “sign” includes any structure or natural object, such as a tree or rock, utilized as a visual communication device. For the purposes of these Regulations, the term “sign” shall also include interior signs, if located on a window or within three feet (3') from a window and if obviously intended for viewing from the exterior, but shall not include the flag, pennant, badge, or insignia of any government or governmental agency, or signs directing or guiding traffic and parking on private property but bearing no advertising matter, or official traffic signs, or notices required by law.

**Site Plan:** A drawing or series of drawings by which proposed or existing uses, dimensions, or conditions of land or any building or structure are graphically illustrated. A “zoning plan” and a “special permit plan” are two different types of site plans.

**Soil Scientist, Certified:** An individual who is duly qualified in accordance with standards set by the Office of Personnel Management (formerly the U.S. Civil Service Commission) or who demonstrates familiarity with Connecticut Inland Wetlands Classifications to the satisfaction of the Commission.

**Special Flood Hazard Area:** See “Area of Special Flood Hazard.”

**Special Permit:** The type of permit required for a specially permitted use. As used in these Regulations, a “special permit” is not a “zoning permit.”

**Special Permit Plan:** The type of site plan required to be submitted with an application for a special permit.

**Specially Permitted Use:** A use of property that would not be appropriate generally or without restriction throughout the zoning district, but that may be allowed by the Commission upon issuance of a special permit in accordance with applicable statutory and regulatory procedures and upon determination that all requirements and standards set forth in these Zoning Regulations would be met and that such specific use would be in harmony with the neighborhood and the Town as a whole.

**Stable:** A building in which horses are sheltered.

**Storage Trailer:** A vehicle without means of propulsion that can be used for hauling or storing materials or goods and that is capable of being readily moved by a tractor or other vehicle.

**Story:** That portion of a building, other than a cellar or a mezzanine, included between the surface of any floor and the surface of the next floor above, or, if there is no floor above, then the space between the floor and the next ceiling above. An attic shall be considered a half (1/2) story only if the roof plate is less than two feet (2') above the attic floor, or if less than sixty percent (60%) of the attic floor space is capable of being finished for habitable purposes; otherwise, an attic shall count as one (1) full story in building height.

**Street:** Any thoroughfare, including any street, avenue, boulevard, road, lane, highway, and place, and any land dedicated as a public right-of-way, that affords a principal means of access to abutting property and that is dedicated and accepted by the Town or the State for such purposes.

**Street Line or Highway Line:** Same as "Lot Line, Front."

**Structure:** Anything constructed, erected, or assembled that requires a location on or within the ground, or attachment to something having a location on the ground. The term "structure" includes, but is not limited to, any building, manufactured home, paved area, storage tank, sign, wall (retaining or otherwise), swimming pool, fence, satellite dish, ham radio antenna, cellular or radio transmission tower, or other man-made utility and infrastructure. The term "structure" excludes public utility poles, flagpoles, transmission lines, television antennas, highway and railroad bridges, landscape furniture and decorations, mailboxes, lamp posts, and seasonal decorations. Where the phrase "building or structure" appears in these Regulations, it shall be deemed to mean "building or other structure."

**Structure, Accessory:** See "Accessory Building or Structure."

**Subdivision:** The division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation, or agricultural purposes. The term "subdivision" includes "resubdivision."

**Substandard Lot:** See "Lot, Substandard."

**Substantial Improvement:** Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure shall be deemed to be (i) the appraised value of the structure prior to the start of the initial repair or improvement, or (ii) in the case of damage, the appraised value of the structure prior to the occurrence of the damage. For the purposes of this definition, "substantial improvement" is considered to begin when the first alteration of any wall, ceiling, floor, or other

structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with current health, sanitary, or safety code specifications and solely necessary to assure safe living conditions.

**Swimming Pool:** A man-made basin or container intended to maintain water more than twelve inches (12") deep and more than sixty square feet (60 sq. ft.) in surface area for purposes of bathing or swimming. Ponds or basins for agricultural uses, fire protection, or runoff or sediment retention or detention are excluded.

**Tag Sale:** The sale on residential property of used personal effects, such as furniture, home appliances, and clothing.

**Tavern/Inn:** A structure designated for combined use as a restaurant and inn and containing sleeping rooms offered for compensation.

**Through Lot:** See "Lot, Through."

**Town:** The Town of Bridgewater, Litchfield County, in the State of Connecticut.

**Town House:** An attached dwelling unit, one of a row of generally similar units separated by vertical party walls, each unit having a separate outside entrance, a front and a rear yard, and an off-street parking area.

**Trailer:** Any vehicle or similar movable structure that is or can be used for sleeping, living or working quarters and that is, has been, or can be mounted on wheels, whether or not resting upon a temporary or permanent foundation. The term "trailer" expressly excludes manufactured homes having as their narrowest dimension twenty-two feet (22') or more and built in accordance with federal manufactured home construction and safety standards. As used in these Regulations, the term includes, but is not limited to, park trailers, travel trailers, camper trailers, and mobile homes. See also "Storage Trailer."

**Travelway:** A route or path, whether improved or unimproved, used for vehicular access to and from a street. The term includes "driveways," as defined in these Regulations.

**Unit of Occupancy:** Any structure, or part thereof, used to house one (1) family, business, industry, or corporate entity for the purpose of carrying out the business appurtenant thereto.

**Use:** Any purpose for which land, water or a building or other structure may be designed, arranged, intended, maintained, or occupied; and any activity, business, occupation, or operation carried on in a building or other structure or on water or a lot or parcel of land. The establishment or existence of any structure on a parcel of land is a "use" of that land under these Regulations.

**Use, Accessory:** See "Accessory Use."

**Use, Principal:** See "Principal Use."

**Used:** Intended, arranged, or designed to be used, or actually used.

**Variance:** A relaxation or modification of the terms of these Regulations by the Bridgewater Zoning Board of Appeals pursuant to Connecticut General Statutes Sections 8-6 and 8-7, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship.

**Watercourse:** Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog, or other body of water, natural or artificial, public or private, vernal or intermittent, that is contained within, flows through, or borders upon the Town or any portion thereof, and is not regulated pursuant to Section 22a-28 through 22a-35 of the General Statutes, as amended.

**Water Table:** The level in the ground below which all voids and pore spaces are filled with water.

**Wetland, Inland:** Any land, including submerged land, not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, as amended, and consisting of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites that possess an aquic (saturated) soil moisture regime as defined by the USDA.

**Yard:** A portion of a lot lying between a building or structure and a lot line, and containing no surface structures, except as may be specifically authorized in these Regulations. In measuring a yard, as hereafter provided, the line of a structure shall be deemed to mean a line parallel to the relevant lot line, drawn from the point of the structure nearest to such lot line.

**Yard, Front:** A yard extending across the full width of the lot and lying between the front lot line and the nearest line of any structure, but excluding any accessway.

**Yard, Rear:** A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of any structure.

**Yard, Side:** A yard between a side lot line and the nearest line of any structure, and extending from the front yard to the rear yard, or, if there is no rear yard, to the rear lot line.

**Zone:** One of the different zoning districts into which the Town has been divided for the purposes set forth in Section 1.1 of these Regulations.

**Zoning Compliance Certificate:** A written notice issued by the Commission or its designated agent upon application, certifying that a land use or any extension or alteration thereof, as built or established, conforms with requirements of the Zoning Regulations and of any zoning permit or special permit issued to allow such use, extension, or alteration. A zoning compliance certificate is required prior to the issuance of a certificate of occupancy.

**Zoning Permit:** The type of permit required for a generally permitted use. As used in these regulations, a “special permit” is not a “zoning permit.”

**Zoning Permit Plan:** The type of site plan required to be submitted with an application for a zoning permit.

## ARTICLE III – ESTABLISHMENT OF ZONING DISTRICTS (ZONES)

### **3.1 – Division of Town into Zones**

For the purposes of these Regulations, the Town of Bridgewater is hereby divided into the following zones:

<b><u>Name</u></b>	<b><u>Symbol</u></b>
a. Town Green	TG
b. Residential R-2	R-2
c. Residential R-3	R-3
d. Residential R-4	R-4
e. Commercial	C
f. Industrial	I

### **3.2 – Zoning Map**

The boundaries of the zones established hereunder are indicated on the official map (Map #13), dated 6 March 1968, as may from time to time be amended; signed by the chairman and secretary of the Commission; and on file in the Office of the Bridgewater Town Clerk. The Zoning Map and any amendments thereto are hereby made a part of these Regulations.

### **3.3 – Zone and Town Boundaries**

Unless otherwise indicated on the Zoning Map, the zone boundary lines are lot lines; or the center lines of streets, rights-of-way, or watercourses; or the mean high water line of a body of water. Where a zone boundary is located along a body of water, the regulations of the most restrictive zone bordering such body of water shall be deemed to apply to the land below mean high water and to the body of water itself. Where a zone boundary is shown parallel to a street, such boundary shall be interpreted as being parallel to the nearest street line and at such a distance from the street line as indicated on the Zoning Map. In case of uncertainty as to the location of any zone boundary line, the determination shall be made by the Commission. Where a Town or zone boundary line runs through or borders a lot or a proposed subdivision, that line shall be shown on all required maps and plans.

### **3.4 – Lot in More Than One Zone**

In the case of a lot of record lying in more than one (1) zone, the provisions of the less restrictive zone may be applied for a distance of not more than twenty-five feet (25') into the more restrictive zone, provided that such lot has frontage on a street in the less restrictive zone and that the twenty-five foot (25') strip may be utilized solely as a buffer area.

## **ARTICLE IV – REQUIREMENTS AND LIMITATIONS APPLICABLE IN ALL ZONING DISTRICTS**

### **4.1 – Conformity with Regulations**

No land, building, structure or premises shall be used and no building, structure or part thereof shall be erected, altered, enlarged, or moved except in conformity with these Regulations. No lot shall contain less than the minimum dimensional requirements specified in these Regulations, and no buildings or structures shall occupy in the aggregate a greater percentage of the lot area, accommodate a greater number of families, contain less livable floor area, nor be greater in height, than as prescribed by the Regulations applicable to the zone in which such lot, building or structure is situated. No lot or parcel of land shall be subdivided, resubdivided or otherwise diminished in area, width or length, nor shall any yard or required open space be reduced, except in conformity with these Regulations.

### **4.2 – Substandard Lots**

#### **4.2.1 – Residential Use of Substandard Lots**

The lot area, frontage and width requirements of these Regulations shall not prevent construction of a permitted principal residential building or establishment of a permitted principal residential use on any lawfully nonconforming lot, provided that such lot has its frontage on a street, and that adequate sewage disposal facilities and a potable water supply can be assured without hazard to public health. No deviation from current side or rear yard requirements shall be deemed to be authorized by this section.

#### **4.2.2 – Prohibition of Creation of Substandard Lots or Parcels**

The creation of any substandard lot or parcel by division or combination of preexisting lots or parcels is prohibited.

#### **4.2.3 – Merger**

Except as provided below, when any two (2) adjoining lots or parcels are owned by the same person(s), and either lot or parcel does not meet current lot frontage or lot area requirements under these Regulations, the adjoining lots or parcels shall be deemed to have merged and shall be considered a single lot or parcel for purposes of these Regulations. The provisions of this section shall not apply to lots or parcels separated by a street or other existing or proposed public or private right-of-way, or to lots in subdivisions that have been approved by the Commission and recorded in the Bridgewater Land Records unless the subdivision approval has lapsed or otherwise become null and void.



## **4.3 – Rear Lots**

### **4.3.1 – When Permitted**

No building or structure may be erected, constructed, altered, or placed on any rear lot except (i) for residential purposes; (ii) in the R-2, R-3, or R-4 zones; and (iii) if such lot was in existence as of the effective date of these Regulations. No rear lot shall be created after the effective date of these Regulations. A special permit shall be required for the erection, construction, alteration or placement of any proposed building or structure on a rear lot. Such permit may be issued by the Commission only if it determines that the proposed rear lot would satisfy the criteria set forth below, as well as all other applicable special permit criteria set forth in these Regulations.

### **4.3.2 – Rear Lot Criteria**

In order for the Commission to issue a special permit for the erection, construction, alteration or placement of any proposed building or structure on a rear lot pursuant to Section 4.3.1 of these Regulations, the following criteria must be satisfied:

- a. Public utilities must be installed underground unless the Commission determines such installation is infeasible or inappropriate. Such utilities shall not be installed under a travelway or driveway unless necessary, and shall be installed after the travelway or driveway has been graded but before the base material or pavement is installed.
- b. The accessway must have a width of less than fifty feet (50'). The location of the driveway or travelway within the accessway shall be shown on the site plan. In addition to any requirements that may be applicable under the Town of Bridgewater's Ordinance Covering the Construction of Driveways Intersecting Town Streets, each driveway or travelway must be laid out and designed to provide suitable access to emergency vehicles, including but not limited to fire trucks.
- c. The accessway must be an integral part of the lot and may not be owned separately from the remainder of the lot, except as provided below. No accessway may be used for more than one (1) rear lot.
- d. The minimum lot area for any rear lot must be twice the minimum area that would otherwise be required in the zone for a lot containing the same uses. The area of the accessway shall not be counted as part of the required minimum lot area.

### **4.3.3 – Conditions**

In addition to other conditions allowed under these Regulations, the Commission is authorized to condition a special permit for any rear lot on a fixed designation of the specific areas in which the house, septic system, and driveway or travelway will be located and on the details of construction of such driveway or travelway.



## 4.4 – Dimensional Standards

### 4.4.1 – General Requirements

All uses and structures shall comply with the standards set forth in Table 4.4A, except as provided in Section 4.3.

**Table 4.4A – Dimensional Requirements**

ZONES							
	Town Green (TG)	Residential				Commercial (C)	Industrial (I)
		(R-2) <sup>1</sup>	Multi-Family (R-2) <sup>2</sup>	(R-3)	(R-4)		
a. <b>Lot Area<sup>3</sup></b> minimum (sq. ft.) per dwelling unit	87,120 <sup>4</sup>	87,120 <sup>4</sup>	87,120 <sup>4</sup>	130,680 <sup>4</sup>	174,240 <sup>4</sup>	130,680	130,680
b. <b>Lot Frontage &amp; Width</b> minimum (ft.)	150	150	250	200	250	250	250
c. <b>Front Yard</b> minimum (ft.)	50	50	75	75	75	75	75
d. <b>Side Yard</b> minimum (ft.)	25	25	40	40	50	50	50
e. <b>Rear Yard</b> minimum (ft.)	40	40	50	50	50	50	50
f. <b>Building Coverage</b> maximum (%)	15	15	10	15	15	10	10
g. <b>Building Height</b> maximum (ft.)	35	35	35	35	35	35	35
h. <b>Building Height</b> maximum (stories)	2.5	2.5	2.5	2.5	2.5	2	2
i. <b>Square Side</b> minimum (ft.)	135	135	135	192	234	192	192
j. <b>Floor Area</b> minium (sq. ft.) per dwelling unit	900	900	900	900	900	n/a	n/a
k. <b>Floor to Lot Area Ratio</b> maximum (%)	n/a	n/a	n/a	n/a	n/a	20	20
l. <b>Lot Coverage</b> maximum (%)	25	25	20	25	25	50	50

<sup>1</sup> Applies to all uses other than multi-family residential (three (3) or more principal dwelling units).

<sup>2</sup> Applies to residential uses having three (3) or more principal dwelling units.

<sup>3</sup> The numbers in this row must be doubled for rear lots.

<sup>4</sup> The minimum lot area for a nonresidential use is equivalent to the minimum lot area for a single-family residential use.

#### **4.4.2 – Lot Frontage and Width**

Except as provided in Section 4.3 of these Regulations, no building permit or zoning permit shall be issued for any building, structure, or use unless the lot for which the permit is sought has the required lot width and the required lot frontage on an existing street or a street under construction as shown on a properly approved and filed subdivision plan or other plan approved by the Commission. Corner lots shall be deemed to have two (2) front yards, and frontage and width requirements must be met along or in the direction of all street lines. The minimum lot width required by these Regulations must be maintained in all portions of the lot other than a rear yard.

#### **4.4.3 – Lot Area**

The required minimum area of a lot as established by these Regulations must be in contiguous land. A square having the minimum side dimensions set forth in these Regulations must be able to fit within the boundaries of the lot behind the building line.

#### **4.4.4 – Buildable Land Requirements**

In order to facilitate lot development and lessen the risk of post-development problems, such as septic system failures, poor drainage, and erosion, each lot must contain a sufficient area of buildable land such that all State and Town codes, regulations, and ordinances pertaining to driveways, septic systems, wells, and inland wetlands and watercourses may be satisfied.

#### **4.4.5 – Height Limitations**

The height limitations of these Regulations shall not apply to church spires, church belfries, and church domes not used for human occupancy; nor to chimneys, silos or antennas (excluding satellite dishes), except as may be otherwise specifically provided in these Regulations. Such features, however, must be an integral part of the primary structure, must occupy in the aggregate no more than ten percent (10%) of the building area, must not be used for human occupancy, and may be erected only to such heights as are reasonable and necessary to accomplish the purposes they are intended to serve.

### **4.5 – Limitations on Number of Principal Buildings or Structures**

Except as hereinafter provided, in the TG, R-2, R-3, and R-4 zones only one (1) principal building or structure shall be placed on a lot. One (1) detached guest dwelling may be placed on a lot having one (1) principal single-family dwelling, but no lot shall be permitted to contain more than two (2) dwelling units. The main dairy, livestock, poultry, or other barn on a farm shall be allowed as and deemed to be a second principal building. In other zones, the Commission may grant a special permit to allow more than one (1) principal building or structure on a lot (but not more than one (1) principal residential building) if the buildings or structures and land otherwise comply with all other requirements of the zone in which they are located.

## **4.6 – Accessory Uses, Buildings, and Structures**

### **4.6.1 – General Provisions**

- a. Accessory structures customarily incidental to any use permitted herein are allowed, provided that such accessory structures shall not include any signs except as allowed under Section 5.1. Unless otherwise provided in these Regulations, a special permit shall be required for any accessory use, building, or structure on any lot or parcel on which the principal use is a specially permitted use.
- b. An accessory building, including one attached to a principal building by means of a breezeway or a roofed passageway or other connection, shall not be used for residential purposes unless specifically allowed elsewhere in these Regulations.
- c. A barn may be erected to a greater height than the principal residential structure on a lot, provided the height restrictions of Section 4.4 are met. A stable or garage may not be erected to a greater height than the principal structure.
- d. Accessory buildings on a residential lot may include private garages in which not more than one (1) space may be occupied by a commercial vehicle. Private garages may not be used for the conduct of any commercial occupation or business.
- e. Greenhouses as residential accessory buildings are limited to one (1) structure, not exceeding two hundred square feet (200 sq. ft.) in area. More than one (1) greenhouse as an accessory use may be allowed on a farm without restriction as to size.
- f. Accessory structures shall observe the same yard requirements as principal structures.
- g. Accessory buildings to farming use and buildings housing farm animals are not permitted less than one hundred feet (100') from a street line. Buildings housing farm animals shall not be less than two hundred feet (200') from side or rear lot lines. Other farm buildings shall not be less than one hundred feet (100') from side or rear lot lines.
- h. Stables for horses shall not be less than one hundred feet (100') from property lines. Corrals shall not be less than ten feet (10') from property lines.

### **4.6.2 – Home Occupations as Accessory Uses**

A special permit shall be required and may be issued for a home occupation as an accessory use to a residence as provided in Article VI. The following criteria shall be met, in addition to the other applicable criteria set forth in these Regulations (see, particularly, Section 5.8 of these Regulations):

- a. Such accessory uses shall be restricted to the residential owner, except as otherwise provided in these Regulations.
- b. Adequate off-street parking shall be provided on the premises, consistent with the standards established for the relevant type of use under Section 5.2 of these Regulations.

- c. The Commission may condition the issuance of a special permit under this section on the provision of reasonable screening, time limits, hours of use, and other factors relating to the operation of such use.

#### 4.6.3 – Attached Accessory Buildings

If any accessory building is attached to a main building, including attachment by means of a breezeway or a roofed passageway with open or latticed sides, it shall comply in all respects to the requirements of these Regulations applicable to the main building.

The following criteria shall be met, in addition to the other applicable criteria set forth in these Regulations (see, particularly, Section 5.8 of these Regulations):

- a. Such accessory uses shall be restricted to the residential owner, except as otherwise provided in these Regulations.
- b. Adequate off-street parking shall be provided on the premises, consistent with the standards established for the relevant type of use under Section 5.2 of these Regulations.
- c. The Commission may condition the issuance of a special permit under this section on the provision of reasonable screening, time limits, hours of use, and other factors relating to the operation of such use.

#### 4.6.4 – Accessory Apartments

- a. **Intent:** It is the intent of the Zoning Commission to permit property owners to create one (1), either attached or unattached, accessory apartment to provide small scale housing for a variety of possible occupants. Such occupants may include relatives of the property owners, caregivers, guests of owners, elderly, individuals, couples, small families with limited income or limited housing needs.

It is **NOT** the intent of the Zoning Commission to permit property owners to use these regulations to circumvent the Town's soil based housing density regulations by creating a second substantial dwelling on an undividable parcel.

It is **NOT** the intent of the Zoning Commission to allow these provisions to circumvent the Subdivision Regulations.

**NO** accessory structure or private garage, except for agricultural purposes, shall be built on any lot in a residential area unless the lot is improved with a dwelling or other principal structure or use.

The requirements governing accessory apartments are more stringent for detached than for attached apartments because the Zoning Commission believes that the property owner is more likely to maintain close supervision of an apartment that directly adjoins the property owner's own dwelling.

Only one (1) accessory apartment is permitted on a parcel as an accessory to one (1) single-family dwelling unit.

**NO** accessory apartment shall be permitted on a parcel with a two (2) family dwelling unit or multi-family dwelling unit.

In all cases, an accessory apartment must be clearly subordinate to, and clearly smaller in finished floor area and volume, than the principal dwelling on the parcel.

The Town Health Department must approve the water supply and septic system for the principal dwelling and the accessory apartment.

The Zoning Commission may attach reasonable conditions to any approval to lessen or eliminate any adverse impact found in the Commission's review of the application.

All applicants under this section are subject to the Site Plan Approval Process.

**b. Attached Accessory Apartments:**

An attached accessory apartment may be permitted in conjunction with a single-family dwelling on the same property in compliance with the following provisions:

- Either the main dwelling unit or the accessory apartment shall be occupied by the property owner.
- The accessory apartment shall be equipped with its own kitchen, full bath and entrance.
- An accessory apartment attached or connected to the main structure by walls or roofs shall be considered a part of the main structure and limited by minimum setback requirements.
- The apartment shall contain at least four hundred square feet (400 sq. ft.) of floor area and a maximum floor area of forty percent (40%) of the finished floor area of the main dwelling unit, not including garage, or nine hundred square feet (900 sq. ft.), whichever is less.
- The apartment shall utilize the same driveway as the principal dwelling.
- At least one (1) additional off-street parking space, but no more than two (2), shall be provided for the use of the attached accessory apartment.

**c. Detached Accessory Apartments:**

A detached accessory apartment may be permitted in conjunction with a single-family dwelling on the same property in compliance with the following provisions:

- Either the main dwelling unit or the accessory apartment shall be occupied by the property owner.
- **NO** more than one (1) accessory apartment shall be permitted per property.
- The lot for a detached apartment must have no less than one and one-half (1.5) times the minimum lot area required for the zone where the single-family dwelling exists.

- A detached apartment unit in an accessory building shall have a minimum floor area of five hundred square feet (500 sq. ft.) and a maximum floor area of forty percent (40%) of the floor area of the original unit, not including the garage, or twelve hundred square feet (1,200 sq. ft.), whichever is less.
- At least two (2) additional off-street parking spaces, but no more than three (3) additional, shall be provided for the use of the detached accessory apartment.
- The accessory apartment shall be equipped with its own kitchen, full bath and entrance.

#### **4.7 – Building Grades**

Any building or structure requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause surface water to flow away from the walls of the building.

#### **4.8 – Building Restoration**

Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of a building or structure declared unsafe by the Building Official or where required by any lawful order.

#### **4.9 – Building Lines**

No structure shall be erected between the building line and the street line, except (i) an open agricultural fence; (ii) any other wall or fence not over four feet (4') in height; (iii) signs as permitted under these Regulations; (iv) an appropriate driveway. See Section 7.8 of these Regulations as to when a permit is required for erection of a wall or fence.

#### **4.10 – Traffic Sightlines**

No obstruction, such as vehicles, machinery, materials, signs, hedges, trees, shrubs, or other growth, shall be created, placed, established, or erected in such a way that it interferes with a clear view of drivers of vehicles on a curve or at any street intersection and endangers the safety of those traveling upon any street. The Commission or its authorized agent may order the removal of any object that unreasonably obstructs the clear view of drivers or otherwise endangers the safety of those traveling on a street. For minimum vision clearance, no structure or other object shall be created, established, or erected to a height exceeding three feet (3') above the street grade within a radius of fifty feet (50') from the point of intersection of any two (2) street lines. A greater distance may be required upon higher volume roads.

#### **4.11 – Projections and Structures in Required Yards**

No structures or projections from structures shall be permitted in any required yard except as follows:

- a. Minor projections of structures, such as window or door frames and sills, cornices, or other architectural features may project not more than one foot (1') into any required yard.
- b. In residential zones, major projections of structures such as chimneys, bay windows, eaves, roofs over doorways, hatchways, steps, areaways, and fire escapes may project not more than two feet (2') into any required yard.

- c. The yard requirements of these Regulations shall not be deemed to prohibit any necessary retaining walls. However, in any residential zone, no wall or fence shall exceed six feet (6') in height, measured above the natural grade. See Section 7.8 of these Regulations as to when a permit is required for erection of a wall or fence.

#### **4.12 – Health and Environmental Standards**

##### **4.12.1 – Statement of Purpose**

In accordance with the purposes described in Section 1.1 of these Regulations, and more specifically to promote and protect the public health, safety, and welfare by minimizing noise, glare, odors, heat, and vibrations, and by minimizing the discharge of toxic substances and other pollutants into the air, surface water, soil, and groundwater, the following Performance and Environmental Standards are hereby established to apply to all buildings, structures, and uses in all zones within the Town of Bridgewater.

No permit shall be issued for a building, structure, or use under these Regulations if the Commission determines that such building, structure, or use would not comply with these standards. If the Commission determines that any building, structure, or use established after the effective date of these Regulations is or has been in violation of these standards, the Commission may issue any order or seek any remedy or penalty provided by state or municipal law for the violation of zoning regulations.

##### **4.12.2 – Sewage and Other Waste Disposal**

All methods of sewage and waste treatment and disposal shall comply with regulations of the State of Connecticut and the Town of Bridgewater for maximum protection of groundwater.

##### **4.12.3 – Wells**

All wells shall comply with regulations of the State of Connecticut and the Town of Bridgewater.

##### **4.12.4 – Generation of Heat**

No operation or activity shall be carried on that would produce heat perceptible from any property line of the lot on which the operation is located.

##### **4.12.5 – Vibration**

No vibration shall be transmitted outside the property on which it originates.

##### **4.12.6 – Noise Standards**

All uses shall comply with the terms of applicable federal, state, and Town statutes, regulations, and ordinances regarding noise.

**4.12.7 – Shielding of Outdoor Lighting**

Any outdoor lighting for illumination of signs, spotlighting, or floodlighting shall be so shielded that the light source cannot be seen beyond the property line of the lot or parcel on which it is located. There shall be no spillover of light beyond the property line exceeding one-half foot (1/2') candle. A site plan for the lighting of any outdoor recreation facilities must be submitted to and approved by the Commission.

**4.12.8 – Removal and Replacement of Topsoil**

The removal or destruction of topsoil of more than twenty cubic yards (20 cu. yd.) on any lot shall not be permitted except in connection with construction, regrading, or landscaping work. After completion of such work the topsoil shall be replaced and seeded according to accepted landscaping practices and the Connecticut Guidelines for Soil Erosion and Sediment Control.

**4.12.9 – Fire or Other Emergency**

All uses shall provide for adequate access and movement of firefighting and other emergency vehicles, equipment, and personnel, as well as adequate water supplies for firefighting purposes. In addition, proper safeguards must be employed to minimize any risk of fire, explosion, flooding, discharge of hazardous materials, and other threats to public safety. The Commission may delegate to the Bridgewater Fire Marshal the power to review and decide upon the adequacy of all such emergency provisions.

**4.12.10 – Other Health Matters**

Proper measures shall be taken to control insects, rodents, and other vermin; noxious, toxic, or offensive fumes, vapors, gases, and odors; and all other threats to public health. The Commission may delegate to the Bridgewater Director of Health or other appropriate official the power to review and decide upon the adequacy of all such health-related measures.

**4.13 – Recreational Conveyances and Trailers****4.13.1 – Recreational and Utility Conveyances**

A recreational vehicle, boat, and/or recreational or utility trailer may be stored by its owner in the rear or side yard of the lot on which the owner's permanent residence is located, provided such conveyance is not visible from any street. No such conveyance may be used for sleeping, living, cooking, or for carrying on a business in any district except as provided elsewhere in these Regulations. A permit for such storage is required.

**4.13.2 – Trailers**

Trailers are permitted in the Town of Bridgewater only under the following conditions:

- a. No trailer may be used for human habitation or commercial purposes when parked upon a public highway.
- b. No trailer shall be parked, placed or stationed within four hundred feet (400') of a church, school, library or other place of public assembly.



- c. Trailer occupancy for residential purposes is not permitted in the Town Green Zone at any time. In all other zones, trailer occupancy for residential purposes is restricted to temporary living quarters on a lot owned by the occupant while a permanent dwelling is being constructed on the premises. Trailer occupancy for nonresidential purposes is restricted to temporary field office uses. A permit must be obtained from the Commission to allow the trailer to be used for any such residential or nonresidential occupancy. The permit shall be valid for no more than one (1) year. No such permit may be issued unless and until the Town Sanitarian or Director of Health or his/her authorized agent certifies in writing that the water supply and sewage disposal system (which may be a portable chemical toilet) comply with applicable state and local regulations. The permit shall at all times be posted in a conspicuous place on the premises at which any trailer is operated.
- d. With the exception of a trailer that is clearly designed or intended for use as a temporary field office, each trailer shall be considered a temporary dwelling occupying a lot and shall be subject to the same lot area, yard, and setback requirements applicable to dwellings in the zone in which such trailer is located.
- e. Each application for a trailer occupancy permit shall be filed with the Commission on a form provided by it, and shall be accompanied by the required fee.

#### **4.14 – Storage and Display of Goods and Merchandise**

In all zones, if any goods or merchandise are stored or displayed, such goods or merchandise shall be stored or displayed behind the established building line, except that a permitted roadside stand may be located behind the established street line.

#### **4.15 – Driveways**

The Commission hereby adopts and incorporates herein by reference the provisions of the Town of Bridgewater's Ordinance Concerning the Construction of Driveways Intersecting Town Streets, as it may be amended.

#### **4.16 – Prohibited Uses**

Uses not expressly allowed in a zone under these Regulations are prohibited in that zone. In addition, the following buildings, structures, and uses are expressly prohibited in all zoning districts:

- a. The production, use, storage, or disposal of hazardous materials or wastes, except as these Regulations may specifically allow. The use or storage of reasonable amounts of such materials as determined by the Commission, when clearly incidental to the principal use of a building, structure, or land, may be permitted under these Regulations.
- b. The following uses involving commercial processing or incineration of animal and vegetable products: breweries and distilleries; slaughterhouses; stock yards; fat rendering; soap manufacturing; glue manufacturing; tanneries; paper manufacturing; wool scouring and cleaning; cotton textile sizing, scouring, bleaching, dyeing, and similar operations; paint and varnish manufacturing; and creosote and creosote products manufacturing.

- c. Facilities for metal heat treatment, annealing, descaling, or plating processes.
- d. Dry cleaning establishments.
- e. Furniture stripping establishments.
- f. Commercial laboratories and commercial photographic developing and processing.
- g. Trailer parks.
- h. Junkyards.
- i. Race tracks (animal and vehicular).
- j. Amusement parks, bowling alleys, and drive-in theaters, except that temporary carnival rides and amusements may be permitted if conducted for the benefit of nonprofit or public organizations.
- k. Drop forges.
- l. Nuclear power plants.
- m. Crematories.
- n. Penal institutions.
- o. Public bath houses.
- p. Commercial livery stables and commercial kennels.
- q. The commercial raising or keeping of fur-bearing animals for their pelts or for laboratory purposes.
- r. Septage lagoons.
- s. Gasoline service stations.
- t. Hotels.
- u. Structures consisting of a frame covered by vinyl, fabric, or other flexible material and used or intended to shelter goods or materials, including but not limited to motor vehicles, boats, trailers, or other conveyances. Notwithstanding this prohibition, structures of this type may be used as greenhouses or seasonal recreational tents.
- v. Cannabis establishments as defined in Connecticut Public Act No. 21-1, June Special Session.

## ARTICLE V – REGULATIONS APPLICABLE TO SPECIFIC USES

### **5.1 – Signs**

The Commission hereby adopts and incorporates herein by reference the provisions of the Bridgewater Sign Ordinance, as it may be amended.

### **5.2 – Off-Street Parking and Loading**

#### **5.2.1 General Statement**

All buildings, structures, and uses of land shall be provided with a sufficient number of off-street motor vehicle parking spaces to meet the needs of persons who may reasonably be expected to use such buildings or structures or to make such uses of land. Parking areas and spaces for all uses other than single-family residential uses shall be constructed with suitable all-weather materials to minimize the generation and movement of dust and earth materials. Sufficient provisions must also be made for access to the buildings, structures, or uses by emergency vehicles, such as police, fire, and medical vehicles. No business activities may be conducted in any parking area.

For all nonresidential uses in the Commercial and Industrial Zones, adequate space shall be provided in suitable locations for the loading and unloading of goods and materials. In determining the adequacy and suitability of such space, the Commission shall be guided by the nature and intensity of the use, the volume of traffic expected to use such space, and the location of buildings and structures in relation to the street.

#### **5.2.2 – Restrictions on Unregistered Motor Vehicles**

Parking or storage of more than two (2) unregistered motor vehicles shall not be permitted on any residential property except within a building. Vehicles used on a farm are exempted, but such vehicles shall not be kept in front of any building or front building line. Unregistered motor vehicles may not be stored on residential property for purposes of private sale, except that storage for one (1) such sale may be allowed every six (6) months, provided prior notification is given to the Commission of the dates of such storage and further provided that such storage shall not exceed a period of thirty (30) consecutive days. The six (6) month period described above shall commence on the last day of the most recently allowed storage of a vehicle for sale.

#### **5.2.3 – Submission and Approval of Plans for Parking**

Applications for zoning permits or special permits for all uses other than single-family or duplex residential uses shall be accompanied by a certified plot plan, drawn to scale, showing the location, size, and arrangement of off-street parking and loading facilities required by these Regulations, the means of access to such facilities from the public street, and any separate egress from such facilities. The parking plan shall also show proposed surface materials, screening, landscaping, lighting, drainage, and other improvements. The parking plan shall be evaluated by the Commission for compliance with these Regulations, and for adequate relationship of entrances and

exits to the flow of traffic on the public streets, safeguarding of pedestrians in the public way and in the parking facility itself, and adequacy of vehicular and pedestrian circulation.

#### **5.2.4 – Location of Parking Facilities**

The parking and loading facilities required by these Regulations shall be provided on the same lot or premises with the structure or land use they are to serve. This requirement shall not apply to the temporary use of land for special events authorized or sponsored by the Town of Bridgewater.

#### **5.2.5 Parking Specifications**

- a. Parking and loading facilities shall be designed to provide for safe circulation of vehicular and pedestrian traffic within the parking area and in relation to adjacent streets. An adequate all-weather surface shall be provided. Where trucks are to be admitted to parking lots, suitable turning and maneuvering geometry shall be provided. No sales, dead storage, repair work, dismantling or servicing of any kind shall be carried on in nonresidential parking spaces or lots.
- b. Parking and loading facilities shall be laid out so that vehicles may enter and leave the facilities only at the approved entrances and exits. Parking spaces shall not be directly accessible from a street or other public way.
- c. All parking spaces and all loading spaces shall be so located that vehicles entering or leaving such spaces do not block any entrance drive to the parking facility within twenty feet (20') of any street line. Driveways entering a State highway shall be provided with a turning area so that motor vehicles may enter the highway in a forward direction.
- d. In each parking lot, any area of one hundred square feet (100 sq. ft.) or more not required for a parking space, loading space, aisle, driveway, or walkway shall be landscaped. In every parking area at least one (1) tree shall be provided for each ten (10) parking spaces provided. The trees shall be distributed over the entire parking lot.
- e. Provisions shall be made to prevent vehicles from overhanging any walkway and from damaging trees or other landscaping materials; however, use of concrete wheel stops shall be prohibited in the direct path of pedestrians. If a parking lot abuts a street line, a landscaped strip at least forty feet (40') wide shall be provided on the interior side of the property line to prevent encroachment on the street or any sidewalk. A sidewalk within the right-of-way may be required by the Commission if, in its opinion, circumstances warrant such a facility.
- f. The floor area of an existing use may not be increased by twenty percent (20%) or more, and the use of a lot or parcel of land may not be changed, unless the parking and loading requirements of these Regulations are met.

g. Dimensions of parking spaces and aisles shall be at least as follows:

1. **Width of Space** – 9 feet; or 10 feet if adjacent to a wall or column
2. **Length of Space** – 20 feet
3. **Width of Aisle** –

Space angle **80 degrees or greater** to aisle:

Two-Way – 24 feet

One-Way – 24 feet

Space angle **70 to 79 degrees** to aisle:

Two-Way – 20 feet

One-Way – 19 feet

Space angle **60 to 69 degrees** to aisle:

Two-Way – 20 feet

One-Way – 18 feet

Space angle **40 to 59 degrees** to aisle:

Two-Way – 20 feet

One-Way – 13 feet

Space angle **39 degrees or less** to aisle:

Two-Way – 20 feet

One-Way – 12 feet

### 5.2.6 – Off-Street Parking Requirements

The following schedule of parking requirements shall apply (singularly for a single use and in combinations for more than one (1) use) to the uses listed (not all of which may presently be permitted in any zone under these Regulations). Permitted uses not listed below shall be subject to individual review by the Commission for determination of necessary parking facilities.

<b><u>Use</u></b>	<b><u>Spaces Required</u></b>
<b>a.</b> Dwelling	2 per dwelling unit
<b>b.</b> Dwelling with home occupation	2 per dwelling unit, plus 1 per employee, plus 1
<b>c.</b> Housing for the elderly	2 per 3 dwelling units
<b>d.</b> Theater, assembly hall, or auditorium having fixed seats	1 per 3 seats
<b>e.</b> Food service uses	1 per 3 seats
<b>f.</b> Churches	1 per 4 persons/design capacity
<b>g.</b> Lodging facilities	1 per guest sleeping room
<b>h.</b> Meeting or conference rooms	1 per 3 persons/design capacity
<b>i.</b> Convalescent or nursing homes	2 per 3 beds, plus 1 per 3 employees
<b>j.</b> Business offices and banks	1 per 200 square feet of gross building floor area, excluding basement storage, utility areas, stairs, and halls. Bank drive-in windows shall have at least 5 off-street waiting positions
<b>k.</b> Retail and personal service stores	1 per 150 square feet of gross building floor area, excluding basement storage, utility areas, stairs, and halls
<b>l.</b> Physician office, clinics	1 per doctor, 1 per employee, and 2 per examining room
<b>m.</b> Industrial uses including wholesale, storage, and assembly	1 per 200 square feet of gross building floor area or 1 per employee, whichever is greater
<b>n.</b> Places of public assembly, gathering or recreation	1 per 4 persons/design capacity

### 5.2.7 – Off-Street Loading Space Requirements

Loading spaces shall not be less than fifteen feet (15') wide, twenty-five feet (25') long, and fourteen feet (14') high. Each loading space shall contain an area sufficient in size and arrangement to accommodate trucks of the type servicing the establishment. All building areas listed in the following table are gross floor areas. Nonresidential uses not specifically listed in the following table shall be subject to individual review by the Commission for determination of necessary loading facilities. The requirements listed in the following table are minimum requirements, which may be increased by the Commission if it deems it necessary.

<u>Use Classification and Building Size</u>	<u>Number of Spaces</u>
<b>a. Retail store buildings:</b>	
zero to 15,000 square feet	1 space
15,001 to 50,000 square feet	2 spaces
more than 50,000 square feet	1 additional space per additional 25,000 sq. ft. or portion thereof
<b>b. Office, institution, theater, and public assembly buildings</b>	
zero to 30,000 square feet	1 space
30,001 to 50,000 square feet	2 spaces
more than 50,000 square feet	1 additional space per additional 50,000 sq. ft. or portion thereof
<b>c. Industrial and warehousing buildings:</b>	
zero to 49,999 square feet	2 spaces
50,000 to 100,000 square feet	3 spaces
more than 100,000 square feet	1 additional space per additional 50,000 sq. ft. or portion thereof

## 5.3 – Earth Removal and Filling

### 5.3.1 – Statement of Purpose

The purposes of this section are to preserve a cover crop on the land, to prevent unnecessary erosion and sedimentation, and to control any excavation or filling operations that may create a safety or health hazard to the public or to nearby property owners or be otherwise detrimental to the immediate neighborhood or the Town.

### 5.3.2 – General Provisions

Earth removal and filling as separate, for-profit uses of land are not permitted in any zone under these Regulations. Earth removal and filling may be allowed only where such activities are incidental to and necessary for the conduct of another use otherwise permitted in the zone, and only in accordance with these Regulations. No excavation or removal of sand, gravel, clay, soil, humus, quarry stone, rock, or other earth materials, and no filling of land shall be allowed in any zone without a special permit, except as hereafter provided.

### 5.3.3 – Exemptions

A special permit shall not be required for the necessary and incidental excavation or removal of one thousand cubic yards (1,000 cu. yds.) or less of material on or from a lot or parcel, or for any filling activity, **only if** such activity occurs in connection with one of the following:

- a. A bona-fide construction or alteration of a structure for which a zoning permit or special permit has been issued and the applicant or landowner has notified the Commission in writing of the amount of material to be removed or filled. Earth materials may only be excavated to the extent necessary to allow permitted building or other construction activities. All such materials shall be retained on the property and shall be respread on the property following the completion of construction activities. Topsoil and loam shall then be reseeded or otherwise stabilized to prevent erosion. Earth materials may be removed from the property only if the applicant demonstrates to the Commission that such materials cannot be practically reused on the property.
- b. The landscaping of a lot having one (1) or more existing structures.
- c. Normal agricultural operations.
- d. The construction of ponds for agricultural or conservation purposes, provided (i) that the material removed is left on the site unless the applicant demonstrates that such materials cannot be practically reused; (ii) that the excavation or construction does not affect any watercourse or wetlands drainage or flow and will not cause soil erosion or sedimentation problems; and (iii) that any other state or municipal permits required for such activity have been issued.
- e. A bonded or otherwise secured subdivision approved by the Commission in which such excavation or filling has been determined by the Commission to be necessary for proper subdivision of the parcel.

### 5.3.4 – Additional Site Plan Requirements

In addition to any other requirements for site plans under these Regulations, the site plan for an excavation, removal or filling activity shall include the following information:

- a. Location of the area to be excavated or filled and proposed commencement and completion dates.
- b. A detailed statement of the nature, extent, timing, and purpose of the activity.



- c. Depth of existing topsoil at various locations.
- d. Depths to water table before and after the activity.
- e. Proposed truck routes and access to and from the property.
- f. Proposed truck circulation within the property.
- g. Existing and proposed drainage on the premises.
- h. Proposed measures for control of runoff, soil erosion, and sedimentation.
- i. Existing topographic contour lines on the premises and proposed final contour lines resulting from the intended excavation, removal, or filling, shown on a map drawn to scale of not more than forty feet (40') to the inch, and with contour intervals of no greater than five feet (5'). Contour lines must be shown for all areas within, and within one hundred feet (100') of, the site of the proposed excavation, removal, or filling.
- j. All existing buildings or structures on the site and any buildings, structures, or uses being applied for.
- k. Surrounding properties and streets.

#### **5.3.5 – Limit of Permit and Findings**

The Commission may issue or renew a special permit for excavation, removal, or filling operations involving more than one thousand cubic yards (1,000 cu. yds.) of earth materials only where such proposed activity is incidental to and necessary for the conduct of another use otherwise permitted in the zone. The Commission shall establish an expiration date for any such special permit that shall not exceed one (1) year from the date of issuance. This special permit shall be filed in accordance with Section 7.3.8(f) of these Regulations prior to commencement of any operations. The Commission may renew a special permit if it determines that the operation, as carried on, is and has been in compliance with these Regulations and with any and all conditions set forth in the permit. No special permit shall be renewed until the Commission or its authorized agent has inspected the work under the existing permit. A project may be divided into stages and approval shall be required by the Commission before each stage is undertaken if deemed necessary or desirable by the Commission. No special permit shall be issued or renewed unless the following conditions are met:

- a. The activity shall not result in the creation of any sharp declivities, pits or depressions, unnecessary soil erosion, soil fertility problems, or permanently depressed land values, or create any drainage or sewage problems or other conditions that would impair the use or reuse of the property or neighboring property in accordance with these Regulations or that would create a nuisance.
- b. The activity shall be in harmony with the general purpose and intent of these Regulations and shall not have an adverse effect on any existing or potential surface water or groundwater supplies.

- c. The premises shall be excavated and graded in conformity with the proposed plans as approved.
- d. During the period of excavation and removal, adequate barricades and/or woven fences with middle posts, four feet (4') in height, shall be erected for protection of vehicles and pedestrians.
- e. No heavy equipment other than for digging, leveling, loading, and carting excavated material shall be used on the site, and no material shall be processed on the site, unless written permission is first obtained from the Commission.
- f. At all stages of operation, proper drainage will be provided to avoid the occurrence of stagnant water and to prevent interference with and contamination of surface water and groundwater.
- g. During and after the excavation, removal, or filling, the site shall be cleared of debris.
- h. Silt and sediment shall not be permitted to run off the site and settlement basins shall be used to control sedimentation.
- i. All arable soil from any excavation or fill area shall be set aside and retained on the premises, and shall be respread over the affected area and permanently seeded upon completion of the entire operation or any part thereof. At least four inches (4") of topsoil must be placed on the entire excavation or fill area at the conclusion of the operation or any approved phase thereof. The soil shall then be seeded with a suitable cover crop.
- j. No excavation or removal shall be made nearer than one hundred feet (100') to any property line or, if the final grade will be below the established elevation of a street, one hundred feet (100') from any street line. No excavation or removal shall be made within three hundred feet (300') of any residence unless the Commission expressly authorizes a shorter distance upon determining that such distance will have no adverse impact on the abutting or nearby properties. The measurement of distance shall be made from the top of the slope.
- k. No excavation or removal shall be made to a depth that is less than ten feet (10') above the site's maximum groundwater level.
- l. Proper measures shall be taken to minimize the generation of dust on access roads and driveways, and to minimize the nuisance of noise, flying dust, and rocks, both on and off the premises, including any nuisance created by trucks hauling away or delivering material. If considered necessary by the Commission, a limitation may be placed upon the stockpiling of excavated or fill material. Local streets shall be kept clean by the permittee at all times.
- m. Upon completion of an approved operation, the final grades in any area excavated or filled shall not be steeper than three to one (3:1) horizontal to vertical or whatever lesser slope is necessary to maintain stability under the site's particular soil conditions. The excavated or filled area shall be covered with not less than six inches (6") of top soil, and, unless put

under cultivation, shall be treated with two (2) tons of lime per acre and one thousand pounds (1,000 lbs.) of 10-10-10 fertilizer per acre, and permanently seeded. A permanent grass mixture and/or trees spaced apart not more than seven feet (7') on center shall be planted on the restabilized area. Plans for the completed site shall be referred to the Litchfield County Soil and Water Conservation District for recommendations prior to the issuance of the required special permit.

- n. Machines and trucks working and moving in, to, and from the pit area shall be properly muffled and covered at all times.
- o. All trucks shall be required to take the shortest distance to a state road.
- p. No stone crusher or other machinery not required for actual removal of the material shall be used, and there shall be no commercial quarrying of stone or rock.
- q. The site shall be subject to, and must continuously conform to, the State of Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

#### **5.3.6 – Additional Restrictions**

- a. Blasting for the removal of earth products shall not be allowed unless written approval is granted by the Commission and any other local or state agency having jurisdiction over blasting operations. An applicant for any activities involving blasting shall be required to show that the blasting will not cause a nuisance or damage to nearby property. The Commission may require a pre-blasting survey.
- b. At no time shall more than one (1) undivided area, which area shall not exceed three (3) acres in size, be opened within the lot, it being the intent of these Regulations that the remainder of the lot either shall be undisturbed land or shall have been restored or stabilized in accordance with Section 5.3.5. Boundary stakes shall be maintained at all times for the purpose of inspection for compliance.
- c. No activity connected with any excavation, removal, or filling operation may be undertaken (i) on any Sunday or any legal holiday; or (ii) earlier than 7:30 a.m. or after 5:30 p.m. Monday through Friday; or (iii) earlier than 8:00 a.m. or after 12:00 noon on a Saturday. No processing of earth products shall take place on Saturdays. Processing of earth products in cases of emergencies may be granted by special permission of the Zoning Commission.
- d. As a condition for granting a special permit, the Commission may limit the total number of acres to be excavated and the depth of the operation.
- e. Filling operations shall be carried on in such a manner as to prevent the breeding or harboring of insects, rats, or other vectors or vermin, and to prevent the transport of fill or excavated material, or any waste or debris, off the premises by wind, water or other causes.
- f. No crushing or separating operations shall be permitted unless written approval is granted by the Commission within the terms of the special permit.

- g. Failure to meet any of the foregoing requirements shall bar the issuance of a permit, regardless of whether such failure was caused by the applicant, any predecessor in title, or any other person.

#### **5.3.7 – Performance Security Standards**

The applicant shall file with the Commission a detailed estimate of the cost of the work to be performed as part of the special permit, including, but not limited to, all excavation, removal and filling, as well as all sedimentation and erosion control measures to be installed and continuously maintained, and all work necessary to completely restore the site as required by these Regulations. As a condition of the special permit, the applicant shall post security in the form of a continuous surety bond, irrevocable letter of credit, cash, passbook, or other security acceptable to the Commission. In order to insure the faithful performance and completion of the work pursuant to the conditions of the special permit, any security provided under this section shall be filed with the Town Treasurer in a sum and form satisfactory to the Treasurer and the Commission and shall be in force until canceled by the Commission. Such security may be canceled only with the approval of the Commission and only if notice of such proposed cancellation is provided to the Commission at least thirty (30) days in advance of such proposed cancellation.

#### **5.3.8 – Inspections and Fees**

A fee of six hundred dollars (\$600) per year shall be levied upon the permittee to defray the expenses of inspections and reports. No permit shall be renewed unless an updated, certified engineered site plan, showing both then-existing site contours and conditions and anticipated site contours and conditions for the following year, has been approved by the Commission and is in compliance with these Regulations.

#### **5.3.9 – Transfer of Permit Prohibited**

No special permit issued in accordance with Section 5.3 of these Regulations shall be transferable or assignable to any other person, corporation, or legal entity. Any alienation of title to the premises concerning which such a permit has been issued, whether by sale, lease, gift, devise, or other means, shall operate as a revocation of the permit, and any subsequent owner, lessee, or sublessee must apply for a new permit before any excavation, removal, or filling operations may be conducted upon the premises. No such permit shall be issued unless all conditions stated in these Regulations, and in any previous permits, have been met.

#### **5.3.10 – Revocation of Permit**

If it appears to the Commission or its authorized agent at any time after the issuance of a special permit under the provisions of Section 5.3 of these Regulations, and prior to the completion of the work thereunder, that any of the work is not in accordance with these Regulations or the terms of the special permit, the Commission or its authorized agent may serve a notice on the violator stating the nature of the violation and giving not more than thirty (30) days for the violation to be corrected. If the violation is not corrected within the time specified in the notice, the Commission may revoke the permit and take such other actions as it may reasonably deem necessary to bring the work into compliance with these Regulations and the terms of the special permit, including, but not limited to,

utilizing the performance security specified in Section 5.3.7. These provisions are in addition to, and not in lieu of, any other enforcement provisions set forth in these Regulations.

#### **5.3.11 – Existing Operations**

An existing excavation, removal, or filling operation may continue as a nonconforming use until the expiration of the permit under which the use was authorized, but the operator must file with the Commission a statement setting forth the area included in the operation as permitted and the nature, extent, and purpose of the operation now being carried on. After such a statement is filed with and approved by the Commission, any extension, change, or renewal of the operation shall be considered a new operation and shall require compliance with these Regulations.

### **5.4 – Groundwater Protection**

#### **5.4.1 – Statement of Purpose**

Bridgewater historically has relied on groundwater as its sole source of drinking water supplies. Most residents rely on individual drinking water wells. In view of the difficulty and expense of developing alternative surface water or other public water supplies, the Commission finds that the protection of groundwater quality and quantity throughout the town is essential to proper growth and development. The regulation of land uses through zoning provides an appropriate means to aid in the protection and preservation of groundwater quality and quantity.

#### **5.4.2 – Requirement for Groundwater Protection Plans**

Whenever an application is submitted for any nonresidential use or for any use for which a special permit is required, the applicant must submit a groundwater protection plan describing measures that will be taken to minimize or, where practicable, eliminate any potential negative impacts on the quality or quantity of groundwater. The plan shall contain, at a minimum, the information specified below. The Commission may accept, modify, or reject any groundwater protection plan if and to the extent it determines such action would best protect groundwater quality or quantity.

#### **5.4.3 – Standards for Groundwater Protection Plans**

All groundwater protection plans submitted in accordance with these Regulations shall contain, at a minimum, the following information:

- a.** A complete list of all hazardous materials, salts, fertilizers, herbicides, and pesticides to be generated, used, or stored on the premises in quantities greater than associated with routine household uses, except that such information as is allowed to be partially protected from disclosure pursuant to Connecticut General Statutes Section 29-307a, as amended, may be maintained by the applicant on a separate list, provided such information is made available in accordance with Subsection 29-307a(c), as amended.
- b.** The chemical composition of all materials listed pursuant to subsection (a) and the amounts to be used, stored, or generated on the premises.
- c.** A plan showing the site locations, both within and outside of any structure(s), at or on which such materials will be used, generated, or stored.

- d. A description of how such materials will be used, generated, or stored and an explanation of the need for such use, generation, or storage.
- e. A description of the means by which hazardous waste materials will be disposed of, and the proposed location of such disposal if it is to be undertaken by the applicant, landowner, or tenant of the premises.
- f. Containment and emergency procedures in the event of a fire, explosion, or other potential cause of a discharge or release of hazardous materials on the premises.
- g. Locations of all wells on the premises, all wells within two hundred feet (200') of the premises, all sources of existing public water supplies (wells and surface water sources) within five hundred feet (500') of the premises, and all streams classified as AA by the Connecticut Department of Energy and Environmental Protection within five hundred feet (500') of the premises.

#### **5.4.4 – Standards for Storage of Potential Groundwater Contaminants**

- a. Above-ground storage facilities for hazardous materials shall, at a minimum, be located within a structure with an impervious base and containment walls, berms or dikes made of impermeable materials surrounding the containers. The storage facility and containment area must be of a material (e.g., coated concrete or coated metal) compatible with the hazardous materials it is intended to contain. The holding capacity of the containment area must be at least one hundred ten percent (110%) of the storage facility capacity. For a hazardous materials storage facility located within a roofed structure but otherwise exposed to the weather, the containment area shall either be designed to enable removal of accumulated precipitation manually or have a drain valve to allow uncontaminated stormwater to be manually released. Tanks shall be supplied with a mechanical-type level gauge (not a sight tube) and may have a top vent pipe or overfill pipe directed into the containment area.
- b. No fertilizers, pesticides, or herbicides shall be stored within one hundred fifty feet (150') of the seasonal high water level of any watercourse.
- c. Any hazardous materials storage facility or part of a facility that is underground shall:
  - 1. Be protected against corrosion by use of non-corrosive materials or steel components with a factory applied, corrosion resistant coating and permanent cathodic protection monitoring devices;
  - 2. Be designed, constructed and installed so as to allow failure determinations of all underground piping without the need for substantial excavation;
  - 3. Be chemically compatible with the contained hazardous materials as determined by the manufacturer's warranty;

4. Meet all relevant provisions and standards of the Connecticut Building and Fire Codes and the National Fire Prevention Association, as well as all applicable state and federal regulations.
- d. Where possible, fuel tanks shall be located in basements, garages, or in approved structures above ground. Where extenuating circumstances exist (buildings on slab construction, replacement of existing underground tanks, larger than normal tank installation with limited placement possibilities) that create the need for an underground storage tank, new and replacement domestic underground fuel oil or other petroleum product storage tanks shall be designed, constructed, and installed in accordance with the applicable standards of the State Building and Fire Codes and the National Fire Prevention Association, as well as all relevant state and federal regulations.
- e. Drums that contain or have contained hazardous materials shall be sealed or covered at all times when not in use. Drums may be temporarily stacked only when necessary, and only for the minimum time required by unanticipated and exigent conditions, and the cause shall be documented in writing. Large drip pans must be kept beneath drums that have spigots and are stored in a horizontal position on racks; the pans must be emptied periodically to prevent buildup.
- f. Incompatible hazardous materials must be kept separated from each other by a berm, dike, wall, or distance sufficient to prevent a fire, explosion, or release of toxic fumes.
- g. Storage of chloride salts, coal, fertilizers, pesticides, and/or herbicides shall be in a watertight, ventilated structure constructed on a base of impermeable material. Any area used for loading, handling or mixing such materials shall be designed so as to prevent seepage and runoff from entering groundwater or any watercourse.
- h. Industrial, commercial, and other waste products that are wholly or partially composed of hazardous materials, or could release hazardous materials under any circumstances, must be stored in covered containers or in roofed areas, in either case designed to prevent leakage or discharge of hazardous materials.
- i. No steam cleaning of barrels or other equipment used in connection with hazardous materials shall be performed unless provisions are made to prevent the contamination of groundwater.
- j. Hazardous material storage facilities must be designed such that the hazardous materials cannot travel to a floor drain should a spill occur. Interior floor drains may not be directed to any stream, storm drain, subsurface leaching system or dry well. Interior floor drains from any process areas may not be directed to a sanitary sewer without the approval of the Connecticut Department of Energy and Environmental Protection.
- k. Loading and unloading dock areas for hazardous materials must be designed to contain a spill or leak of liquid hazardous material using adequate techniques, such as surfaces made of impermeable materials, drains with retention basins, and others as may be appropriate for the materials and the site.



#### **5.4.5 – Parking Lots and Loading Areas**

Parking lots, loading areas, and similar areas from which hazardous materials brought onto or used, generated, or stored on the premises might be released or discharged into the ground must be designed to prevent such potential pollution. If prevention is impossible, the basis for that conclusion shall be submitted as part of the permit application, along with a design proposal that will provide the greatest protection against pollution. Such areas must be constructed or equipped with appropriate features or mechanisms to prevent or minimize any groundwater contamination that may result from a use that can be reasonably anticipated. Appropriate mechanisms may include retention basins with oil, grease and sediment traps, but other devices may be necessary depending on the potential use and the nature of the site. The control plan must include a schedule for the maintenance of the mechanisms to be used.

#### **5.4.6 – Standards for Use of Fertilizers, Herbicides, and Pesticides**

The use of fertilizers, herbicides, and pesticides must be limited to the greatest extent practicable. The applicant shall demonstrate that the amount of such materials to be used is reasonable under the circumstances of the proposed use and that smaller amounts could not be used without substantial adverse effects (including economic effects) on the use.

#### **5.4.7 – Other Standards for Nonresidential Uses**

All nonresidential storage, use, manufacture, transportation, or disposal of hazardous materials shall comply, at a minimum, with the current recommended standards or best management practices established by the Connecticut Department of Energy and Environmental Protection or other appropriate state or federal agencies.

### **5.5 – Special Permit Uses Involving Regulated Inland Wetlands Activities**

If any use requiring the issuance of a special permit also involves a regulated activity under the Bridgewater Inland Wetlands and Watercourses Regulations, the applicant for the proposed use must submit an application to the Bridgewater Conservation and Inland Wetlands Commission no later than the day the special permit application is filed.

### **5.6 – Soil Erosion and Sediment Control Regulations**

#### **5.6.1 – Definitions**

For the purposes of Section 5.6, the following terms, phrases and words shall have the meanings thereafter stated:

- a. **“Certification”** means a signed, written approval by the Commission, its designated agent or the Litchfield County Soil and Water Conservation District that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.
- b. **“Development”** means any construction or grading activities to improved or unimproved real estate.



- c. **“Disturbed area”** means an area where the ground cover is altered, destroyed or removed leaving the land subject to accelerated erosion.
- d. **“Erosion”** means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- e. **“Grading”** means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.
- f. **“Inspection”** means the periodic review of sediment and erosion control measures shown on the certified plan.
- g. **“Sediment”** means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- h. **“Soil”** means any unconsolidated mineral or organic material of any origin.
- i. **“Soil erosion and sediment control plan”** means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

#### **5.6.2 – Activities Requiring a Soil Erosion and Sediment Control Plan**

A soil erosion and sediment control plan shall be submitted (i) with any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) acre; and (ii) whenever any other provision within these Regulations specifically requires the submission of such a plan.

#### **5.6.3 – Exemptions**

A single-family dwelling that is not part of a subdivision of land shall be exempt from the provisions of Section 5.6, except as these Regulations may specifically provide otherwise.

#### **5.6.4 – Contents of Plan**

To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the site based on the best available technology. For methods and practices necessary for certification refer to the current edition of the “Connecticut Guidelines for Soil Erosion and Sediment Control,” presently published by the Connecticut Council on Soil and Water Conservation. Alternative principles, methods and practices may be used with prior approval of the Commission. The soil erosion and sediment control plan shall be prepared by a properly qualified professional.

The plan shall contain, but shall not be limited to:

**A.** A narrative describing:

1. the development;
2. the schedule for grading and construction activities including;
  - a. start and completion dates;
  - b. sequence of grading and construction activities;
  - c. sequence for installation and/or application of soil erosion and sediment control measures;
  - d. sequence for final stabilization of the project site.
3. the design criteria, construction details, installation and/or application procedures, and operation and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.

**B.** A site plan at a scale of one inch (1") equal to no more than forty feet (40') on sheets either eighteen inches by twenty-four inches (18" x 24") or twenty-four inches by thirty-six inches (24" x 36") in size. The site plan must show:

1. the location of the proposed development and adjacent properties;
2. the existing and proposed topography, including soil types, wetlands, watercourses and water bodies;
3. the proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
4. the existing structures on the project site, if any;
5. the location and details for all proposed soil erosion and sediment control measures and stormwater management facilities;
6. the sequence of grading and construction activities;
7. the sequence and installation and/or application of soil erosion and sediment control measures;
8. the sequence for final stabilization of the development site.

**C.** A certification that the soil erosion and sediment control plan is in conformance with the provisions of these Regulations. The certification shall be signed, sealed, and dated by the professional engineer responsible for preparing the plan.

**D.** Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

**5.6.5 – Minimum Standards for Soil Erosion and Sediment Control**

- a. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles outlined in the current edition of the “Connecticut Guidelines for Soil Erosion and Sediment Control.” Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.
- b. The minimum standards for individual measures are those in the current edition of the “Connecticut Guidelines for Soil Erosion and Sediment Control.” The Commission or its authorized agent may grant exceptions when requested by the applicant if technically sound reasons are presented.
- c. The appropriate method from the current edition of the “Connecticut Guidelines for Soil Erosion and Sediment Control” shall be used in determining the peak flow rates and volumes of runoff unless an alternate method is approved by the Commission.

**5.6.6 – Issuance or Denial of Certification**

- a. The Commission or its authorized agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these Regulations or shall deny certification when the development proposal does not comply with these Regulations.
- b. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124 or 126 of the Connecticut General Statutes.
- c. Prior to certification, any plan submitted to the Commission may be reviewed by the Litchfield County Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan. When determined by the Commission to be necessary or desirable, the Commission may require that the soil erosion and sediment control plan be certified by the Litchfield County Soil and Water Conservation District. Any costs related to such certification by the District shall be borne by the applicant.
- d. The Commission may forward a copy of the development proposal to other agencies and/or advisors for review and comment.

**5.6.7 – Application of Controls, Bond or Other Security**

- a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered by a completion and maintenance bond or other security acceptable to the Commission for the completion and maintenance of the required soil erosion and sediment control measures. A cost breakdown forming the basis of the amount of the bond or other security to be posted may be prepared by and submitted to the Commission by the applicant with the application for soil erosion and sediment control plan approval.

- b. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional and/or a bond or other security assuring completion and maintenance of such measures and facilities has been posted in a form and in an amount acceptable to and approved by the Commission.
- c. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- d. All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified plan.

#### **5.6.8 – Inspection**

Inspections may be made by the Commission or its authorized agent during the development to ensure that there is compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

#### **5.6.9 – Release of Bond or Security**

Upon completion of all work specified in the certified plan, the applicant shall notify the Commission thereof and submit a report, including maps as necessary, certifying that the soil erosion and sediment control measures have been completed as approved by the Commission. Upon receipt of the report and inspection of the site by the Commission or its designated agent, the Commission may release the portion of the bond or other security posted for the installation of the required measures upon finding that the provisions of the certified plan have been complied with. The portion of the bond or other security posted for assurance that the installed measures shall be adequately maintained may be released, subject to the above inspection and reporting requirements, upon termination of the maintenance period, normally eighteen (18) months.

### **5.7 – Screening and Landscaping Standards**

#### **5.7.1 – Statement of Purpose**

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. These standards are also intended to reduce excessive heat, glare, and accumulation of dust, to provide privacy from noise and visual intrusion, and to prevent the erosion of soil, the excessive runoff of drainage water, and the consequent depletion of groundwater and the pollution of water bodies.

#### **5.7.2 – Definitions**

**Complete Visual Screening:** A type of screening that affords a year-round effect and through which the screened object is obscured. Effect: The visual impression desired from screening and landscaping.

**Ground Cover:** A medium used in a confined area to check or prohibit the growth of undesirable plant materials. Ground cover may consist of plants such as pachysandra and myrtle or materials such as white gravel or brick or stone paving in combination with live planting materials.

**Hedge:** A hedge shall provide complete visual screening and consist of evergreens at least four feet (4') in height at the time of planting, and it shall be maintained at a height of at least six feet (6').

**Landscaped:** The term landscaped or landscaping shall mean that an area be at least covered with grass or ground cover. Any additional planting is either specifically required by the Regulations or left to the discretion of the property owner.

**Large Trees:** Deciduous shade trees such as sugar maple, pin oak, London plane, or linden, and conifers such as white pine, Austrian pine, or Canadian hemlock. All of the required large trees shall be at least two and one-half inches to three inches (2.5" to 3") in caliber at the time of planting.

**Partial Visual Screening:** A type of screening through which the screened object is partially visible.

**Screening Fence or Screening Wall:** Devices for complete visual screening. They shall be at least six feet (6') in height and a maximum of eight feet (8') in height and three-quarters (3/4) solid.

### 5.7.3 – General Screening Standards

- a. Landscaping, trees, and screening plants required by these Regulations shall be planted in a growing condition according to accepted horticultural practices, and they shall be maintained in a healthy growing condition. Any landscaping, trees, and screening plants in a condition that does not fulfill the intent of these Regulations shall be replaced by the property owner during the next planting season for the particular plant material.
- b. A screening fence or wall required by these Regulations shall be maintained by the property owner in good condition throughout the period of use of the property.
- c. All landscaping, trees, and screening material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles.
- d. To the extent that existing healthy trees, if properly located, are preserved, they shall be fully credited against the requirements of these Regulations. The Commission may determine which trees shall be preserved as part of the site plan.
- e. Structures in nonresidential districts shall be suitably landscaped.
- f. The landscape treatment for any nonresidential or special permit use shall be shown on a plan, and described where appropriate by a planting and construction schedule and list.

#### 5.7.4 – Screening Specifications

The following standards are considered as models. In order to comply with the stated “desired effect,” the number and spacing of required trees and the width of the screening strip may be varied.

**a. Type “A” Screening**

The desired effect is partial visual screening. The width of the screening strip may be varied; however, it shall be at least five feet (5’). Plant material shall consist of large trees spaced about twenty feet (20’) on center. Where a continuous landscaped screening strip is impractical, the trees may be located in islands at least twenty square feet (20 sq. ft.) in area.

**b. Type “B” Screening**

The desired effect is partial visual screening between zoning districts of different classification. Plant material shall be the same as specified for Type “A” screening except that one-half (1/2) of the trees shall be evergreens and twice the number of trees shall be required.

**c. Type “C” Screening**

The desired effect is complete visual screening of parking and loading areas. The screening material shall consist of a hedge, screening fence, screening wall, or a combination thereof. The screening strip shall be at least five feet (5’) wide and landscaped for a fence or wall and at least ten feet (10’) wide for a hedge unless a greater width is required elsewhere in these Regulations.

**d. Type “D” Screening**

The desired effect is separation and partial visual screening without creation of visual obstructions for traffic. The screening material shall consist of planting materials with low growth habits interspersed with flowering trees about twenty feet (20’) on center and deciduous shade trees spaced forty feet (40’) on center. The strip shall not be less than ten feet (10’) in width within the property line.

#### 5.7.5 – Screening Requirements in Nonresidential Zones Adjoining Residential Zones

##### **Front Yard**

Buildings:	Type “B” Screening
Parking Areas:	Type “D” Screening

##### **Side and Rear Yards**

Buildings:	Type “B” Screening
Parking Areas:	Type “C” Screening
Loading Areas:	Type “C” Screening

### **5.7.6 – Screening Requirements in Nonresidential Zones Not Adjoining Residential Zones**

#### **Front Yard**

Buildings: Type “A” Screening  
Parking Areas: Type “D” Screening

#### **Side and Rear Yards**

Buildings and Loading Areas: Type “A” Screening. Where visible from a street, loading areas shall be screened by Type “C” Screening.

### **5.7.7 – Additional Screening Requirements for Commercial and Industrial Uses Adjoining Existing Residential Uses**

There shall be a landscaped buffer strip of forty feet (40’) for commercial and industrial uses adjacent to any lots with residential dwellings. The landscaped buffer strip shall not be used for internal roads, parking, buildings, or storage, with the exception of a Town road (see “Buffer Area” definition).

### **5.7.8 – Modifications of Screening Requirements**

The Commission may consider and approve modifications in the above standards where the Commission makes a finding that equivalent or superior screening will be provided in a specific case.

## **5.8 – Home Occupations**

The following standards shall be applied to all home occupations permitted under Article VI of these Regulations:

- (i) the use must be clearly incidental and secondary to the use of the building as the principal residence of the owner in fee thereof;
- (ii) only one (1) home occupation is permitted per dwelling unit;
- (iii) the use must not change the residential character of the dwelling in any visible manner;
- (iv) the use must not create objectionable noise, odor, vibrations, or unsightly conditions noticeable off the premises;
- (v) the use must not create interference with radio and television reception in the vicinity;
- (vi) the use must not create a health or safety hazard;
- (vii) no more than one (1) nonresident may be employed;
- (viii) no external or internal alterations or construction features not customarily found in a home may be made to the dwelling;

- (ix) no more than one (1) commercial-type vehicle, not to exceed eleven thousand pounds (11,000 lbs.) gross vehicle weight (GVW), may be parked on the site;
- (x) except for fruits, vegetables, and other produce grown on the premises, no merchandise may be displayed so as to be visible from the street;
- (xi) only those articles that are made, raised, or grown on the premises may be sold;
- (xii) the home occupation must be confined to the first floor of the dwelling unit and must not occupy more than twenty percent (20%) of the floor area of the first floor or five hundred square feet (500 sq. ft.), whichever is less (for purposes of this subsection, no addition made to the floor area within the two (2) years prior to the Commission's receipt of an application for a home occupation permit shall be considered in the calculation of the floor area to be allowed for the home occupation);
- (xiii) no parking shall be allowed in any front yard, and all parking shall be appropriately screened from all abutting residential properties; and
- (xiv) lawfully commenced home occupations shall not be permitted to become more intensive than these Regulations would otherwise allow, and any change to a home occupation that results in such a level of intensity shall be deemed to be a change in character of the use.

Any permit issued by the Commission for a home occupation under these Regulations shall be limited to the specific use described in the application and shall be contingent upon continuous satisfaction of the standards and criteria set forth in this Section 5.8 and all other relevant provisions of these Regulations. The permit shall expire and become null and void upon any substantial or material change in the nature of the permitted use or upon the failure of the permittee to comply with any applicable provision of these Regulations.

### **5.9 – Flood Damage Prevention**

All uses in flood prone areas shall conform to the terms of the Bridgewater Flood Damage Prevention Ordinance, as amended.

### **5.10 – Nonconforming Uses, Buildings, and Structures**

#### **5.10.1 – Continuance of Nonconforming Uses**

Any nonconforming use, including nonconforming buildings and structures, lawfully existing as of the effective date of these Regulations or any amendment thereof, shall be permitted to continue notwithstanding any other provision of these Regulations or any amendment thereof.

#### **5.10.2 – Change**

No use that conforms to these Regulations may be changed to a nonconforming use. A nonconforming use may be changed only to a conforming use. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a use that does not conform to these Regulations.



**5.10.3 – Extension or Enlargement**

No nonconforming use shall be extended or enlarged inside or outside any building or structure except as otherwise provided herein. No extension or enlargement of any nonconforming building or structure shall be made if it would add one (1) or more dwelling units to, or increase the nonconformity of, such building or structure, except that a nonconforming structure containing a permitted use may be extended or enlarged within the applicable yard requirements or within a line that is not nearer to the lot lines than the existing structure.

**5.10.4 – Moving**

No nonconforming use shall be moved in whole or in part to any other portion of the property occupied by such use at the effective date of adoption or amendment of these Regulations.

**5.10.5 – Alterations and Repairs**

A building or structure containing a nonconforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by wear and tear or deterioration. The alteration or repair of any structure within a special flood hazard area shall comply with the flood damage prevention regulations set forth in Section 5.9.

**5.10.6 – Restoration**

Any building or structure that conformed to these Regulations, but contained a nonconforming use, and was destroyed or damaged by fire, explosion, act of God, or public enemy, may be restored to the same dimensions, floor area, and cubic volume existing immediately prior to such damage or destruction, provided such restoration is commenced within one (1) year after such damage or destruction occurred. Any nonconforming building or structure that has been destroyed or damaged by fire, explosion, act of God, or public enemy, and has thereby been reduced more than fifty percent (50%) in fair market value, may be restored or rebuilt only in accordance with these Regulations. A building or structure suffering such damage or destruction but retaining fifty percent (50%) or more of its fair market value may be restored or rebuilt to the same dimensions, floor area, cubic volume, density, bulk, and/or site location as existed immediately prior to the damage or destruction only if such restoration or repair is commenced within one (1) year after such damage or destruction occurred; otherwise, such restoration or repair must comply with these Regulations. The restoration or repair of any building or structure within a special flood hazard area must comply with Section 5.9 of these Regulations.

**5.10.7 – Discontinuance or Abandonment**

Any nonconforming use that has ceased by voluntary discontinuance or abandonment for a period of one (1) year shall thereafter conform to the provisions of these Regulations. Any landowner who intends to resume a nonconforming use that has previously ceased or been discontinued must, within one (1) year of such cessation or discontinuance of the use, file a notice of such intent with the Commission. The failure to file such a notice shall be deemed to be irrebuttable evidence of the landowner's intention to abandon such use.

**5.10.8 – Illegal Use**

Nothing in these Regulations shall be interpreted as authorization for, or approval of, the continuation of any use of land, building, structure, or premises that, when commenced or first established, was in violation of the Zoning Regulations then in effect and that has never been legally validated by any amendment to such Regulations or by any provision of State law.

**5.10.9 – Safety**

Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

**5.10.10 – Construction Begun and/or Permits or Variances Issued Prior to Adoption or Amendment of Regulations or Zone Change**

Nothing in these Regulations, or any amendment thereof, or in any subsequent change in zoning classification, shall be deemed to require any alteration in the plans, construction, or designated use of a building, structure, or premises for which (i) a zoning permit and building permit have been issued before the effective date of the relevant Regulations, amendment, or change in zoning classification; and (ii) substantial construction has been commenced, provided the entire building or structure is completed within two (2) years from such effective date. If any of the foregoing provisions are not complied with, such zoning permit shall become null and void.

Nothing in these Regulations, or any amendment thereof, or in any subsequent change in zoning classification, shall be deemed to require any change in plans, construction, or designated use of a building, structure, or premises for which a special permit has been issued prior to the effective date of the relevant Regulations, amendment, or change in zoning classification, provided (i) a building permit is obtained within one (1) year from such effective date; (ii) substantial construction is commenced within one (1) year of the date of issuance of such building permit; and (iii) the entire building or structure is completed according to the approved plans within two (2) years from the date of issuance of the building permit. If any of the foregoing provisions are not complied with, such special permit shall become null and void.

Notwithstanding the foregoing provisions, no improvements or proposed improvements shown on a site plan for residential property that has been approved prior to the effective date of a change in the Zoning Regulations or zoning classification and has been filed or recorded with the Bridgewater Town Clerk shall be required to conform to such change.

**5.11 – Telecommunications Facilities****5.11.1 – Purpose**

Telecommunications facilities are regulated under a complex variety of federal, state, and local laws. The operation of certain federal and state laws and regulations supersedes local zoning requirements in some instances, but allows for municipal regulation in others.

Telecommunications facilities, including towers, antennas, and associated structures and equipment, can have profound effects on the character of communities such as Bridgewater. The Commission has therefore determined that such facilities should be carefully and thoughtfully, managed pursuant to these Regulations to the extent not preempted or otherwise prohibited by state or federal laws or regulations.

#### **5.11.2 – Application of Regulations**

The provisions of Section 5.11 of these Regulations shall be used in evaluating all telecommunications facilities, with the understanding that the Commission’s determination may be only advisory in some instances and may be superseded by a decision of a state or federal agency or official. In those instances, the Commission shall apply the provisions of Section 5.11 of these Regulations to the extent possible to propose to the controlling agency the decision that should be made and, as appropriate, any conditions that should be applied to the proposed facilities. To the extent state and federal law allows the Commission to exercise full or partial zoning authority over a proposed telecommunications facility or facilities, the standards and procedures set forth in Section 5.11 of these Regulations shall be used in determining whether to approve such facilities and, as appropriate, the extent to which any permit should be conditioned or restricted.

#### **5.11.3 – Type of Permit Required**

Except as provided below, all telecommunications facilities for which the Commission may exercise its full zoning authority under state and federal law shall be deemed to be uses allowed only by special permit. Such uses shall be specially permissible in any zoning district notwithstanding any contrary provisions of these Regulations. Telecommunications facilities that are accessory and subordinate uses to a principal or accessory use permitted under Article VI of these Regulations, and that do not require the construction or erection of a tower, shall be permissible by the same type of permit as the use to which the telecommunications facilities are accessory.

#### **5.11.4 – Definitions**

As used in this Section 5.11 of these Regulations, the following terms shall have the following meanings:

**“Antenna”** means any device used to receive or to transmit electromagnetic waves, and includes, without limitation, whip antennas, dish antennas, and panel antennas.

**“Relay facility”** means any device used to receive electromagnetic waves from one (1) or more points and to transmit those waves to one (1) or more other points.

**“Telecommunications facility”** means any building, structure or equipment used to receive or transmit electromagnetic waves.

**“Tower”** means a structure that is intended to support equipment used to receive or transmit electromagnetic waves.

### 5.11.5 – Application Procedure

The Commission shall not approve or recommend approval to any state or federal agency of any telecommunications facility unless the applicant for such facility submits one (1) of the following to the Commission or its authorized agent:

- a. An application for a Special Permit or a Zoning Permit for such facility, whichever is appropriate; or
- b. A written application for the Commission's review of such facility setting forth all applicable federal and state laws or regulations under which the Commission may review the application and under which the Commission's exercise of zoning powers is limited with respect to such facility. The applicant shall submit copies of all state and federal licenses necessary to operate such facility. The applicant shall also submit to the Commission the same types of information and materials as would be required by these Regulations if the Commission were authorized under state and federal law to exercise its full zoning authority over such facility. The applicant's failure to submit any such information and materials shall be grounds for the Commission to recommend denial of the proposed facility to such state or federal agencies as may have jurisdiction.

All applications must be accompanied, at a minimum, and in addition to any other documents and materials required by these Regulations, by a site plan showing:

- (i) the proposed locations within the site of all proposed telecommunications facilities, including, to the extent applicable, any proposed locations of such facilities on towers, buildings or other structures;
- (ii) detailed drawings and written descriptions of all towers, antennas and mounting equipment, including size, design and color; and
- (iii) proposed elevations of all facilities.

### 5.11.6 – Criteria for Evaluation

The following criteria shall be used to evaluate the propriety of any proposed telecommunications facility and shall be supplemental to all other applicable criteria and standards set forth elsewhere in these Regulations, including, without limitation, Section 4.4 – Dimensional Standards, Section 4.12 – Health and Environmental Standards, Section 5.6 – Soil Erosion and Sediment Control Regulations, and Section 7.3.6 – Standards for Special Permits.

#### a. Towers

1. **Height:** Towers shall be no taller than necessary to reasonably accommodate the proposed use of the tower. If the tower is proposed to be part of a telecommunications transmission network, such as a personal communications service network, the applicant shall be required to provide adequate evidence that the height of the tower is no greater than reasonably necessary to accommodate the reception and transmission needs of the network. Such evidence shall include, without limitation, information on

the current status of the network; the location(s) within the Town of Bridgewater or any adjoining towns of all existing or proposed towers or other relay facilities within the network; the reception and transmission range of all such towers or relay facilities; and any alternative tower locations and heights reviewed by the applicant and the reasons such alternatives were not selected.

2. **Location:** The applicant shall be required to provide adequate information as to the reason for selecting the proposed tower location, including information on all alternative locations reviewed and the reasons such alternative locations were not selected. The applicant must also demonstrate that consideration has been given to placing the telecommunications equipment on existing buildings or structures, including existing towers, as opposed to constructing or erecting a new tower.
3. **Fall Zone:** The applicant shall provide an analysis by a licensed engineer of the potential fall zone of the proposed tower. The potential fall zone must be located entirely within any combination of (i) the lot on which the tower is to be located, (ii) adjoining property owned by the same person(s), or (iii) property owned by a person or persons who have each consented to the location of the tower by a written, notarized consent form that must be addressed and provided to the Commission. Under no circumstances shall the proposed fall zone encompass any existing buildings intended for human occupancy.
4. **Co-Location:** An applicant for any proposed new telecommunications tower shall demonstrate that the tower is capable of accommodating both the applicant's proposed antennas and comparable antennas for at least two (2) additional users if the tower is one hundred feet (100') or more in height or at least one (1) additional user if the tower is fifty feet (50') or more in height.

**b. General Criteria for All Telecommunications Facilities**

1. **Visibility:** The applicant shall be required to provide adequate evidence that the visibility of the proposed telecommunications facilities from surrounding areas has been minimized to the extent possible. Such evidence shall include a "viewshed" analysis showing all areas from which the facilities would be visible. The Commission may require the applicant to fly a balloon or to employ another appropriate method to simulate the visibility of the tower or other facilities at the proposed location from other sites within the Town. No lights shall be mounted on any telecommunications facilities unless required by state or federal laws or regulations. The color and shape of the tower must be designed to blend with its natural surroundings to the extent possible.
2. **Safety:** The applicant shall provide adequate evidence that the proposed telecommunications facilities will comply with all applicable state and federal laws and regulations regarding electromagnetic emissions and aviation safety, and that the facilities will not unreasonably interfere with existing or currently proposed public safety communications.

- 3. Protection of Natural and Historic Resources:** The Commission shall consider the extent to which the proposed telecommunications facility may unreasonably harm or otherwise affect any natural or historic resources on or near the lot on which the facility has been proposed. The applicant shall demonstrate the extent to which such resources have been considered in formulating the proposal for the facility.

#### **5.11.7 – Cessation of Use of Tower**

Any telecommunications tower that has not been used for a period of one (1) year must be completely removed from the site unless the owner or operator of the facility submits to the Commission a written statement indicating that the use has not been abandoned and adequately specifying how and when the use will be recommenced. The Commission may require that additional information be submitted to prove any such statement. If the Commission determines that the statement or the information submitted in support of the statement is not credible, it may determine that the use of the tower has been abandoned and may order the immediate removal of the tower.

## ARTICLE VI – ZONING DISTRICT REGULATIONS

### **6.1 – Prohibition of Unlisted Uses**

Any use not specifically listed herein as a generally permitted or specially permitted use in any zoning district is prohibited in that zone. The listing of expressly prohibited uses in Section 4.16 of these Regulations is not exclusive. A use that is not listed in Section 4.16 shall nonetheless be deemed a prohibited use in any zone for which that use is not expressly permitted in Article VI of these Regulations.

### **6.2 – Uses Allowed Under State Law**

Certain uses not expressly permitted under these Regulations may nonetheless be allowed under certain provisions of State law. Such uses shall be permitted only under the specific circumstances described in the applicable provisions of State law and only if the applicant for such use specifies in the application the particular provisions of State law the applicant believes are relevant to the use. The Commission may deny any such application if it finds that the provisions of State law cited by the applicant do not require such use to be permitted.

#### **6.2.1 – Opting Out of Public Act 17-155**

The Commission authorizes the Board of Selectmen to opt out of the provisions of Section 1 of Public Act 17-155 regarding authorization for the installation of temporary health care structures.

#### **6.2.2 – Opting Out of Certain Provisions of Public Act 21-29**

The Town of Bridgewater hereby opts out of the following:

1. The provisions of Section 6, subsections (a) through (d), inclusive, of Public Act 21-29; and
2. The provisions of subdivision (9) of subsection (d) of Section 8-2 of the General Statutes, as amended by Public Act 21-29.

### **6.3 – Town Green Zone**

#### **6.3.1 – Generally Permitted Uses**

The following uses are generally permitted in the Town Green Zone:

- a. Single-family detached dwellings.
- b. Two-family detached dwellings on lots having no less than one and one-half (1.5) times the minimum lot area required for single-family dwellings.
- c. No lot shall be permitted to have more than two (2) dwelling units.
- d. Public parks, public schools, public libraries, public offices, firehouses, churches, parish houses, religious instruction buildings, and museums.

- e. Fairs, bake sales, rummage sales, flea markets, and similar sales conducted solely for charitable or public purposes and not for private gain. Handicrafts made by public school children may be offered for sale to the public within the school.
- f. Residential tag sales and auctions, provided they are conducted solely by the residents of the dwelling at which they are conducted. Such sales and auctions shall be conducted no more than two (2) times in any period of three hundred sixty-five (365) days and shall be no longer than three (3) days in duration.

### **6.3.2 – Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.3 of these Regulations for the following uses in the Town Green Zone.

- a. Bed and breakfast establishments.
- b. Restaurants.

## **6.4 – Residential Zones**

### **6.4.1 – Generally Permitted Uses**

The following uses are generally permitted in the Residential (R-2, R-3, and R-4) Zones:

- a. Single-family detached dwellings.
- b. Two-family detached dwellings on lots having no less than one and one-half (1.5) the minimum lot area required for single-family dwellings.
- c. No lot shall be permitted to have more than two (2) dwelling units.
- d. Residential tag sales and auctions, provided they are conducted solely by the residents of the dwelling at which they are conducted. Such sales and auctions shall be conducted no more than two (2) times in any period of three hundred sixty-five (365) days and shall be no longer than three (3) days in duration.
- e. Farming, dairy, livestock, gardening, nurseries, greenhouses, and other agricultural operations.
- f. Roadside stands not to exceed one hundred fifty square feet (150 sq. ft.) for the sale of farm produce, home cooking, homemade crafts, and similar items produced on the same premises.

### **6.4.2 – Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.3 of these Regulations for the following uses in the Residential (R-2, R-3, and R-4) Zones:

- a. Multiple dwelling housing in the R-2 Zone only. The Commission may not permit a greater number of dwelling units than the proposed site could accommodate if it were to be developed for single-family residential lots in accordance with current zoning, subdivision,



and inland wetlands regulations. The applicant must submit adequate proof of the number of single-family residential lots that could be developed on the site.

- b. Camps for Boy Scouts, Girl Scouts, and 4-H groups.
- c. Home occupations.
- d. Bed and breakfast establishments.
- e. Equestrian riding lessons and training sessions ancillary to a farm.

## **6.5 – Commercial Zone**

### **6.5.1 – Generally Permitted Uses**

The following uses are generally permitted in the Commercial Zone:

- a. Professional, business, and financial offices.
- b. Grocery stores and drug stores, which may include as an accessory use the service of food at a counter or tables within a building only (i.e., no take-out service), provided the floor area devoted to such accessory use shall not be more than thirty percent (30%) of the total floor area of the use.
- c. The sale of books, stationery, gifts, clothing, dry goods, hardware, jewelry, flowers, garden supplies, and variety merchandise.
- d. Personal and household services, excluding barber and beauty shops.

### **6.5.2 – Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.3 of these Regulations for the following uses in the Commercial Zone.

- a. Restaurants.

## **6.6 – Industrial Zone**

### **6.6.1 – Generally Permitted Uses**

The following uses are generally permitted in the Industrial Zone:

- a. Lumber and building material yards and equipment storage buildings.
- b. Assembly of appliances, instruments, products, and devices.
- c. Warehouses for storage, except for distribution, of goods other than hazardous materials or wastes.

### **6.6.2 – Specially Permitted Uses**

No additional uses are allowed by special permit in the Industrial Zone.

## **ARTICLE VII – ADMINISTRATION AND ENFORCEMENT**

### **7.1 – General Provisions**

#### **7.1.1 – Authority of Commission**

The provisions of these Regulations shall be administered and enforced by the Bridgewater Planning and Zoning Commission. The Commission may delegate certain powers and duties to an agent, but any such delegation shall not be deemed to deprive the Commission of the ability to exercise such powers or duties independently in the event the Commission determines that it would be appropriate to do so. In the event the Commission has not appointed an agent to act on its behalf, or if the appointed agent is unavailable, the Chairman, or the acting Chairman if the Chairman is unavailable, may act as the agent for the Commission in matters of enforcement or in any other matters in or on which an agent would be authorized to act under these Regulations.

#### **7.1.2 – Permits Required**

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

### **7.2 – Zoning Permit Requirements**

#### **7.2.1 – Applications**

Applications for zoning permits shall be filed with the Commission or its authorized agent on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The application shall contain a written statement by the owner of the property, or the authorized agent of the owner(s), giving consent for the Commission and its agent(s) to inspect the property. Two (2) copies of each application shall be submitted, accompanied by five (5) copies of a zoning plan containing the requirements described in Section 7.2.2 of these Regulations.

#### **7.2.2 – Zoning Plans**

Zoning plans shall be based upon and include a Class A-2 survey prepared by a land surveyor licensed to practice in the State of Connecticut. The survey and plans shall contain the embossed seal and original signature of the land surveyor, and shall show:

- a.** All revision dates and necessary definitions and legends, and the true scale of the survey, in which one inch (1”) shall be equal to no more than forty feet (40’).
- b.** The direction of true north.

- c. The actual shape and dimensions of the lot to be used; provided, however, that if the lot is substantially larger than the area to be developed, the Commission may allow the applicant to submit a zoning plan showing the lot as an insert on the map at a scale in which one inch (1") shall be equal to no more than one hundred feet (100').
- d. The exact size and location on the lot of existing and proposed buildings, structures, and off-street parking and loading areas.
- e. The location of all required setbacks or yard lines, and of all easements.
- f. A computation of lot and building coverage.
- g. The names and addresses of all owners of record of both the lot and of all land abutting or within one hundred feet (100') of the lot.
- h. The location and name of all Town or State streets, roads, or highways that pass through or adjoin the lot or, if no such street, road, or highway passes through or adjoins the lot, the entire route of vehicular access to the lot from such a street, road, or highway.
- i. The locations and numbers of all existing monuments, iron pins, and reference marks and set proposed monuments or iron pins.
- j. The location of all existing and proposed driveways.
- k. The location of all existing or proposed water supplies (either by well or community water supply) and sewage disposal facilities (including primary and reserve leaching areas) showing precise minimum distances among the wells, sewage disposal facilities, buildings, structures, storage tanks, driveways, and parking areas.
- l. The locations of all watercourses, wetland boundaries, and flood prone areas (as shown on the current Flood Insurance Rate Map) on the site.
- m. Where a proposal will disturb more than one-half (1/2) acre, an erosion and sedimentation control plan in accordance with these Regulations.
- n. Dimensional plans of floors and elevations of all proposed or existing structures, and specifications to indicate the size, kind, and quality of the proposed construction.
- o. The location of all zone boundaries within, abutting, or within one hundred feet (100') of the lot or a proposed subdivision.
- p. Spaces on each sheet for the signature of the Commission Chairman, the date of the Chairman's signature, and the date on which any zoning plan approval will expire.
- q. A statement as to whether the lot is within the watershed of a water company, as defined in Section 16-1 of the General Statutes. When an application, petition, request, or plan is filed concerning any project on any site within the watershed of a water company, the applicant shall mail written notice of such project, including a copy of the application and a full set of plans, to the water company by certified mail, return receipt requested, within seven (7) days after the date of submission of the application.

### **7.2.3 – Additional Application Requirements**

The Commission or its designated agent may require the applicant to submit additional information if it finds that such information is necessary or would be helpful in determining whether the proposed building, structure, or use conforms to these Regulations. Such additional information may include, but is not limited to, the following:

- a.** Existing and proposed (finished grade) contour lines at an interval of no less than two feet (2') over all or any specified portion of the property. The source of existing contours and the bench mark to which they were keyed should be identified.
- b.** A key map at a scale of one inch (1") equal to not more than one thousand feet (1,000') to assist in locating the property.
- c.** Location of all deep test and percolation holes, together with percolation test and deep test pit data gathered and prepared by a professional engineer licensed to practice in the State of Connecticut, with the original signature and embossed seal of the engineer.
- d.** The nature and amount of all hazardous materials or wastes to be produced, used, stored, or disposed of on the lot, and the manner in which such production, use, storage, or disposal will be carried out.
- e.** The nature of existing land uses on abutting properties.
- f.** The location of natural features including, but not limited to, rock outcroppings, slopes in excess of twenty percent (20%), soil types, forested areas, and vegetation types.
- g.** The location and a description of all proposed surface or subsurface drainage improvements, facilities, or structures.
- h.** The location of all soil test pits and test borings, if any, and a description of the soils encountered in such pits or borings.
- i.** The location of all existing or proposed exterior lighting or signs.
- j.** An analysis of the ability of any proposed building, structure, or use to meet any of the standards set forth in these Regulations.

### **7.2.4 – Waiver of Certain Requirements for Applications**

The Commission or its designated agent may waive any of the requirements for a zoning plan under Section 7.2.2 if, and only if, the following conditions exist or are met:

- a.** The applicant requests such a waiver in writing, specifying the subsections proposed to be waived and the reasons for such waiver(s).
- b.** The Commission or its designated agent determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application.

- c. The request for waiver is filed no later than the day the application to which it pertains is filed.

The Commission shall render a decision on any timely filed request for waiver within thirty-five (35) days after the day of receipt of the application to which it pertains. If the Commission fails to render a decision within that time, the request for waiver shall be deemed to be denied.

#### **7.2.5 – Decisions on Zoning Permits**

The Commission shall render a decision on any application for a zoning permit within sixty-five (65) days after the receipt of the required zoning plan, or, if the zoning plan requirement is waived, within sixty-five (65) days after the receipt of a complete application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed two (2) further sixty-five (65) day periods. No zoning plan will be accepted unless it is accompanied by the proper application forms or unless those forms have previously been filed with the Commission. For the purposes of this section, the day of receipt of an application or zoning plan shall be deemed to be the day of the Commission's next regularly scheduled meeting immediately following the day of submission of such application or zoning plan to the Commission or its authorized agent, or thirty-five (35) days after such submission, whichever is sooner.

The Commission may either deny or approve the application as submitted, and may either deny the zoning plan as submitted, modify and approve the zoning plan, or approve the zoning plan as submitted. A decision to deny or modify a zoning plan shall set forth the reasons for such denial or modification. The Commission may, as a condition of approval of any modified zoning plan, require a bond or other security, in an amount and with surety and conditions satisfactory to it, securing that any modifications of such zoning plan are made.

#### **7.2.6 – Notice of Decisions Involving Zoning Plans**

A copy of any decision on a zoning plan shall be sent by the Commission by certified mail to the applicant within fifteen (15) days after such decision is rendered. The Commission shall publish notice of the approval or denial of zoning plans in a newspaper having a general circulation in the Town of Bridgewater.

#### **7.2.7 – Final Zoning Plan**

Any zoning plan approved by the Commission without modifications or conditions shall become the final zoning plan upon the signature of the Commission chairman. If the Commission approves a zoning plan with modifications or conditions, a final zoning plan that incorporates such modifications or conditions must be submitted to the Commission by the applicant within sixty-five (65) days after the date of approval. For good cause shown, the Commission may extend the time for filing the final zoning plan. If a final zoning plan is not filed within such sixty-five (65) day period or within any period of extension, the approval of the zoning plan and the corresponding zoning permit shall be void.

The Commission shall certify its approval of any final zoning plan submitted in accordance with these Regulations. The certificate of approval shall state that the approval will automatically expire

five (5) years from the date of approval, or at such other time as is provided by state law, and shall specify such expiration date. No zoning permit shall be issued by the Commission until the final zoning plan has been approved by the Commission. The applicant shall file the final zoning plan and zoning permit in the office of the Bridgewater Town Clerk and shall pay all required filing fees. No zoning plan and no zoning permit issued in connection with a zoning plan shall be effective until the Commission has certified its approval of the final zoning plan and the final zoning plan and zoning permit have been filed in the office of the Bridgewater Town Clerk.

### **7.3 – Special Permits**

#### **7.3.1 – Statement of Purpose**

The purpose of the special permit regulations is to provide a comprehensive review of the proposed plan for the layout of the building(s), structure(s) or use(s) in relationship to the topographical, geological and other natural features of the land, and of the impact of the use(s) upon the environment, health, safety, welfare, and convenience of the members of the community. It is intended to insure that the design and layout of the site and the proposed use(s) will constitute suitable and appropriate development in character with the neighborhood and will not result in a decrease in property values or a detriment to the present and potential use of the area in which it is to be located. Special permit procedures are also intended to assure that proposed buildings, structures and uses will provide for the maintenance of air, surface water, and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources.

#### **7.3.2 – When Required**

A special permit must be issued by the Commission before any person may establish or change any land use, or use, erect, construct, move, enlarge, or alter any building or structure, in whole or in part, if the use, structure, or building resulting from such activity is listed as a use requiring a special permit under Article VI of these Regulations for the zone in which it would be located.

#### **7.3.3 – Applications**

Applications for special permits shall be filed with the Commission on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The application shall contain a written statement by the owner of the property or his/her authorized agent giving consent for the Commission and its agent(s) to inspect the property. Two (2) copies of each application shall be submitted, accompanied by five (5) copies of a special permit plan, which shall be based upon and include a Class A-2, stamped and sealed survey prepared by a Connecticut licensed surveyor, showing all revision dates and necessary definitions and legends, at a scale of one inch (1") equal to no more than forty feet (40'), and also showing:

- a.** All the information specified for a zoning plan under Section 7.2.2 of these Regulations.
- b.** A key map at a scale of one inch (1") equal to not more than one thousand feet (1,000') to assist in locating the property.

- c. Percolation tests and deep test pit data.
- d. The nature and amount of all hazardous materials or wastes to be produced, used, stored, or disposed of on the lot, and the manner in which such production, use, storage, or disposal will be carried out.
- e. The nature of existing land uses on abutting properties.
- f. The location of all slopes in excess of fifteen percent (15%), soil types, rock outcroppings, and forested areas on the lot.
- g. The location and a description of all measures to be used to prevent soil erosion and sedimentation.
- h. The location and a description of all proposed surface or subsurface drainage improvements, facilities or structures.
- i. The location of all soil test pits, and test borings and a description of the soils encountered in such pits or borings.
- j. The location of all existing or proposed exterior lighting or signs.

Each application for a special permit shall also be accompanied by five (5) copies of:

- a. A written analysis of the ability of the proposed building, structure or use to meet the Health and Environmental Standards and the Groundwater Protection regulations set forth in Sections 4.12 and 5.4, respectively, of these Regulations.
- b. A traffic report indicating existing traffic conditions at normal and peak travel times for, at a minimum, all streets abutting or passing through the property affected by the application and all streets within three (3) miles of such property, and also indicating the projected impact of the proposed use on such traffic conditions.
- c. The schedule for all construction or other development activities, including, but not limited to, erection of or other work on any buildings or structures, grading, removal of vegetation, landscaping, and drainage improvements.

#### **7.3.4 – Waiver of Certain Requirements for Special Permits**

The Commission may waive any of the requirements for special permit plans under Section 7.3.3 of these Regulations if, and only if, the following conditions exist or are met:

- a. The proposed activity does not involve the construction, erection, alteration, enlargement, removal or other modification of a principal building or structure; and
- b. The proposed activity will not require the use of new wells or new or larger sewage disposal facilities.



The Commission may waive any of the requirements of subsections 7.3.3(a), 7.3.3(b) and 7.3.3(c) of these Regulations if, and only if, the Commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application.

No waiver under this section shall be granted unless the applicant submits to the Commission, in writing, at the time of and together with the submission of the application, a request for a waiver specifying the requirements the applicant seeks to have waived and the reasons why the applicant believes those requirements should be waived. The Commission shall render a decision on any timely filed request for waiver within thirty-five (35) days after the day of receipt of the application to which it pertains. If the Commission fails to act on any request for a waiver within such thirty-five (35) days, the request for waiver shall be deemed to be denied.

### **7.3.5 – Additional Requirements for Applications**

The Commission may require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed buildings, structures or uses conform to these Regulations. Such information may include, but is not limited to, the following:

- a. Chemical analyses of existing surface water and groundwater.
- b. Hydrological analyses of runoff and peak flows, both before and after development.
- c. Analyses of local air quality, both before and after development.
- d. Depths to seasonal high groundwater levels and bedrock.
- e. Analyses of wildlife habitats on and near the site and the impact of the proposed use on such habitats.
- f. A description of vegetation types, including any rare or endangered species, on the lot to be used under the application.
- g. A list of all other federal, state or municipal permits or licenses the applicant will need to implement the uses applied for and the status of any applications for such permits or licenses.
- h. Architectural or engineered drawings of any proposed buildings or structures.
- i. Existing and proposed (finished grade) contours at intervals of no less than two feet (2’).

### **7.3.6 – Standards for Special Permits**

All buildings, structures and uses for which a special permit is required under these Regulations must meet the applicable standards set forth throughout these Regulations and, in addition, the following standards:

- a. **Preservation of Landscape:** The landscape shall be preserved in its natural state insofar as practicable by minimizing grading and the removal of vegetation and soil. Where vegetative cover does not exist or has been removed, new plantings may be required.



Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.

- b. Relation of Buildings to Environment:** The size, intensity, and design of the proposed project or development shall be related harmoniously to the terrain and to the use, scale, and siting of existing buildings in the vicinity of the site. All buildings and other structures shall be sited to minimize disruption of the topography and the character of the neighborhood. Strict attention shall be given to the proper functional, visual, and spatial relationships of all structures, buildings, landscaped elements, and paved areas. The use shall not create a nuisance to neighboring properties, whether by noise, air, or water pollution; offensive odors, dust, smoke, vibrations, or lighting; or other effects.
- c. Buffer Areas:** All buffered and/or screened areas, including setback areas (landscaped and usable), shall be so designed as to be consistent and compatible with residential uses.
- d. Circulation:** With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, accessibility of emergency vehicles, access to community or public facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
- e. Surface Water Drainage:** Special attention shall be given to proper surface drainage so that surface waters will not adversely affect neighboring properties or public storm drainage facilities, will not obstruct the flow of vehicular or pedestrian traffic, and will not create standing water in paved or pedestrian areas. All surface water drained from roofs, streets, parking lots, and other site features shall be disposed of in a safe and efficient manner that will not create problems of water runoff or erosion on the site or on neighboring sites or pollution of surface water or groundwater. Insofar as possible, natural drainage courses and swales shall be properly stabilized and drainage impounding areas shall be utilized to dispose of water on the site through natural percolation to a degree equivalent to that prior to development. Also, appropriate erosion control measures shall be employed, including slope stabilization measures and the seeding of exposed areas to replace vegetative cover.
- f. Preservation of Water Quality and Quantity:** The proposed use shall be designed to minimize any risk of surface water or groundwater pollution, soil erosion and sedimentation, and water diversion. Groundwater recharge shall be maximized to an extent consistent with the protection of groundwater quality and the Groundwater Protection regulations in Section 5.4. Various techniques may be required to maximize recharge, such as perforated drainpipes, pervious pavement, reduction of structure area, or reduction of lot coverage. Where groundwater elevations are close to the surface, extra site grading precautions may be required to maintain the protective function of the overburden.

- g. Utilities:** The placement of electric, telephone, or other utility lines and equipment shall be underground where possible, so located as to provide no adverse impact on groundwater levels, and coordinated with other utilities.
- h. Other Site Features:** Exposed storage or utility areas, exposed machinery installations, and service areas shall be designed with screen plantings, fencing, or other screening methods to be compatible with the environment and the surrounding properties.
- i. Safety:** All open and enclosed spaces shall be designed to facilitate evacuation and to maximize accessibility by fire, police, and other emergency personnel and equipment.
- j. Neighboring Properties:** The proposed uses shall not adversely affect the enjoyment, usefulness and value of properties in the general vicinity thereof, or cause undue concentration of population or structures.
- k. Natural and Historical Resources:** The proposed uses shall not unreasonably destroy, damage, or threaten locally significant natural or historical resources.

### 7.3.7 – Conditions

The Commission may place on any special permit whatever conditions the Commission may reasonably deem necessary to assure that any proposed building, structure, or use (i) will conform to the standards and limitations set forth in these Regulations, including, but not limited to, the Health and Environmental Standards in Section 4.12 and the Groundwater Protection regulations in Section 5.4; (ii) will protect the rights of individuals and the health, safety, welfare, and convenience of local residents and the community; (iii) will protect local property values; and (iv) will meet the specific standards set forth in Section 7.3.6 and other applicable sections of these Regulations. The conditions may relate to, without limitation, the architectural and spatial design and layout of buildings, structures and uses; provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening, and protection of the environment and of natural and historic resources; construction or other development schedules; and hours of operation of the proposed building, structure, or use. The Commission may also condition the issuance of any special permit on the posting of a bond or other security, in an amount and with surety satisfactory to the Commission, to secure the performance of all conditions and the completion of all improvements required under such special permit.

### 7.3.8 – Special Permit Procedures

#### 7.3.8(a) – Public Hearing

Within sixty-five (65) days after the day of receipt of an application for a special permit, the Commission shall commence a public hearing on the application. For the purposes of this section, the day of receipt of an application shall be deemed to be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Commission or its authorized agent, or thirty-five (35) days after such

submission, whichever is sooner. The hearing may be continued one (1) or more times, but it must be concluded no later than thirty (30) days after the date of commencement.

#### **7.3.8(b) – Notice of Public Hearing**

Notice of the time and place of the commencement of the public hearing shall be published at least twice in the form of a legal advertisement in a newspaper having a substantial circulation in the town of Bridgewater, at intervals of not less than two (2) days, the first notice to be published not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before the date of commencement of the hearing.

#### **7.3.8(c) – Decision**

Within sixty-five (65) days after the completion of the public hearing, the Commission shall either: (i) approve the special permit and the special permit plan as submitted; (ii) approve the special permit and special permit plan with conditions or modifications, as provided under these Regulations; or (iii) deny the special permit and special permit plan. The Commission shall state the reasons for its decision on its records. Notice of the decision shall be published in the form of a legal advertisement in a newspaper having a substantial circulation in the town of Bridgewater, and also sent by certified mail to the applicant, within fifteen (15) days after the decision has been rendered.

#### **7.3.8(d) – Extensions of Time**

The applicant may consent to extensions of the time periods for (i) commencing a public hearing after the receipt of an application, (ii) concluding a public hearing, and (iii) rendering the decision. The total extension of any such period shall be no longer than the original period as specified in these Regulations.

#### **7.3.8(e) - Final Special Permit Plan**

The provisions of Section 7.2.7 of these Regulations shall apply to any special permit plan approved in connection with a special permit.

#### **7.3.8(f) – Filing and Recording of Special Permits**

Any special permit issued under these Regulations shall not become effective until copies of the permit are (i) filed in the office of the Bridgewater Town Clerk, and (ii) recorded in the Bridgewater Land Records. The copy of the special permit to be filed and recorded in the Bridgewater Land Records shall be certified by the Commission and shall (i) contain a description of the premises to which it relates, (ii) specify the nature of the special permit, (iii) state the regulation under which the special permit is issued, and (iv) state the names of all owners of record of the premises. The applicant or record owner shall be responsible for filing and recording the special permit and shall pay all filing and recording fees.

### **7.3.9 – Reapplication**

No special permit shall be granted to any applicant for a building, structure or use if a previous application by the applicant, or by a different applicant on behalf of the same party in interest, for

substantially the same building, structure or use on the same property has previously been denied by the Commission on its merits within two (2) years prior to the submission of the new application to the Commission.

#### **7.4 – Certificate of Occupancy/Use**

No permanent certificate of occupancy/use shall be issued for a building, structure, or use subject to these Regulations until the Commission or its authorized agent issues a certificate of zoning compliance stating that the building, structure, or use is in conformity with these Regulations and with any required zoning permit, special permit and/or final site plan, or is a valid nonconforming use under these Regulations. Before issuing such certificate, the Commission or its authorized agent shall require an updated “as-built” site plan demonstrating that the building, structure, or use as developed or established fully conforms to the provisions of any zoning permit, special permit, or final site plan.

No permanent certificate of occupancy/use shall be issued until all documents granting easements or other rights to the Town of Bridgewater and required under the zoning permit or special permit have been recorded in the Bridgewater Land Records and/or filed with the appropriate agencies and proof thereof has been submitted to the Commission.

#### **7.5 – Expiration of Permits and Approvals**

A zoning permit or special permit shall expire one (1) year following its issuance if the construction, development, or other activity allowed under such permit has not been actually commenced. A zoning permit or special permit shall expire two (2) years following its issuance if the construction or development allowed thereunder has not been completed. The Commission, upon written request and for good cause shown, may extend either or both of these periods to the extent the Commission deems appropriate. Site preparation alone shall not be deemed to be the actual commencement of the construction, development, or activity under this section.

A special permit shall also expire (i) upon the abandonment of the building, structure, or use allowed by such special permit, or (ii) if the building or structure has ceased to be used in accordance with such special permit, or (iii) if the use allowed by such special permit has ceased for a continuous period of one (1) year and the owner has not filed with the Commission or its authorized agent a notice of intent to maintain that use, or (iv) no later than five (5) years after the date of their respective approvals.

#### **7.6 – Amendment of Permits and Site Plans**

Following the issuance of a zoning permit or special permit or the approval of a final site plan by the Commission, no changes or alterations may be made in such permit or site plan except by approval of the Commission upon written application as provided in this section.

##### **7.6.1 – Minor Amendments**

If the Commission determines that the requested change or alteration is minor, it may issue an amended permit or approve an amended final site plan without the need for further procedures under Sections 7.2 or 7.3 of these Regulations. A revised final site plan must be submitted for any change affecting any item shown on the original (previous) site plan. For the purposes of this section, “minor changes or alterations” shall not include any change or alteration which would

result in an increase or decrease in the dimensions of any building or a change in the location of any building on a lot.

#### **7.6.2 – Other Amendments**

If the Commission determines that the requested change or alteration is not minor, it shall direct the applicant to file a new application under Section 7.2 or Section 7.3 of these Regulations, whichever is appropriate, and shall follow the procedures specified under such section for making a decision on such application.

### **7.7 – Time Limits and Notice Requirements**

The time limits set forth in these Regulations for commencing and concluding public hearings, making decisions, and publishing notices of hearings and decisions, are meant to be consistent with requirements of current state law. If the current requirements of state law provide for different time limits on notice requirements than those set forth in these Regulations, the requirements of current state law shall be deemed to apply. The failure of the Commission to comply with any time limit or notice requirement set forth in these Regulations or in current state law shall not be deemed to be an approval of any application, site plan, or permit unless state law requires otherwise.

### **7.8 – Exemptions**

The following structures shall not require the issuance of any permit under these Regulations:

- a. Fences, or walls used as fences, that are no more than four feet (4') in height.
- b. Mailboxes.
- c. Flagpoles for display of the flag of the United States of America or the flag of the State of Connecticut.

### **7.9 – Fees**

Fees for processing zoning applications in accordance with these Regulations shall generally be established by Town ordinance. In the event no such ordinance is applicable, the fees set forth below shall apply and shall be paid by the applicant upon submitting any application for a zoning permit, special permit or site plan approval. No application shall be accepted by the Commission until the appropriate fees are paid. Checks covering any required fees shall be made payable to “Treasurer, Town of Bridgewater, Connecticut”.

- a. **Zoning Permit:** The fee for submitting a zoning permit application for all residential (including residential accessory) uses shall be fifty dollars (\$50). The fee for a zoning permit application for all nonresidential uses shall be one hundred fifty dollars (\$150).
- b. **Special Permit:** The fee for submitting a special permit application shall be two hundred fifty dollars (\$250).

**7.10 – Enforcement**

If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of these Regulations or of Chapter 124 of the Connecticut General Statutes, the Commission or its authorized agent may take any action or seek any remedy or penalty provided under Section 8-12 of the Connecticut General Statutes, as it may be amended from time to time, or any other relevant provisions of state law.

The Commission shall also have the power to revoke any special permit issued under these Regulations upon determination, after notice to the permittee or the permittee's successor and an opportunity for a hearing, that the use has been conducted in violation of these Regulations or of any of the terms and conditions of the special permit.

## **ARTICLE VIII – ZONING BOARD OF APPEALS**

### **8.1 – Authority of Zoning Board of Appeals**

The Zoning Board of Appeals shall have the powers and duties prescribed in Section 8-6 of the Connecticut General Statutes, as amended, except that the Zoning Board of Appeals may not grant a variance to allow any use that would not otherwise be allowed in its respective zone under these Regulations.

### **8.2 – Appeals to the Zoning Board of Appeals**

Any person, or any officer, department, board or bureau of the Town of Bridgewater, aggrieved by any action of the Commission or any authorized agent thereof, with the exception of any decision on an application for a special permit, may appeal such action to the Zoning Board of Appeals to the extent permitted under Section 8-7 of the Connecticut General Statutes, as amended.

## ARTICLE IX – AMENDMENT OF REGULATIONS

### **9.1 – Procedure for Amendments**

The owners of any real property may petition the Commission for a change in the zoning status of their area. The petitioned amendment shall be acted upon by the Commission after a public hearing in accordance with the provisions of Chapter 124 of the Connecticut General Statutes, as amended.

### **9.2 – Applications**

Applications for a change in these Zoning Regulations or the Zoning Map shall be filed with the Commission on a form provided by it. For a change in the Regulations the application form shall be accompanied by the exact wording of the change applied for, including reference to the appropriate section numbers, and by the exact wording of any parts to be deleted. For a change in a zoning district boundary line, the application shall be accompanied by two (2) prints of the Zoning Map indicating in color the area for which the change is proposed, the proposed boundary line, and the proposed zoning district designation.



## **ARTICLE X – VALIDITY AND EFFECTIVE DATE**

### **10.1 – Validity**

If any section, paragraph, subdivision, clause or provision of these Regulations shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed and continue to be valid and effective.

### **10.2 – Effective Date**

The effective date of these Zoning Regulations is January 1, 1995. All zoning regulations in force prior to January 1, 1995 are hereby repealed.