

**TOWN OF ANDOVER  
PLANNING AND ZONING COMMISSION**

**ZONING REGULATIONS**

**Zoning Adopted June 16, 1950  
Subdivision Adopted May 10, 1956**

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## **SECTION 1 - GENERAL**

### **a. Purposes**

1.1.1 In accordance with Chapter 124 of the General Statutes, as amended, and other applicable General or Special Acts of the General Assembly, it is the purpose of these Zoning Regulations for the Town of Andover, Connecticut:

- To encourage the most appropriate use of land
- To conserve and stabilize the value of property
- To promote health, safety and the general welfare
- To provide adequate open spaces for light and air
- To secure from fire, panic, flood and other dangers
- To prevent undue concentration of population
- To lessen congestion in the streets
- To facilitate adequate provisions for community utilities and facilities, such as transportation, water, sewage, schools, parks, and other public requirements.

### **1.2 Implementation**

1.2.1 To carry out these purposes, these regulations:

Designate, regulate and restrict the location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry and other purposes;

Regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered;

Regulated and determine size and location of yards and other open spaces;

Regulate and limit the density of population;

Divide the town into such zoning districts for said purposes as seem best suited.

### **1.3 Basic Requirements**

1.3.1 Unless specifically provided for in these regulations, no building or structure shall be erected, reconstructed, structurally altered, enlarged, moved, or maintained, nor shall any building, structure or land be used or be arranged, designed, or intended for any use other than is permitted in the Use District in

which such building, structure or land is located.

- 1.3.2 In their interpretation and application, the provisions of these regulations shall be held adopted for the purposes stated herein. It is not intended by these regulations to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or regulations, except those specifically repealed by these regulations, or with any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises; provided, however, that where these regulations impose a greater restriction upon the use of buildings or premises or upon the heights of buildings, or require larger yards, courts, or other spaces than are imposed or required by such existing permits, the provisions of these regulations shall prevail.

## **SECTION 2- ESTABLISHMENT OF DISTRICTS**

### **2.1 Use Districts**

For the purposes described in Section 1 of these regulations, the Town of Andover is hereby divided into the following use districts:

ARD Andover Rural Design District

AL Andover Lake District

ALWPOZ Andover Lake Watershed Protection Overlay Zones

- Andover Lake Watershed Protection Overlay Zone A AL(A)
- Andover Lake Watershed Protection Overlay Zone B AL(B)
- Andover Lake Watershed Protection Overlay Zone C AL(C)
- Andover Lake Watershed Protection Overlay Zone D AL(D)

B Business District

I Industrial District

FP Flood Prone District

MUF Andover Mixed Use Floating Zone

### **2.2 Boundaries of Use Districts and Overlay Zones**

The boundaries of the above Use Districts are established as shown on a map entitled "Zoning Map - Andover, Connecticut - prepared for the Planning and Zoning Commission - Amended map adopted January 1 2018 - Scale 1" = 1,000'," which is on file in the office of the Town Clerk and which map with all explanatory matter thereon, is hereby declared to be a part of these regulations. This map is included as appendix 1. Additionally the boundaries of the above Andover Lake Overlay Zones are established as shown on a map entitled "Andover Lake Watershed Protection Map, Connecticut - prepared for the Planning and Zoning Commission - Amended map adopted January 25, 2021 - Scale 1" = 500'," which is on file in the office of the Town Clerk and which map with all explanatory matter thereon, is hereby declared to be a part of these regulations. This map is included as appendix 2.

### **2.3 Interpretation of Boundaries**

Interpretation of boundaries of any use district shall be governed by the following rules:

- 2.3.1 Where use district boundaries are so indicated that they are approximately parallel to the street lines or right-of-way lines of highways, railroads or shoreline of ponds, lakes or other bodies of water, such use district boundary shall be interpreted as parallel thereto and at such distance therefrom as indicated on the Zoning Map.
- 2.3.2 Where use district boundaries are streets, or rights-of-way of highways or railroads, which use district boundaries shall be interpreted as the center line thereof.
- 2.3.3 In cases of uncertainty, the Commission shall determine the location of the boundaries.

### **Section 3. Application of Regulations**

#### **3.1 General Provisions - except as hereinafter provided:**

3.1.1 No building or land shall hereinafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulation herein specified for the use district in which it is located.

3.1.2 No building shall hereafter be erected or altered to accommodate or house a greater number of families, or to have smaller floor area per dwelling, or to have narrower or smaller rear, front, or side yards than are specified for the use district in which such building is located.

3.2.3 No dwelling or building shall be erected closer than 15 feet to a town boundary line.



## **SECTION 4    GENERAL REGULATIONS**

**4.0    Modifications** - The provision of these Zoning Regulations shall be subject to such regulations or modifications as            herein provided by the following general regulations.

### **4.1    Non-Conforming Lots, Uses of Land, Structures, and Uses of Structures and Premises**

4.1.1    Intent - Within the districts established by these regulations or by amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before these regulations were passed or amended, but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendments.

4.1.2    Non-Conforming Lots - In any district, a lot recorded            by deed in the Andover Land of Records prior to the effective date of zoning regulations or any amendment thereto, which does not meet the requirements of these regulations may be utilized for the use permitted, under the following provisions:

a.        That such lot became non-conforming to its existing extent by reason of the adoption of Zoning Regulations in the Town of Andover effective August 9, 1950 or any subsequent amendment and was in compliance with the Regulations, if any, at the time that such lot was separately described in a deed on file in the office of the Town Clerk.

\*        Sec. 4.1.2a was amended on Jan 19, 1988, effective Feb.16, 1988.

b.        No property owner owns sufficient adjoining property to comply with the provisions of these regulations.

c.        Lot shall conform to the requirements of the State Board of Health Code and Inland/Wetlands requirements.

d.        This provision shall apply if such lot fails to meet the requirements for area, width or area and width that are applicable in the district, provided that zoning set back requirements (front yard, side yard, rear yard) are met.

e.        Variance of set back requirements shall only be obtained through action of the Zoning Board of Appeals.

4.1.3 Non-Conforming Uses of Land - Where at the effective date of the adoption or amendment of these regulations, lawful use of land exists that is made no longer permissible under the terms of these regulations as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations.

b. No such use of land ceases for any reason for a period of twenty-four (24) months or more. Any subsequent use of such land shall conform to the requirements specified by these regulations for the district in which such land is located.

4.1.4 Non-Conforming Structures - Where a lawful structure exists at the effective date of adoption or amendment of these regulations that could not be built under the provisions thereof by reason of restrictions on area, lot coverage, height, setback, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such structure may be enlarged, expanded or altered in a way which increases its nonconformity. Without limiting the foregoing, the following principles shall apply:

(1) If a structure is nonconforming with respect to required setbacks, no portion of the structure located within the setback area shall be enlarged or expanded in such a way as to increase the size or volume of such nonconformity.

(2) If a structure is nonconforming with respect to height, there shall be no vertical enlargement or expansion of the structure which exceeds the maximum building height.

(3) If a structure is nonconforming with respect to required lot coverage, there shall be no increase in lot coverage.

(4) Minor exterior alterations, e.g., replacement of windows, siding, doors, eaves, etc., which may result in an insignificant increase or change in the location or extent of the nonconformity shall be permitted, provided that no additional expansion, enlargement or alteration of the

nonconforming structure shall be associated with such minor exterior alteration.

b. If damaged or destroyed by fire or other catastrophe, the structure may be reconstructed by the owner of record, provided the restored structure occupies no greater area and has no greater cubic content or volume than the original structure and reconstruction work is begun and actively pursued within twenty-four (24) months of the disaster.

c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements for the district in which it is located after it is moved.

4.1.5 Non-Conforming Use of Structure and Premises - If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of these regulations, that would not be allowed in this district under the provisions thereof, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No existing structure devoted to a use not permitted by these regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the non-conformity except upon proper application to and approval by the Zoning Board of Appeals.

b. Any non-conforming use of a structure, or structure and premises in combination, may be changed with approval of the Zoning Board of Appeals, if the Board finds that the proposed use is equally appropriate or more appropriate than the existing use.

c. When a non-conforming use of a structure, or structure and premises in combination, is abandoned for a period of two (2) years or more, the structure or premises shall not thereafter be used except in conformance with the requirement of the district in which it is located.

4.1.6 Repairs and Maintenance - Repairs may be made or remodeling done to any building devoted in whole or in part to any non-conforming use, provided that such work does not increase the non-conformity.

Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe

by any official charged with protecting the public safety, upon order of such official.

4.1.7 Special Permit Uses - Any use which is allowed in a district as a Special Permit/Special Exception shall not be deemed a non-conforming use in such district.

4.1.8 Nothing in these regulations or this section four (4) shall be interpreted as authorization for or approval of the continuance of the use of land, building, structures or premises which such use(s) is in violation of the zoning regulations in effect to the effective date of these regulations.

\* Sec. 4.1 was amended on May 11, 1987, effective June 5, 1987.

#### **SECTION 4.2 Variation of Lot Areas and Yards**

4.2.1 Where a lot zoned Industrial or Business abuts a residentially zoned lot the yard requirements shall be in accordance with the provisions of Section 9.3.

4.2.2 A corner lot shall maintain front yard requirements for the street on which the main building faces. A side yard of a minimum of 65% of the setback line for the side street shall be maintained. All accessory buildings shall maintain front yard requirements for each street frontage.

4.2.3 Where a district boundary line divides a lot of record on the effective date of these regulations, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion, provided the lot has frontage on the street in the less restricted district.

#### **SECTION 4.3 Reduced Lot Areas**

4.3.1 No lot shall be so reduced in area that any required open space will be smaller than prescribed in Section 11.2 of these regulations for the district in which said lot is located.

#### **SECTION 4.4 Visibility at Intersections**

4.4.1 On a corner lot no fence, wall hedge, trees or other structure or planting shall be erected, placed or maintained so as to cause danger to traffic or pedestrians by obstructing the view.

#### **SECTION 4.5 Swimming Pools**

4.5.1 Except as provided for in Section 11.2, swimming pool construction, location and safety devices, including fences, shall be in accordance with the State of Connecticut Basic Building Code.

#### **SECTION 4.6 Trailers**

4.6.1 Storage shall be within the required side and rear yard lines for the particular use district wherever practicable.

4.6.2 Such trailers while stored shall not be occupied, inhabited or used for sleeping purposes.

4.6.3 All trailers stored in accordance herewith shall be kept at all times in good repair and in a clean and sanitary condition.

#### **SECTION 4.7 Overhead Utility Lines - Public Buildings**

4.7.1 Overhead utility lines in areas of public buildings shall not be erected except on approval of the Planning & Zoning Commission with due regard being given to the public safety, convenience and general welfare.

#### **SECTION 4.8 Prohibited Uses**

4.8.1 The following uses and structures are prohibited in any district:

4.8.2 Billboards.

4.8.3 Quonset huts or similar structures.

4.8.4 Any structure of a temporary nature, which is used or intended to be used for either a permanent or temporary residential dwelling.

4.8.5 Slaughter houses unless on a farm of 10 acres or more and provided no buildings or accessory building used for slaughtering, preserving or storage of meat or animal products (including chicken feathers) shall be within 200 feet of an adjacent property line, and within 300 feet of a neighboring residence, business or industrial building.

4.8.6 Motor vehicle junk yards and junk business.

4.8.7 Dumping or incineration of refuse, garbage or rubbish except where controlled by the Town.

4.8.8 Dumping or incineration of dead animals, dangerous materials or septic tank effluent; the flowing, overflowing, spilling, seepage of any dangerous, offensive, polluting or obnoxious material upon the surface of the ground or into any waterway.

4.8.9 Trailer camps, mobile home parks or similar developments.

4.8.10 Drive-in theaters.

4.8.11 Open wells, wells with unsafe covers or covers that are not securely fastened.

4.8.12 Drainage or water from driveways (unnatural), drains or sidewalks which flows or seeps onto the public walks or streets.

4.8.13 High pressure pipelines through or near areas designated for public use or near public buildings.

4.8.14 Any other business, industry or use which is dangerous to the public or near public buildings.

4.8.15 Overnight cabins for the accommodation of tourists.

4.8.16 Mobile homes as single family residence.

- i. Bulk oil distribution centers - effective 2/21/92.
- ii. Tattoo and Body Piercing - effective 12/17/03
- iii. Adult Land Uses pursuant to Section 17A – effective 12/17/03
- iv. Bail Bonds – effective 12/17/03
- v. Check Cashing – effective 12/17/03
- vi. Rooming Houses – effective 12/17/03
- vii. Methadone Clinics – effective 12/17/03

- vii. Drug and Alcohol Rehabilitation Facilities – effective 12/17/03
- ix. Youth or Adult Correctional/Detention Facilities – effective 12/17/03

#### **SECTION 4.9 Rear Lots**

4.9.0 Intent - The intent of this section is to provide greater development flexibility, particularly where a site has an unusual lot line or natural resource configuration or where rear lot development would promote or enhance the protection of valuable natural resource features. This section is not intended to encourage development of land characterized by severe or very severe development limitations or to discourage new development.

4.9.1 Authorization - The Planning and Zoning Commission may grant Special Permits in accordance with the provisions of this section, in lieu of the requirements of Section 23, to allow the construction of a single-family dwelling with permitted accessory buildings or uses on Rear Lots in the ARD and AL Zones. Rear Lots included in proposed subdivisions shall be subject to the provisions of this section. All Rear Lots require a Special Permit from the Planning and Zoning Commission.

4.9.2 Definition "Rear Lot" - A lot in one of the aforesaid Zones with less than the required Lot Width on an accepted Town road or a new road depicted on an approved subdivision.

4.9.3 Requirements - Each Rear Lot shall comply with all the requirements of the underlying ARD and AL Zones as established in Section 11, Space Requirements, of the Andover Zoning Regulations except for Lot Width.

- a. All rear lots in conventional subdivisions shall have a minimum of forty (40) feet of frontage on an accepted Town road
- b. All rear lots in open space subdivisions shall have a minimum of twenty five (25) feet of frontage on an accepted Town Road
- c. For the purposes of determining compliance with this subsection, the lot line from which the access driveway leads shall be considered as the front line of any proposed Rear Lot.
- d. Minimum Lot Area shall be as follows:

ARD- \*\*\*One Hundred and twenty thousand (120,000) square Feet or 2.75 acres, calculated including the Access way

ARD open space- \*\*\*Thirty thousand (30,000) square Feet Or 0.69 acres Calculated excluding the Access way

AL- One Hundred and twenty thousand (120,000) square Feet or 2.75 acres, calculated including the Access way

AL- open space- \*\*\*Thirty thousand (30,000) square feet or 0.69 acres Calculated excluding the Access way

e. There shall be a maximum of one (1) single family dwelling with permitted accessory buildings or uses.

f. All Rear Lots shall depict Front Yards (Building Setback Lines), Side Yards, and Rear Yards which are one hundred fifty (150%) percent of those required for the subject zone.

4.9.4 Driveways - Any driveway to a Rear Lot shall be of a durable and dustless surface and shall be no less than twelve (12') feet in width. All driveways shall, at the terminus thereof, include provisions for turnaround of sufficient width, radius and length to permit fire trucks and other emergency vehicles to turn around without backing down the driveway.

a. All driveways require a Permit from the First Selectman's Office and the posting of a bond in accordance with the ORDINANCE REGULATIONS CONCERNING INSTALLATION OF DRIVEWAYS CONNECTING WITH HIGHWAYS MAINTAINED BY THE TOWN OF ANDOVER, as approved by the Town Meeting on May 7, 1960, as amended on May 3, 1969, effective May 9, 1969.

b. The Commission shall require and receive written reports as to each of the Rear Lots from the Fire Marshall as to the feasibility of ready access to proposed dwelling and accessory buildings or emergency vehicles and equipment.

c. The Commission may grant Special Permits (see following page) approving the construction of a common driveway to a maximum of two (2) adjacent Rear Lots.

d. In cases where common driveways are approved, deed restrictions on each lot establishing maintenance and liability agreements shall be filed with the land records.

e. The owner of a Rear Lot shall provide and maintain asper approval



specifications, the driveway drainage and utilities within the accessway and shall be responsible for continued maintenance and liability.

4.9.5 No Rear Lot or subdivision shall land lock another rear property by blocking or removing the most logical or feasible access to such other rear property, except that the Planning and Zoning Commission may modify this requirement due to unusual circumstances such as topography, present divisions of property and the like.

4.9.6 Disclaimer of Liability - Approvals of Rear Lot driveways shall not be construed as acceptance of said driveway for the Town of Andover and the Town of Andover shall not be obligated to perform any repair or maintenance duties.

4.9.7 Special Permit or Subdivision Approval - No approval shall be granted authorizing construction on Rear Lots unless the applicants for such permits have demonstrated compliance with the following conditions to the satisfaction of the Commission:

a. That such lot or lots provide the best development of the land, considering subject lot and lot configurations, topography and other natural resources, characteristics, drainage and traffic impacts and driveway site line.

b. That any proposed Rear Lot development is not detrimental to the health, safety, general welfare, property values, future land use or road layouts of the future occupants of Rear Lot or lots, abutting landowners or the community at large.

c. That there is no logical or feasible alternate for the lot or subdivision to be properly served by an accepted Town road, street or highway in the foreseeable future.

4.9.8 Compliance - No certification of occupancy shall be granted for any single-family dwelling on a Rear Lot until the requirements of this section and all other approval conditions have been met.

SECTION 4.9 WAS REVISED 10/17/88. EFFECTIVE 11/12/88.

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#### **SECTION 4.10 Erosion and Sedimentation Control Plan**

- 4.10.1 Activities Requiring a Certified Erosion and Sediment Control Plan - A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.
- 4.10.2 Exemptions - A single family dwelling that is not a part of a subdivision of land shall be exempt from these Soil Erosion and Sediment control regulations.
- 4.10.3 Erosion and Sediment Control 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 storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (DEP Bulletin...as amended) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

1. Said plan shall contain, but not be limited to:

A. A narrative describing the:

1. development project

2. time schedule for:

a. all major construction activities indicating the anticipated start and completion of development

b. an orderly sequence of creating and stabilizing disturbed areas

c. grading operations

d. applying erosion and sediment control measures and facilities onto the land

e. maintaining said control measures and facilities.

3. design criteria, construction details, detailed installation/application procedures and maintenance program during and after installation of:

a. soil erosion and sediment control measures

b. any storm water  
management facilities

B. A site plan map at a scale sufficient to reveal:

1. existing and proposed topography including soil types,  
wetlands, watercourses and water bodies

2. proposed area alterations  
including property lines, existing and proposed structures,  
utilities and roads

3. disturbed areas, identifying the  
extent of all proposed clearing and grading activities

4. location of and other detailed  
information concerning erosion and sediment control  
measures and facilities, including:

a. design details and/or specifications

b. elements A(2)  
and A(3) required for Section 4.2 of the narrative

c. any special notes or drawings for  
installation/operation

d. any storm water management facilities

C. any other information deemed necessary and appropriate by the  
applicant or requested by the Commission or its designated agent.

#### 4.10.4 Minimum Acceptable Standards

1. Overall planning for soil erosion and sediment control shall be performed using the principles as outlined in 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, (DEP Bulletin...as amended). Planning 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. Planning shall consider off-site effects as well as on-site effects.

2. The minimum standards for individual measures are those in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (DEP Bulletin...as amended). The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.
- 1) The appropriate method as shown in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (DEP Bulletin...as amended) shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

#### 4.10.5 Issuance or Denial of Certification

1. The Planning and Zoning Commission (or the Tolland County Soil and Water Conservation District) shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

2. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

3. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

4. The Commission may forward a copy of the development proposal to the conservation and/or inland wetlands agency or other review agency or consultant for review and comment.

#### 4.10.6 Conditions Relating to Soil Erosion and Sediment Control

1. The estimated costs of measures required to control soil erosion and sedimentation during and after development that are a condition of certification of any modified site plan may be covered in a performance bond or other assurance acceptable to the Commission.

2. 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.

3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

4.10.7 Inspection - Municipal inspections during development shall ensure compliance with the certified plan and that control measures and facilities are properly performed, installed and maintained. The Commission may require the applicant and/or consultant submitting the soil erosion and sediment control plan to verify through progress reports that control measures and facilities were installed according to the plan.

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Amendment to Zoning Regulations - Effective 1/21/93

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#### **SECTION 4.11 Accessory Apartments**

4.11.0 Intent - The intent of this section is to fulfill an increasing need for smaller, affordable housing units and to provide for the needs of the elderly while preserving the rural character of the Town.

4.11.1 Definition and Applicability –

- a. An accessory apartment is herein defined as a second dwelling unit located on the same Lot as the principal dwelling.
- b. An accessory apartment shall be allowed in the Andover Rural Design District.

c. An Accessory Apartment shall be allowed in the AL district on lots that exceed 120,000square feet in area. Lots in the AL zone shall, upon approval, file in the office of the Andover Town Clerk, a restrictive covenant containing the following language: “This property includes an accessory apartment, and shall not be subdivided or reconfigured in any way that would result in a remaining lot size of less than 120,000 square feet.” (Section amended 4/18/2011)

d. An Accessory Apartment shall be allowed in the Business and Industrial District,

limited to principal dwellings existing on the effective date of this section, or single family dwellings that were permitted under section 8.4 on restricted sites.

4.11.2 Site Plan Review and Standards: An accessory apartment will be allowed by site plan review for units located within the principal dwelling. The permit will be approved only if the applicant has demonstrated that the proposed accessory apartment meets the following standards:

- a. The requirements of Section 11.2, Space Requirements are satisfied.
- b. The gross floor area of the accessory unit shall be between 250 and 800 square feet and shall be less than 33% of the gross floor area of the single family dwelling. Gross floor area is as defined in Section 24.3.c. The gross floor area of the principal dwelling shall not be decreased below the minimum requirements of Section 11.1.1.
- c. The accessory apartment shall include a kitchen area, sanitary facilities, and living quarters.
- d. The principal dwelling and accessory apartment shall remain under common ownership.
- e. The Town Sanitarian shall certify that applicable Health Codes are met.
- f. Architectural plans shall be submitted as a part of the site plan review.
- g. Off-street parking shall be provided for both dwellings, with at least two spaces for the principal dwelling and one for the accessory apartment.
- h. One driveway shall service both dwellings.
- i. The addition of the accessory apartment shall not alter the basic character of the dwelling as a single family residence.

4.11.3 Special Permit Review and Standards: An accessory apartment will be allowed by special permit for a building detached from the principal dwelling. The special permit will be approved only if the applicant has demonstrated that the proposed accessory apartment meets the following standards:

- a. All requirements of Section 4.11.2 for site plan review are met.

- b. Architectural plans and renderings shall be submitted the Commission to be used to determine that the proposed structure is consistent in appearance with the character of the surrounding buildings and does not detract from the rural characteristics of the area.
- e. A site plan conforming to the requirements of section 23.2B

#### **SECTION 4.12            Bed And Breakfast Establishments**

Bed and breakfast establishments provide overnight accommodations to guests and may serve breakfast to (overnight) guests. Such establishments are permitted in all residential zones.

Bed and Breakfast Establishments are approved by special permit from the Commission, subject to the requirements of Section 23 and other applicable sections of the Zoning Regulations and as established below.

The special permit will be approved only if the Commission determines that the application meets the following standards:

1. The operator of the business is to reside on the subject property. There shall be no more than one outside employee.
2. The Town Sanitarian shall certify that applicable Health Codes are met.
3. Operation is subject to the approval of the Town Fire Marshal.
4. Operation is subject to applicable building codes and approval by the Town Building Official.
5. An accompanying site plan shall provide information regarding parking. One parking space shall be provided for each room in addition to standard residential requirements. Parking areas shall be separated from property lines by a suitable landscaped buffer at least 10 feet wide. (See Sec. 12, Parking.)
6. The operation shall not alter the residential nature of the neighborhood nor the character of the dwelling as a single-family residence.
7. The refuse area shall be screened from view. The area shall be no closer than 20 feet to any property line and 50 feet to any dwelling on

an adjacent lot.

8. No more than 3 bedrooms shall be used commercially.

9. One identification sign is allowed. The sign area shall not exceed 5 square feet nor shall the sign exceed 6 feet in height.

10. Occupancy shall not exceed 14 consecutive nights.

11. If use is abandoned for more than one year, the permit may be voided by motion of the Commission and filing notice of such action in the Town Land Records.

12. Such permit is not transferable to another operator.

#### **SECTION 4.12A Home Occupation Uses**

The purpose of licensing this accessory activity is to allow certain small scale quasi-business undertakings by the dwelling occupant that will not influence the immediate neighborhood. This Section 4.12A shall not apply where the principal use is a farm.

1) The activity offered shall meet the following criteria:

- a. Be conducted solely by an occupant of the dwelling unit without any non-resident assistants or employees and entirely within the dwelling unit, specifically excluding any area designed as a private garage or other accessory building.
- b. Except as provided in Section 4.18 and 4.19 of these Regulations, not present any external evidence of the activity including a separate entrance or the parking of any vehicle which displays any evidence of the activity, however, a sign shall be permitted no larger than two (2) square feet identifying the activity.
- c. Not utilize more than twenty (20) percent nor more than three hundred (300) square feet of the gross floor area of the dwelling., whichever is less.
- d. No equipment or process used for the activity shall create: noise, vibration, glare, fumes, hazardous waste, electrical interference (visual or audible) with any radio, television, or telephone; or cause



fluctuations in electrical line voltage off the premises.

- e. Not generate greater vehicular traffic than would ordinarily be associated with the dwelling location or attract more than four (4) persons to the dwelling at any one time.
- f. Not involve repairing any item which would be brought to the dwelling.
- g. Following is a list of business pursuit categories, which may be pursued in residential units, as a permitted use requiring administrative approval only, provided they do not violate any of the above criteria.

1. Office activity such as: consulting, writing, computer programming, tutoring, telephone answering and drafting.

2.. Fine Arts such as: painting, sculpturing, photography, model making, crafts and weaving, dress making, seamstress.

3. Culinary Activities such as: baking, cooking and preserving food.

- 2) The following is a list of business pursuit categories, which may be pursued, in residential dwellings, by Special Permit requiring Planning and Zoning Commission approval pursuant to Section 23 of these Regulations:

[Section 4.12A amended 11/15/10 effective 12/15/10]

- a. Special Permit Uses Not Subject to Section 4.12a (I) in the ARD and AL districts”
  - i. Retail Sales;
  - ii. Small scale assembly and repair;
  - iii. Any use requiring non-resident employees or the construction of an additional structure.
  - iv. Smaller scale Business where all work activity takes place off site. Administrative services may take place at the dwelling. Vehicles and equipment are stored at the

dwelling.

b. Special Permit Uses Not Subject to Section 4.12a (l) in the Business and Industrial districts for lots with existing single family dwellings

- i. Any use allowed by site plan review in the business zone.
- ii. Small stores.
- iii. Adult or child day care.
- iv. Medical/ Dental offices, labs and Clinics.
- v. Larger scale business where the majority of work activity takes place off site, but accounting, vehicles and equipment is stored at the dwelling.

3) Application for Home Occupation

The application shall not be considered complete unless the following additional items are submitted, in addition to those required by Section 23 of these Regulations:

- 1. The applicant shall submit a letter attesting to the appropriateness of the proposed use, architectural character and impact to adjacent residential areas (section 23.4K-M).
- 2. The applicant shall supply the Commission architectural plans for any proposed structure.
- 3. Any waivers requested by the applicant shall be submitted in writing.
- 4. The application checklist shall be filled out by the applicant and reviewed by the Zoning Agent with the applicant.

4) Approval

A Home Occupation approval shall be issued for a 90-day trial period during which time the activity can be reported to the Planning and Zoning Commission and may be observed to make an initial evaluation possible. During the 90-day trial period the license can be revoked following notice to the permit holder and a hearing at which the permit holder will have the opportunity to appear and be heard as to why the permit should not be revoked. After the 90-day trial period approval may be made permanent subject to an annual renewal inspection and authorization. There will be a \$50.00 annual renewal fee.

5) Findings

A Home Occupation shall be granted when the Zoning Officer or the Planning and Zoning Commission finds that the proposed Home Occupation will not violate any provision of these Regulations. The approving authority can place conditions on any approval.

6) Approved Use

No substantial deviation from an approved Home Occupation shall be permitted without the approval of the Zoning Officer or the Commission, as the case may be. Any deviation, without approval is grounds to revoke the Home Occupation approval following notice to the permit holder and a hearing at which the permit holder will have the opportunity to appear and be heard as to why the permit should not be revoked.

\* Section added 11/17/03 effective 12/17/03

**SECTION 4.13.0 Telecommunication Facilities**

Telecommunication facilities shall be allowed by Special Permit in the ARD, Business and Industry zones. Such facilities shall be subject to the requirements of Section 23 (Special Permit section) of the Andover Zoning Regulations and as detailed below.

4.13.1 Statement of Intent

This section of the Andover Zoning Regulations is intended to provide a basis for the Planning & Zoning Commission to responsibly allow for the construction of telecommunication facilities within the Town of Andover while minimizing the potential adverse effects of such facilities.

4.13.2 Definitions:

ANTENNA means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

APPLICANT shall be the provider and the property owner.

BASE STATION - The primary sending and receiving site in a wireless

telecommunications network. More than one base station and/or more than one variety of personal wireless service provider can be located on a single tower or structure.

CO-LOCATION means to locate wireless communication facilities from more than one provider on a single telecommunication tower.

FACILITY SITE - A property or any part thereof, which is owned or leased by one or more personal wireless service providers.

FALL ZONE is the area or location within which a tower or antenna would drop, slide or settle in the event the tower is blown from its support structure, collapses, or otherwise dislodged from its foundation or mounting.

LATTICE TOWER is a trestle framework consisting of horizontal and vertical structures used to support antennas and designed to resist all loads, including wind loads, without requiring or having guyed wires at any point.

LICENSED CARRIER (OR PROVIDER) means a company authorized by the Federal Communications Commission (FCC) to build and operate a wireless communication service system.

MONOPOLE TOWER means a structure composed of a single spire used to support antennas.

TELECOMMUNICATION FACILITY shall mean towers, antennae and other support equipment used to provide wireless communication services. Such services include, but are not limited to, cellular communications, personal communications services, paging services, radio and television services and other broadcast services.

TELECOMMUNICATION TOWER shall mean a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole. Any such structure 15' or greater shall be considered a tower.

#### 4.13.3 Application Process

A complete application shall include the following information:

- a) A completed Special Permit application;

- b) A boundary survey of facility site showing:
  - 1) All existing improvements;
  - 2) Topography at 2 intervals, scale 1" = 40';
  - 3) All existing structures within 500' of the property boundaries shall be referenced on the plan. Reference shall include property owner, type of structure and approximate distance to same;
  - 4) A delineation of the proposed lease site, if applicable;
  - 5) Sedimentation and erosion control measures to be used during construction;
  - 6) A location map identifying the site;
- c) Construction details of proposed tower, base station, accessory structures (i.e. all equipment), access drives, fencing, location of utilities, lighting and any landscaping. Detail shall include dimensions, colors, soil boring information, proposed grounding, and any other information that may assist the Commission in the decision making process.
- d) A fall zone analysis certified by the manufacture of the tower.
- e) A view shed analysis depicting all areas from which the proposed tower will be visible to assist the Commission access the visual impact of the proposed facility.
- f) A map showing the 1) service area of the proposed facility and 2) the search area for the proposed facility.
- g) The Planning & Zoning Commission reserves the right to require an independent review of any technological aspect of an application for a telecommunication facility. Such review shall be performed by a qualified consultant mutually agreed upon between the applicant and the Town. The scope of review shall be dictated by the Town. All costs arising from the review process shall be the responsibility of the applicant.

\* (4.13.3g Adopted 3/15/99, Effective 4/15/99) \*

#### 4.13.4 Standards

- a) The minimum lot size for any telecommunication facility constructed in the Town of Andover shall be 40,000 square feet.
- b) Telecommunication towers shall not exceed 200' in height. This restriction shall supersede the height restrictions set forth in 11.2 of Andover Zoning Regulations.

- c) Telecommunication facilities shall be designed and constructed so as to accommodate a minimum of three (3) telecommunication service providers.
- d) Telecommunication facilities shall be enclosed with a security fence a minimum of 6' in height.
- e) Landscaping/screening shall be provided in accordance with Section 23.5.D of the Andover Zoning Regulations.
- f) All access drives shall be constructed in accordance with the driveway standards set forth in the Andover Subdivision Regulations insofar as grading, pavement requirements, and sight line distances. Parking shall be provided for a minimum of one vehicle. The access drive and parking area shall be constructed of a dust free surface.
- g) All telecommunication towers shall be galvanized or painted in such a fashion as to minimize the visual impact upon the community, unless otherwise required by the Federal Aviation Administration (FAA).
- h) Utility lines shall be installed underground, unless the Commission determines that site conditions warrant otherwise.
- i) The applicant will provide a report from an independent licensed professional engineer documenting that the proposed telecommunication facility will comply with the emission standards established by the Federal Communications Commission. The report will further certify that the construction of the telecommunication facility, as proposed, will not interfere with public safety communications, radio, television, or other existing communication systems.
- j) Setbacks - All towers shall be setback a minimum of 300' from the nearest residential property line and 500' from the nearest neighboring residence or approved building site (location of proposed dwelling on approved subdivision).
- k) Lighting shall be a) kept to a minimum, b) used exclusively for illumination of the ground support system, c) and be directed so as to avoid outward illumination unless required by the FAA or the FCC.
- l) Signage on any towers is prohibited with the exception of one (1) warning sign per fence elevation. Signs shall not exceed one (1) square foot per sign

unless required by the FAA or the FCC.

m) All generators and accessory equipment will operate in compliance with the noise standards set forth in the Connecticut General Statutes.

n) Design criteria - Telecommunication towers shall be either monopole or lattice tower construction.

o) No dish antennae shall exceed 3' in diameter and no panel antennae shall exceed 84" in height and 24" in width.

#### 4.13.5 Locational Preference

The locations for siting wireless telecommunications equipment are listed below in order of preference.

a) On existing approved towers.

b) On existing buildings or utility structures in Business or Industrial zones.

c) On parcels of land containing an existing tower.

d) On Industrial or Business zoned property.

e) On Town or State property.

f) On residentially zoned property adjacent to Business, Industrial or Public Property.

g) On Residentially zoned property.

#### 4.13.6 Monitoring

The Commission reserves the right to require periodic testing so as to monitor potential environmental concerns raised by the construction of a telecommunication facility. Such testing shall include, but not limited to noise levels and electromagnetic emissions. All such testing shall be performed by an independent consultant pre approved by the Planning and Zoning Commission. A bond may be required to ensure compliance of this requirement.

#### 4.13.7 Abandonment

Any telecommunication facility constructed which is subsequently abandoned for a period of twelve months shall be removed by the telecommunication facility owner. Removal

shall occur within 120 days of twelve month period. Upon removal of the telecommunication facility the site shall be restored to its original appearance, to the extent feasible.

#### 4.13.8 Demolition of Telecommunication Facility

The owner of a telecommunication facility approved pursuant to Section 4.13 of the zoning regulations of the Town of Andover, shall remove such facility from the premises on which it is constructed within 120 days after such time as the facility ceases to provide telecommunication services for a period of one year. Should the owner fail to effectuate such removal within said 120 days the Zoning Enforcement Officer is authorized to undertake such actions as are necessary to cause the removal of such facility from the parcel on which it is located. The Zoning Enforcement Officer shall keep an itemized account of all expenses involved in such removal. The Zoning Enforcement Officer shall mail a statement of such expenses to the owner of the facility and to the owner of the property on which it was located along with a bill requiring the payment of the same by the owner of the facility and the owner of the property within thirty days from the date of mailing thereof. If the bill is not paid in full on the due date, in addition to pursuing other legal remedies, the Zoning Enforcement Officer may prepare or cause to be prepared a lien for such expenses, which lien may be recorded on the Land Records. The lien shall relate back to the date of the approval of the facility by the Planning and Zoning Commission. The lien shall take precedence over all interests created in the property subsequent to the date of such approval, except for liens for municipal taxes, and shall not be released or extinguished until the amounts secured by said lien, together with the interest in the amount of one and one-half percent per month, if unpaid, is paid in full. Further, so that said lien shall also have priority over any interests in the property which exist as of the date of said approval, the owner of the property shall obtain appropriate subordination agreements from any who claims an interest in the property as of the date of such approval.

### **4.14 PLANNED RESIDENTIAL DEVELOPMENT FOR OLDER PERSONS**

#### 4.14.0 STATEMENT OF INTENT

This section of the Andover zoning regulations is intended to provide for variation in density and residential use type so as to provide alternative housing opportunities for the elderly. This section is intended to provide the Commission with a basis upon which to evaluate such proposals allowing flexible site design without negatively impacting the Town.

#### 4.14.1 Process

Planned Elderly Residential Developments are allowed by Special Permit granted only by the



Andover Planning & Zoning Commission after such time as a public hearing is held and public comment is assessed.

The Commission may require the developer to post a bond in accordance with Section 21.0 of the Andover Zoning Regulations. Such bonds are to be posted prior to issuance of a building permit.

Prior to issuance of a certificate of occupancy the developer will provide an as-built survey, prepared in accordance with A-2 standards, for purposes of determination of compliance with the approved plan.

#### 4.14.2 Definitions

Older Persons - Individuals who are fifty-five (55) years of age or older.

Lot Coverage – percent (age) of lot covered by buildings and/or structures.

#### 4.14.3 Application Process

A complete application will include the following:

- a) A complete Special Permit Application;
- b) A certified A-2 survey of the subject parcel showing:
  - 1) A location map identifying the site
  - 2) Topography at 2' intervals, scale 1" = 40'
  - 3) Information as to lot size, zoning district
  - 4) Existing improvements
  - 5) All proposed improvements including all structures, roadways, parking, fire lanes, utilities (water, electric, sewage disposal (primary and reserve), refuse containment/screening)
  - 6) A drainage plan including all foundation drains, roof drains, roadway drainage
  - 7) All soil test data including test locations and test results
  - 8) Provisions for handicapped accessibility
  - 9) Ponds, streams, and wetland soils identified by a soil scientist
- c) Architectural elevations of proposed structures as well as any other architectural detail that it is necessary to determine compliance with these regulations;
- d) A landscaping/screening plan;
- e) An erosion and sedimentation control plan as per Section 4.1of the Andover zoning

regulations;

If the proposed project is to be performed in phases the plans shall clearly define each phase of construction.

#### 4.14.4 Permitted Uses

Permitted uses shall include:

- a) Residential dwellings which may include single family detached as well as multiple units contained within a single structure to be occupied by individuals 55 years of age or older. One additional individual may reside in the same unit provided that such individuals are 1) related by blood or marriage to the individual fifty five years of age or older and 2) the individual is a minimum of thirty years of age. Dwellings may consist of one or two bedrooms.
- b) Accessory structures and uses including community buildings, swimming pools, garages and other accessory structures which are incidental to the principal residential use.

#### 4.14.5 Standards

Tract size - The minimum size of a parcel of land to be developed for senior housing shall be ten acres excluding all wetlands, watercourses and slopes in excess of 30 percent.

Density - Planned residential development for older persons shall be at a density not to exceed 6 bedrooms per acre.

Building Height - No structure shall exceed 25' in height as defined by the Andover zoning regulations.

No building shall contain more than four dwelling units or 6 bedrooms.

Roads - Roads shall conform to the road standards in the subdivision regulations with the exception of the road width requirements. Roads proposed within a planned residential development for older persons shall be a minimum of 24' in width. The Commission may, however, modify the width and curbing requirements subject to the approval of by the Town Engineer.

Sidewalks shall be provided in areas where significant pedestrian traffic is likely to occur. Sidewalks shall be a minimum of 4' in width and constructed with bituminous concrete, stone dust, or other material suitable to the Commission with a 6" processed base.

Parking shall be in accordance with Section 12 of the Andover Zoning Regulations except that spaces shall be provided at a ratio of 2 spaces per unit. A minimum of one space per unit shall be provided by way of an enclosed, attached garage. Additional common parking shall be provided so as to accommodate 1 parking space (s) per dwelling unit. On street parking spaces shall not be used to establish compliance with this section.

Subsurface sewage disposal: All subsurface sewage disposal shall be in accordant with the requirements of the Connecticut Public Health Code and /or the Connecticut Department of Environmental Protection subsurface sewage disposal regulations as applicable.

Water supply shall be provided in accordance with the Connecticut Public health Code and the Department of Public Utility Control as applicable.

Setbacks - All proposed structures shall be a minimum of 50' from any property line. All structures shall be a minimum of 25' from any proposed roadway internal to the development or common area and a minimum of 25' from any parking area or pedestrian path intended for common use.

A minimum of 10% of all units shall be handicapped accessible. All units shall be handicapped adaptable.

Storm drainage shall be in conformance with Section 7.8 of the Andover Subdivision Regulations, as applicable.

Lot coverage should not exceed 15% of the lot size.

Utility lines shall be installed underground, unless the Commission feels that site conditions warrant otherwise.

#### 4.14.6 Building Standards

Exterior walls shall extend no more that 50 feet along the same architectural plane.

The sound transmission criteria for all common walls shall be dictated by the state building code in effect at the time of application. The minimum dwelling unit size shall be 500 square feet. All habitable space will be situated above grade. Any residential unit without an individual basement shall be provided a minimum of 100 square feet of (dead) storage area and indoor laundry facilities, both of which shall be accessible from the interior of the unit.

All residential dwelling units shall individual access doors leading directly to the outside.

All units shall be equipped with a call-for-aid system with a centralized point of contact.

#### 4.14.7 Landscaping Standards

A minimum of 50% of the parcel shall be devoted to natural or landscaped areas.

The Commission may require suitable landscaping with a Planned Elderly Residential Development to protect the privacy of individual units. The Commission may require a landscape buffer around the perimeter of the property as well as at other locations if the Commission deems it necessary so as to afford privacy.

#### 4.14.8 Evaluation Criteria

Impact on surrounding areas;

Traffic considerations, circulation on site as well as impact on streets;

Safeguards to protect detrimental effects on neighboring properties;

Provisions for open space and amenities;

Public health concerns.

#### 4.14.9 Maintenance

The maintenance of all common areas shall be the responsibility of a homeowner's association duly incorporated under Chapter 828 of the Connecticut General Statutes.

##### i. Fee schedule

Upon approval of a Special Permit for a Planned Residential Development for Older Persons a fee of \$20 per residential unit shall be assessed and used to offset the cost of inspections performed for purposes of determining zoning compliance.

### **SECTION 4.15 Historic Preservation by way of Adaptive Historic Reuse**

Purpose – It is recognized that there are an abundance of historic and architecturally significant buildings within the Town of Andover. It is further recognized that these structures are not always suited for the uses allowed within the underlying zone. In an attempt to preserve these buildings and thus Andover's history an agricultural heritage, the Commission may entertain an application for special permit to allow uses, not currently allowed within the zone, which would be more appropriate and economically feasible for the site and the structure.

- 1) The site, building or structure proposed shall be included in a national, state or local registry of historic buildings or sites. Other buildings and structures may apply under this section provided that it is determined by the local historic society, or another qualified professional who determines that the proposed reuse is compatible with the historic character and fabric of the building.
- 2) Permitted use of the site and structure is unrestricted but shall be harmonious with the physical characteristics and originally designed use of the structure: i.e. a structure designed for a residence may be used as an office.
- 3) A written agreement shall be filed with the Commission and the Town Clerk stipulating that the exterior of the structure and the site will be restored and maintained in accordance with the historic time period the structure is identified.
- 4) Section 11.2 Building and Area requirements and off-street parking requirements for historically significant buildings with adaptive uses may be modified when a proponent can show:
  - a. needed off-street parking is or could be available in the vicinity and;
  - b. the economic feasibility of the project depends on the waiving of some or all of the parking requirements.
  - e) All proposals under this category shall submit a narrative and architectural renderings explaining how the applicant intends to renovate and preserve the historic façade and overall historic character of the building. All proposals may be referred to the State Historic Commission and the Andover Historic Society for review and comment. All comments shall be purely advisory.

\* Section added 11/17/03 effective 12/17/03 \*

4.16 **Driveways** General Requirements: The following standards shall apply,

- a. Runoff from Driveways. Driveways shall be designed 1) to prevent runoff onto Town property unless the Town has approved such design and 2) to prevent runoff from Town property onto private property. Privately owned and maintained drainage diversion swales, detention areas and/or dry wells shall be utilized to the greatest extent possible.

Where private drainage features are utilized, it shall be noted in the land records that maintenance of such features is the responsibility of the lot owner and that, subject to proper notification by the Town, the town may undertake any necessary maintenance and bill the cost to the property owner.

- b. Construction Standards. Driveways shall be constructed of a durable, non-erodible load bearing material capable of supporting emergency equipment up to 70,000 pounds. Subbase and/or base materials per review and approval of the Town Engineer. Culverts in the Town right-of-way shall be a minimum 15 inches in diameter. Use of ACCMP is prohibited.
- c. Grading Standards. Driveway grades shall not exceed 15% and driveways with grades exceeding 10% shall be paved. Driveway grade shall not exceed 5% over the first 20 feet from the road. Driveway side slopes shall not exceed a slope of three horizontal to one vertical (3:1) unless retaining walls or other stabilizing measures are provided.
- d. Width. Driveway width shall be a minimum of 10 feet with a 3 foot wide clearance area on either side. Driveways shall have sufficient radius at curves to accommodate emergency equipment.
- e. Vertical Clearance. To avoid damage to emergency equipment, a minimum vertical clearance of 14 feet shall be maintained over the entire driveway.
- f. Sightline. Minimum sightline distances at the intersection of the driveway with the public road shall conform to the requirements of the Connecticut Department of Transportation. This distance may be increased where the Town Engineer determines that the rate of traffic requires a higher standard for safety.
- g. Angle of Intersection. Driveways shall intersect with the public road at an angle of approximately ninety degrees for at least the first 20 feet adjacent to the public road.
- h. Work in the Town Right of Way. A permit is required for any work in the Town right-of-way, including tree trimming or removal. Any disturbance of the Town right-of-way shall be repaired by the permittee. Any trees damaged by construction shall be removed at the permittee's expense and may be required to be replaced.
- i. Turnaround. A turnaround area shall be provided on each lot to avoid backing into the street, except that this requirement may be waived where it is determined that lot topography or shape makes this requirement impracticable. A turnaround area of sufficient size and load-bearing capacity to accommodate emergency equipment shall be provided where driveway length exceeds 200 feet.

- j. Passing areas. Pullouts to accommodate two-way traffic, measuring at least 8 feet by 50 feet, may be required. Passing areas shall generally be provided at 500 foot intervals, depending on site conditions.
  - k. Liability. The property owner and the permittee shall be responsible for all claims of damage resulting from the construction or alteration of the driveway.
- l. Completion of Work. No certificate of zoning compliance shall be issued unless the driveway installation is completed or bonded.

\*Section added and adopted July 21, 2008, effective August 13, 2008

#### **SECTION 4.17: STORMWATER MANAGEMENT STANDARDS**

##### **I. Stormwater Management Policy and Principles**

###### **A. Policy**

1. The Town of Andover seeks to maintain the natural environment of its watercourses and water bodies, to control pollution caused by stormwater runoff, and to control flooding caused by development.
2. The Town encourages innovative solutions and low impact development techniques.

###### **B. Principles**

These Stormwater Management Standards are intended to incorporate the following goals as reflected in the 2004 Connecticut Stormwater Quality Manual, as amended:

1. Preserve pre-development site hydrology (including runoff, infiltration, interception, evapotranspiration, groundwater recharge, and stream base flow) to the extent possible.
2. After construction has been completed and the site is permanently stabilized, reduce the average annual total suspended solids loading in the post-development runoff by at least 80 percent of pre-treatment conditions. For high quality receiving waters and sites with the highest potential for significant pollutant loadings, reduce post-

development pollutant loadings so that average annual post-development loadings do not exceed pre-development loadings (i.e., no net increase).

3. Preserve and protect wetlands, stream buffers, natural drainage systems, and other natural features that provide water quality and quantity benefits.
4. Manage runoff velocity and volume in a manner that maintains or improves the physical and biological character of existing drainage systems and prevents increases in downstream flooding/stream bank erosion.
5. Prevent pollutants from entering receiving waters and wetlands in amounts that exceed the systems' natural ability to assimilate the pollutants and provide the desired functions.
6. Seek multi-objective benefits (i.e., flood control, water quality, recreation, aesthetics, and habitat) from stormwater control measures.

## **II. Definitions**

### Aquifer

A porous water-bearing formation of permeable rock, sand or gravel capable of yielding economically significant quantities of groundwater.

### Best Management Practice (BMP)

A BMP is a technique, process, activity, or structure used to reduce the pollutant content of a storm water discharge. BMPs include simple nonstructural methods, such as good housekeeping and preventive maintenance. BMPs may also include structural modifications, such as the installation of bioretention measures. BMPs are most effective when used in combination with each other, and customized to meet the specific needs (drainage, materials, activities, etc.) of a given operation or site.

### Bioretention

A practice to manage and treat stormwater runoff by using a specially designed planting soil bed and planting materials to filter runoff stored in a shallow depression. The areas consist of a mix of elements each designed to perform different functions in the removal of pollutants and attenuation of stormwater runoff.

### Catch Basin Inserts



A structure, such as a tray, basket, or bag that typically contains a pollutant removal medium (i.e. filter media) and a method for suspending the structure in the catch basin. They are placed directly inside of existing catch basins where stormwater flows into the catch basin and is treated as it passes through the structure.

#### Catch Basin

A structure placed below grade to conduct water from a street or other paved surface to the storm sewer.

#### Cisterns

Containers that store larger quantities of rooftop stormwater runoff and may be located above or below ground. Cisterns can also be used on residential, commercial, and industrial sites. See also Rain Barrel.

#### Disturbance

Any clearing, grubbing, filling, grading, excavating, constructing, depositing, or removing material that could leave the ground surface subject to the potential for accelerated erosion or an increase in the rate of runoff.

#### Deep Sump Catch Basins

Storm drain inlets that typically include a grate or curb inlet and a sump to capture trash, debris and some sediment and oil and grease. Also known as an oil and grease catch basin.

#### Dry Detention Pond

Stormwater basin designed to capture, temporarily hold, and gradually release a volume of stormwater runoff to attenuate and delay stormwater runoff peaks. Dry detention ponds provide water quantity control (peak flow control and stream channel protection) as opposed to water quality control. Also known as "dry ponds" or "detention basins".

#### Filter Strip

A strip or area of vegetation for removing sediment, organic material, nutrients and chemicals from runoff or wastewater. They are typically located downgradient of stormwater outfalls and level spreaders to reduce flow velocities and promote infiltration and filtration.

### Grass Drainage Channels

Traditional vegetated open channels, typically trapezoidal, triangular, or parabolic in shape, whose primary function is to provide non-erosive conveyance, typically up to the 10-year frequency design flow. They provide limited pollutant removal through filtration by grass or other vegetation, sedimentation, biological activity in the grass/soil media, as well as limited infiltration if underlying soils are pervious.

### Groundwater Recharge

The process by which water seeps into the ground, eventually replenishing groundwater acquirers and surface waters such as lakes, streams, and the oceans. This process helps maintain water flow in streams and wetlands and preserves water table levels that support drinking water supplies.

### Groundwater Recharge Volume (GRV)

The post-development design recharge volume (on a storm-event basis) required to minimize the loss of annual pre-development groundwater recharge. The GRV is determined as a function of annual pre-development recharge for site-specific soils or surficial materials, average annual rainfall volume, and amount of impervious cover on a site. The post-development design recharge volume (on a storm-event basis) is required to be equivalent to the loss of annual pre-development groundwater recharge. The GRV is determined as a function of annual pre-development recharge for site-specific soils or surficial materials, average annual rainfall volume, and amount of impervious cover on a site.

### Hydrodynamic Separators

A group of stormwater treatment technologies designed to remove large particle total suspended solids and large oil droplets, consisting primarily of cylindrical-shaped devices that are designed to fit in or adjacent to existing stormwater drainage systems. The most common mechanism used in these devices is vortex-enhanced sedimentation, where stormwater enters as tangential inlet flow into the side of the cylindrical structure. As the stormwater spirals through the chamber, the swirling motion causes the sediments to settle by gravity, removing them from the stormwater.

### Impervious Surface

An area of a lot which has been improved in such a way as to be impenetrable by surface water. Such surfaces include, but are not limited to, roofs, paved areas (roads, driveways, parking lots, sidewalks, patios, etc.) and swimming pools.

### Infiltration Practices

Stormwater treatment practices designed to capture stormwater runoff and infiltrate it into the ground over a period of days, including infiltration trenches and infiltration basins.

### Low Impact Development (LID)

Low impact development is a site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible.

### Nonpoint Source Pollution

Pollution caused by diffuse sources that are not regulated as point sources and are normally associated with precipitation and runoff from the land.

### Non-Routine Maintenance

Corrective measures taken to repair or rehabilitate a Stormwater Facility to proper working condition. Non-routine maintenance is performed as needed, typically in response to problems detected during routine maintenance and inspections.

### Oil/Particle Separators

Consist of a subsurface structure with one or more chambers designed to remove trash and debris and to promote sedimentation of coarse materials and separation of free oil (as opposed to emulsified or dissolved oil) from stormwater runoff. Oil/particle separators are typically designed as off-line systems for pre-treatment of runoff from small impervious areas, and therefore provide minimal attenuation of flow. Also called oil/grit separators, water quality inlets, and oil/water separators.

### Permeable Paving Materials

Materials that are alternatives to conventional pavement surfaces and that are designed to increase infiltration and reduce stormwater runoff and pollutant loads. Alternative materials include modular concrete paving blocks, modular concrete or plastic lattice, cast-in-place concrete grids, and soil enhancement technologies. Stone, gravel, and other low-tech materials can also be used as alternative for low traffic application such as driveways, haul roads, and access roads.

### Porous Pavement

Porous pavement is similar to conventional asphalt or concrete but is formulated to have more void space for greater water passage through the material.

### Pretreatment

Techniques used in stormwater management to provide storage and removal of coarse materials, floatables, or other pollutants before the primary treatment practice.

### Primary Stormwater Treatment Practices

Stormwater treatment practices that are capable of providing high levels of water quality treatment as stand-alone devices: can be grouped into five major categories – stormwater ponds, stormwater wetlands, infiltration practices, filtering practices, and water quality swales.

### Rain Barrels

Barrels designed to retain small volumes of runoff for reuse for gardening and landscaping. They are applicable to residential, commercial, and industrial sites and can be incorporated into a site's landscaping plan. The size of the rain barrel is a function of rooftop surface area and the design storm to be stored. Rain barrels capture runoff that would otherwise be lost to storm drains, divert water to the landscape, and conserve tap water. For large rain barrels, see “Cistern.”

### Rain Garden

Functional landscape elements that combine plantings and a specially designed planting soil bed in depressions that allow water to pool for only a few days after a rainfall and then be filtered by and slowly absorbed by the soil and plantings. Rain gardens improve water quality by reducing the sediment, nutrients, bacteria, and chemicals from flowing into water bodies.

### Responsible Party

The person or organization responsible for construction and/or maintenance of a stormwater facility.

### Routine Maintenance

Maintenance performed on a Stormwater Facility on a regular basis to maintain proper operation and aesthetics.

#### Secondary Stormwater Treatment Practices

Stormwater treatment practices that may not be suitable as stand-alone treatment because they are either not capable of meeting the water quality treatment performance criteria or have not yet received the thorough evaluation needed to demonstrate the capabilities for meeting the performance criteria.

#### Site Stormwater Management Plan

A Plan in accordance with Section III below describing the potential water quality and quantity impacts associated with a development project both during and after construction. It also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.

#### Stormwater

Water consisting of precipitation runoff or snowmelt.

#### Stormwater Runoff

Above ground water flow resulting from precipitation or snow melts.

#### Stormwater Facility

Any device, structure, system, or practice used to improve stormwater quality, promote infiltration, provide peak flow control, or to provide peak runoff attenuation.

#### Stormwater Ponds

Vegetated ponds that retain a permanent pool of water and are constructed to provide both treatment and attenuation of stormwater flows.

#### Stormwater Treatment Practices

Devices constructed for primary treatment, pretreatment or secondary treatment of stormwater.

### Stormwater Treatment Train

Stormwater treatment practices, as well as site planning techniques and source controls, combined in series to enhance pollutant removal or achieve multiple stormwater objectives.

### Stormwater Wetlands

Shallow, constructed pools that capture stormwater and allow for the growth of characteristic wetland vegetation. These facilities provide enhanced treatment of stormwater and peak flow attenuation.

### Stream Order

Stream order indicates the relative size of a stream based on Strahler's (1957) method. Streams with no tributaries are first order streams, represented as the start of a solid line on a 1:24,000 USGS Quadrangle Sheet. A second order stream is formed at the confluence of two first order streams, and so on.

### Underground Detention Facilities

Vaults, pipes, tanks, and other subsurface structures designed to temporarily store stormwater runoff for water quantity control and to drain completely between runoff events. They are intended to control peak flows, limit downstream flooding, and provide some channel protection.

### Underground Infiltration Systems

Structures designed to capture, temporarily store, and infiltrate the water quality volume over several days, including premanufactured pipes, vaults, and modular structures. These are used as alternatives to infiltration trenches and basins for space-limited sites and stormwater retrofit applications.

### Vegetated Buffer

An area or strip of land in permanent vegetation, either existing and undisturbed, or planted in accordance with this section, adjacent to a water body or other resource that is designed to protect resources from adjacent development during construction and after development by filtering pollutants in runoff, protecting water quality and temperature, providing wildlife habitat, screening structures and enhancing aesthetics, and providing access for recreations.

### Level Spreaders

A lineal structure, typically on the surface of the ground, consisting of riprap or other material placed perpendicular to the flow of water and parallel to the topography designed to intercept stormwater discharges and dissipate the velocity and volume over a wider area. A level spreader is usually located at the top of the slope to distribute overland flow or concentrated runoff evenly across the entire length of the filter strip.

#### Vegetated Roof Covers

Multilayered, constructed roof systems consisting of a vegetative layer, media, a geotextile layer, and a synthetic drain layer installed on building rooftops. Rain water is either intercepted by vegetation and evaporated to the atmosphere or retained in the substrate before being returned to the atmosphere through transpiration and evaporation. Also referred to as green roofs.

#### Water Quality Flow (WQF)

The peak flow associated with the water quality volume calculated using the NRCS Graphical Peak Discharge Method, as defined in the 2004 Stormwater Quality Manual, as amended.

#### Water Quality Volume (WQV)

The volume of runoff generated by one inch of rainfall on a site, as defined in the 2004 Stormwater Quality Manual, as amended.

### **III. Site Stormwater Management Plan and Report**

#### **A. Plan Required**

Where a site stormwater management plan is required, it shall be prepared by a State of Connecticut Licensed Professional Engineer or Landscape Architect where the design is allowed by their education, training, and provisions of state law. A stormwater management plan shall be prepared for every application for subdivision, site plan approval, special permit, and Certificate of Zoning Compliance where such application results in any one or more of the following:

1. One or more acres of land disturbance.
2. One or more acres of impervious surface upon project completion. (Existing impervious surface shall be counted towards this requirement).

3. Any commercial or industrial activity.
4. Any application with three or more dwelling units.
5. Any project involving a new road or common driveway serving three or more lots.
6. Any project where the impervious surface area after construction exceeds 30 percent of the total site area.

The following activities are exempt from these standards:

1. Development of a single family home and/or accessory uses on a lot of record
2. Farming, a Farm Building, Farmers Market, or Farm Stand, but not including accessory non-farming activities or structures.
3. Redevelopment Projects: Projects that redevelop an existing site will be exempt from meeting the requirements of these standards if they meet all of the following conditions:
  - a. The total site impervious surface is reduced by at least 25%.
  - b. All existing stormwater management controls are maintained.
  - c. Runoff is managed in a way that does not cause erosion or concentration of flow.

#### B. Plan Contents

The plan shall contain an executive summary, drainage area maps, calculations, descriptions, and other data sufficient to demonstrate compliance with these standards. Such plan shall provide, at a minimum, the following information:

1. Soil characteristics of the site.
2. Location of the closest surface water bodies and wetlands to the site and the depth to any ground-water or aquifer areas on or adjacent to the site in those areas proposed for stormwater facilities.
3. Location and description of all proposed stormwater control Best Management Practices (BMPs) for both construction activities and post-construction long-term stormwater control.



4. Proposed maintenance and operation manual or schedule for any trash hoods, catch basins, or other BMP devices used to prevent runoff, encourage sheet flow or infiltration, or treat stormwater.
5. Calculations of stormwater runoff rates, suspended solids removal rates, and soil infiltration rates before and after completion of the activity proposed in the application.
6. A hydrologic study of pre-development site conditions. Hydrologic studies shall be prepared to a level of detail commensurate with the probable impact of the proposed activity and should extend downstream to the point where the proposed activity causes less than a five percent change in the peak flow rates after peak flow attenuation.
7. Calculations for sizing of pipes, swales, or other conveyance devices.
8. Calculations for sizing riprap aprons, plunge pools, level spreaders, or other energy dissipation devices.
9. Identification of the party responsible for maintenance of stormwater BMP's.

C. Plan Note

The following note shall be placed on the design plans for each project requiring stormwater treatment or storm water detention facilities. In cases of a subdivision, the note shall refer to individual lots that have such facilities. The design plans and/or subdivision plans containing the following note shall be filed in the town land records.

*"This property contains a stormwater treatment facility that is a condition of approval to develop the property and it shall be maintained by the property owner for the entire life of the project. The facility shall not be altered, except for maintenance as described in the facility's maintenance plan, without the approval of the regulatory agency granting the project approval."*

In addition, each lot conveyed in such a subdivision shall include a Covenant and Restriction in the form attached to these Regulations as Appendix A.

D. Modification of Requirements

1. The Commission may modify these standards, by written request, when the applicant demonstrates that based on the particular conditions of the soil type, vegetation,

topography, surrounding development, watershed characteristics, or other factors of the site or its location, such standard is unnecessary or counterproductive toward meeting the policies and principles of this Section.

2. The Commission may modify any portion of these standards, by written request, on a redevelopment project when the applicant demonstrates that achieving such standard(s) is not physically feasible due to existing site conditions which cannot be altered.

#### E. Aquifer Protection Area

1. Projects that fall within the Town's Aquifer Protection Area are required to comply with the Aquifer Protection Regulations in addition to these standards.

### IV. Design Standards

#### A. General Standards

1. All stormwater control and conveyance facilities shall be constructed on property owned by the applicant or within easements, the form and contents of which shall be acceptable to the Commission's legal counsel.
2. All stormwater discharges shall be designed and constructed in a manner that prevents erosion.
3. Stormwater treatment shall be designed in accordance with the 2004 Connecticut Stormwater Quality Manual, as amended
4. All stormwater facilities shall be designed in a manner that minimizes the need for complicated or overly frequent maintenance.
5. All stormwater facilities shall be designed with adequate access for maintenance, including both physical access for equipment and legal access by means of an easement or other right of access.
6. Stormwater management practices may include one or more of the following:

●	Bio retention	●	Oil/particle separators
●	Catch basins	●	Permeable paving materials
●	Catch basin inserts	●	Porous

•	Cisterns	•	pavement
•	Deep sump catch basins	•	Pretreatment
•	Dry detention ponds	•	Rain barrels
•	Filter strip	•	Rain gardens
•	Grass drainage channels	•	Stormwater ponds
•	Hydrodynamic Separators	•	Underground detention
•	Infiltration practices	•	Underground infiltration
		•	Vegetated buffers
		•	Vegetated roofs

#### B. Stormwater Treatment

1. Stormwater treatment shall be provided on all projects requiring a Stormwater Management Plan.
2. Stormwater treatment shall be provided for the Water Quality Volume (WQV) as defined by the 2004 Connecticut Stormwater Quality Manual, as amended.

#### C. Peak Flow Control

1. Peak flow control for stream channel protection shall be provided in accordance with Section 7.6 of the 2004 Connecticut Stormwater Quality Manual, as amended.

#### D. Peak Runoff Attenuation (Storm Water Detention)

1. Peak runoff attenuation shall be provided on all projects that meet any one or more of the following criteria:
  - a. Where the runoff from a development is directed to a channel or pipe system that is undersized or at capacity for a 10-year 24-hour storm under existing conditions.
  - b.
2. Peak runoff attenuation facilities (a/k/a detention facilities) shall be designed to control the peak post-development discharge rates from the 2-year, 10-year, 25-year, and 100-year storms to the corresponding pre-development peak flow rates.

3. The emergency outlet of a peak runoff attenuation facility shall be designed to pass the 100-year storm in a controlled manner without causing erosion. At least one foot of freeboard shall be provided during the 100-year storm event.

## **V. Construction Standards**

### **A. Construction Inspection**

1. The Town of Andover shall have the right to inspect construction of any stormwater facility at reasonable times during construction. The Town may charge the applicant an application fee that covers the cost of inspections when inspections are expected to be performed by an outside consultant engaged by the Town, and such fees may be paid in stages both pre- and post-approval. . All fees must be paid prior to the issuance of a Certificate of Zoning Compliance
2. The Town may require the permittee to have the construction of the stormwater facility inspected by a Connecticut Professional Engineer or Landscape Architect during construction to ensure it is constructed in compliance with the plans, specifications, and permit conditions.

### **B. Facility Construction**

1. All stormwater facilities shall be constructed in substantial compliance with the approved plans, specifications, and permit conditions.

### **C. Facility Certification and Record Drawings**

1. When required as a condition of the application approval by the Commission or ZEO the permittee shall engage a Connecticut Professional Engineer to submit the following certification prior to any issuance of Certificate of Occupancy.

*I, \_\_\_\_\_, a licensed (Professional Engineer) in the State of Connecticut, hereby certify with my signature and seal, that the project known as \_\_\_\_\_, for owner/applicant \_\_\_\_\_, at \_\_\_\_\_ (address) has been constructed in substantial conformance with the approved plans, specifications, and permit conditions.*

2. For any detention facility the applicant shall submit an as-built survey prepared by a Connecticut Land Surveyor to the Town prior to any issuance of Certificate of

Occupancy. The as built survey shall show the facility location, contours, and all critical elevations of the outlet control structure.

**D. Bonding**

1. Prior to the sale of the second lot in a subdivision, or prior to the occupancy of any building or use that received site plan or special permit approval the Town may require that the applicant provide the Town with a bond in the amount of 100% of the estimated cost of the stormwater facility. The estimated cost shall be based on a detailed construction estimate prepared by an engineer or other qualified person and subject to the review of the Town Engineer. Bonds shall be provided in a form acceptable to the Commission's Attorney. The Town may utilize the bonds to complete the stormwater facility in the event that the property owner fails to do so; to repair or remedy any such facility that is improperly installed or constructed; to provide additional measures where those implemented by the owner are insufficient to achieve the goals of this regulation; to perform maintenance that, following reasonable notice, the owner fails or refuses to perform; and to otherwise assure compliance with the requirements and objectives of this section. By filing a land use application with the Town, the property owner shall be deemed to have consented to access, upon reasonable notice under the circumstances, for such purposes.

**VI. Maintenance Standards**

**A. General Requirements**

1. The ability of any stormwater facility to treat or detain stormwater shall not be removed or diminished without the approval of the Commission.
2. The responsible party shall inspect stormwater facilities on a regular basis as outlined in the maintenance plan.

**B. Maintenance Requirements**

1. The responsible party shall perform routine maintenance in accordance with the approved plan and permit conditions.
2. The responsible party shall identify non routine maintenance requirements based on regular inspection of the stormwater facilities. The responsible party shall perform non routine maintenance on an as-needed basis.
3. All maintenance shall be performed in a timely manner.

4. Failure to perform maintenance in accordance with the plan and permit conditions shall constitute a violation of the land use approval granted, and may result in enforcement action as authorized by applicable law, including the use of bonds to remedy any such violation. By filing a land use application with the Town of [town], the property owner shall be deemed to have consented to inspections and remedial work by the Town or its agents following reasonable notice under the circumstances.

## **VII. References**

The following references provide more information on Low Impact Development techniques.

Non-point Education for Municipal Officials

[www.nemo.uconn.edu](http://www.nemo.uconn.edu)

U.S. Environmental Protection Agency

[www.epa.gov/owow/nps/lid](http://www.epa.gov/owow/nps/lid)

University of New Hampshire Stormwater Center

[www.unh.edu/erg/cstev](http://www.unh.edu/erg/cstev)

USDA Natural Resource Conservation Service

[www.ct.nrcs.usda.gov/elc-educational\\_materials.html](http://www.ct.nrcs.usda.gov/elc-educational_materials.html)

### **4.18 Overnight Parking at residential dwellings of vehicles containing business signage with passenger or combination plates**

4.18.1 Vehicles that display business signage are permitted overnight or regular parking in ARD, and AL Districts as follows:

4.18.2 Allowed overnight or regular parking with no additional restrictions:

- a. maximum of two of any combination of motorized vehicles and trailers up to 20 feet in length, either of which display signage, and provided that they not contain hazardous or flammable materials.

4.18.3 Allowed overnight or regular parking by Site Plan Review of the Zoning Commission:

- a. More than 2 of any combination of motorized vehicles and/or trailers 20 feet or more in length with commercial signage.
- b. A trailer more than 20 feet in length displaying commercial signage.

4.18.3.1 The Commission shall consider whether the scale, noise or visual impact of the vehicle is appropriate to the site and can require additional measures to limit the visual or noise impact. These measures may include, but are not limited to:

- a. That they shall not be stored or parked in the front or side yard
- b. That they shall not be stored within ten feet of a property line and
- c. That they shall be screened from view from the street and abutting properties by structures, fences, walls, or plantings to the extent practical under these Regulations.

4.18.4 Vehicle owners must also conform to the regulations pertaining to home based business if applicable.

**4.19 Regular or Overnight Parking at residential dwellings of vehicles with State of Connecticut Department of Motor Vehicles commercial registration.**

4.19.1 Allowed regular or Overnight Parking by administrative review in all districts

- a. One vehicle less than 11000 pounds gross vehicle weight rating (GVWR) with commercial registration may be allowed to park at a residential dwelling, outdoors or in a building, subject to administrative review by the Zoning Enforcement officer.
- b. Additional vehicles less than 11000 pounds gross vehicle weight rating (GVWR) with commercial registration shall be parked inside an enclosed private garage or carport.

4.19.2 Allowed regular or overnight parking by site plan review at a residential dwelling:

- a. Multiple vehicles with commercial registration not parked in an enclosed private garage or carport;
- b. All vehicles greater than 11,000 pounds GVWR.
- c. In the ARD district, any vehicles or trailers carrying a combined total of fixed and or portable auxiliary fuel tanks for off-site refueling greater than 25 gallons, but less than 100 gallons.

4.19.3 The following vehicles or trailers are prohibited for regular or overnight parking at a residential dwelling or on a lot in a residential zone:

- a. Vehicles or trailers containing Hazardous materials or waste as defined by CGS 22a-115
- b. Vehicles or trailers containing Hazardous waste, as defined by CGS 22a-115
- c. Vehicles or trailers containing auxiliary tanks containing more than 100 gallons of Fuel for offsite fueling of equipment in all zoning districts.

- d. In the Andover Lake district, any vehicle or trailers carrying a combined total of fixed and/or portable auxiliary fuel tanks for off-site refueling greater than 25 gallons combined.

4.19.4 The commission] shall consider whether the proposed location(s), scale, and noise of the vehicle storage is appropriate to the site and district and can require additional measures to limit the visual or noise impact. These measures may include, but are not limited to:

- a. That they shall not be stored or parked in the front or side yard;
- b. That they shall not be stored within ten feet of a property line; and
- c. That they shall be screened from view from the street and abutting properties by structures, fences, walls, or plantings to the extent practical under these Regulations; and
- d. That the number of vehicles or trailers be reduced in number or size.

4.19.5 The commission shall consider whether the contents of the vehicles are compatible with the district and location relative to other dwellings, wetlands and watercourses.

4.19.6 Vehicle owner must also conform to the regulations pertaining to home-based business if applicable.

## **Section 4.20 Solar Systems**

### **4.20.1 Definitions**

For purposes of this Section 4.20 only, the following terms shall be defined as stated below:

**Accessory Ground-Mounted Solar Photovoltaic System:** A solar photovoltaic system that is anchored to the ground via a pole or other mounting system and produces electricity primarily for onsite consumption. This system also includes any solar photovoltaic-based architectural elements. A common example of a solar photovoltaic-based architectural element is a carport.

**Building-Integrated Solar Photovoltaic System:** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof. For example, solar shingles.

**Photovoltaic (PV):** A semiconductor based device that converts light directly into electricity.

**Roof-Mounted Solar Photovoltaic System:** A solar photovoltaic system attached to any part or type of roof on a building or structure that is either the principal structure or an accessory structure on



a recorded [lot] with the primary purpose of producing electricity for onsite consumption. This system also includes any solar photovoltaic-based architectural elements.

**Solar Photovoltaic (PV)-based Architectural Element:** Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

**Solar Photovoltaic (PV) Related Equipment:** Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

**Solar Photovoltaic (PV) System:** A solar collection system consisting of one or more building systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation.

**Solar Thermal System:** A solar collection system that directly heats water or other liquid or gas using sunlight. The heated liquid or gas is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

#### 4.20.2. Applicability.

a. This regulation applies to Accessory Building-Mounted Solar Photovoltaic (PV) and Solar Thermal Systems and Accessory Ground-Mounted Solar PV Systems and Solar Photovoltaic (PV)-based Architectural Elements.

b. Any upgrades, modifications or changes to an existing solar energy system that significantly alter the size or placement of the structure must comply with the requirements of this regulation.

#### 4.20.3 Permissible in Zoning Districts.

a. Building-Integrated Solar Photovoltaic Systems that are integrated into the roof or the façade of a structure, and which do not alter the relief of the roof, are permitted as of right in all zoning districts.

b. Accessory Building-Mounted Solar Photovoltaic (PV) and Solar Thermal Systems are permitted as of right in all zoning districts.

c. Ground-Mounted Solar PV Systems, as well as Ground Mounted Solar Thermal Systems are permissible in the ARD, Business and Industrial zoning districts as an accessory use to any lawfully permitted principal use on the same lot by administrative review and upon compliance with all requirements of this section and as elsewhere specified in this regulation.

Solar Photovoltaic (PV)-based Architectural Elements are permitted as of right in all zoning districts providing the equivalent non-PV based element would be permitted in the same zone.

d. Ground-Mounted Solar PV Systems, as well as Ground Mounted Solar Thermal Systems are permissible in the AL district as an accessory use to any lawfully permitted principal use on the same lot by Special Permit and upon compliance with all requirements of this section and as elsewhere specified in this regulation.

#### 4.20.4. Location Within a Lot.

a. Accessory Roof-Mounted Solar PV Systems are permitted to face any rear, side or front yard. Accessory Roof-Mounted Systems may only be mounted on lawfully constructed principal or accessory structures.

c. Ground-Mounted Solar Photovoltaic Systems are not permitted within the lot's front, side or rear yard setbacks required for the zone.

#### 4.20.5. Design and Installation Standards.

a. Solar PV Systems must be installed to comply with all State of Connecticut codes and regulations.

a. All wiring must comply with the National Electrical Code, most recent edition, as adopted and amended by the State of Connecticut.

#### 4.20.6 Height Restrictions.

a. Roof-Mounted Solar PV Systems shall comply with the height restrictions pertaining to the principal structure in the applicable zoning district

b. Ground-Mounted Solar PV Systems will not exceed 20' in height.

#### 4.20.7 Setback Requirements

a. Accessory Roof-Mounted Solar PV or Solar Thermal Systems are exempt from zoning setbacks but may be subject to roof setbacks specific to solar PV in the State of Connecticut Building Code. Accessory Roof-Mounted Solar PV Systems will not extend beyond the edges of the roof on which they are mounted.

c. Accessory Roof-Mounted Solar PV Systems or Solar Thermal Systems are not

considered an increase in nonconformity under sections 4.1.3- 4.1.5

**4.20.8. Lot Coverage**

The surface area of Accessory Ground-Mounted Solar PV Systems will be exempt from contributing to the calculation of lot coverage.

**4.20.9. Impervious Surface**

The surface area of Accessory Ground-Mounted Solar PV Systems will be exempt from contributing to the calculation of overall impervious surface coverage as defined in section 4.17.

**4.21 Lighting regulations in all Zoning Districts.**

4.21.1 The purpose of these Regulations is to provide specific outdoor lighting standards in order to avoid upward illumination, to reduce glare and to avoid light trespass onto adjacent properties and public streets.

4.21.2 These regulations shall apply to the installation or replacement of outdoor lighting fixtures.

4.21.3 All exterior spotlighting and floodlighting shall be so shielded that the light source cannot be seen from adjacent properties and no lighting shall constitute a hazard to drivers at night on public streets.

4.21.4 Outdoor lighting shall be dark sky compatible, full cut-off type fixtures, defined as a luminaire or light fixture that by design of the housing does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the light fixture.

4.21.5 Lighting at the property lines shall not exceed 0.2 lumens/ square foot

4.21.6 Lighting for Flagpoles and temporary holiday decorations are exempt from section 4.21.3-5

**SECTION 5 ARD** – Andover Rural Design District (ARD)

The following uses are permitted in ARD District subject to the stated requirements:

5.0 Permitted Uses and Use Categories Use Permitted as of Right. The following uses are permitted upon the issuance of a Certificate of Zoning Compliance, per Section 21.3 of these Regulations:

5.0.1 Dwelling, single-family. (Revised effective 8/1/89).

5.0.2 Farming and agriculture. As defined by these regulations (See Section 24.3 Definitions) and in accordance with Section 20 (Keeping of Animals). i. Accessory uses and buildings

5.0.3 Accessory Apartments (4.11) \* added 11/17/03 effective 12/17/03 \*

5.0.4. Public parks, playgrounds, and athletic fields.

5.0.5 Home Occupations (4.12A) \* added 11/17/03 effective 12/17/03 \*

**5a -Special Permit Uses.** The following uses and use categories require a Special Permit with design review approval by the Town Planning and Zoning Commission, per Section 23 of these Regulations, in addition to any other review required by these Regulations: (effective 5/31/01) revised 01/01.18

5a.0.1 Schools

5a.0.2 Churches, libraries and cemeteries

5a.0.3 Golf courses

5a.0.4 Hospitals.

5a.0.5 Convalescent homes.

5a.0.6 Riding Stables, provided such uses shall be on Lots not less than three (3) acres (See Section 20, Keeping of Animals)

5a.0.7. Veterinarian and Small Animal Hospitals, provided such uses shall be on Lots not less than three (3) acres, and no dogs shall be kept in any building or enclosure within 150' of a side or rear lot line. (See Section 19, Kennels, and Section 20, Keeping of Animals)

5a.0.8 Child care centers.

5a.0.9 Wayside stands for the sale of agricultural or horticultural products, the major portion of which is raised on the premises.

5a.010 Rear Lots (See Section 4.9).

5a.0.11 Private Recreational Areas.

5a.0.12 Bed & Breakfast Establishments

**5b.0 Requirements for subdivision/re-subdivision based on initial parcel size. See section 11.2 for lot requirements.**

5b.0.1 On parcels greater than 10 acres, Andover Rural Design (ARD) regulation to produce Open Space / Cluster Subdivisions (See Section 5.5) is permitted As of Right.

5b.0.2 On Parcels greater than 10 acres ARD Standard Conventional Subdivisions having minimum lot sizes of 60,000 sq. ft. is permitted by Special Permit.

5b.0.3 On parcels less than or equal to 10 acres ARD, Standard Conventional Subdivision/Re-subdivision of land having minimum lot sizes of 60,000 sq. ft. is permitted As of Right.

5b.0.4 On parcels less than or equal to 10 acres (ARD) regulation to produce Open Space / Cluster Subdivisions (See Section 5.5) is permitted by Special Permit.

5b.0.5 On all parcels in the ARD an applicant may present an alternative open space proposal by Special Permit

5.1 Space Requirements (See Section 11.2) [from former Section 5.2, renumbered but not revised effective 8/1/89]

SECTION 5.2 Parking Requirements (See Section 12) [from former Section 5.3, renumbered but not revised effective 8/1/89]

SECTION 5.3 Rear Lots (See Section 4.9) [from former Section 5.4, renumbered but not revised effective 8/1/89]

SECTION 5.4 Accessory Uses (See Section 14) [added effective 8/1/89] \* amended 11/17/03 effective

**SECTION 5.5 Andover Rural Design (ARD) regulations to produce Open Space / Cluster Subdivisions**

**5.5.1 Purpose** - Without increasing overall density, the purpose of ARD is to ensure that residential development in Andover, to the extent reasonably possible, preserves the natural features of the land including agricultural soils, wetlands and watercourses, wooded areas and the rural character of the community. In the interest of promoting these objectives, development shall be permitted on lots of lesser dimensions than would otherwise be required by this zone if the conditions set forth in this section are met.

**5.5.2A Applicability and Suitability** - The ARD is the as of right method of subdivision and re-subdivision in the ARD zone. The requirements and criteria of an ARD apply to any application for development in the ARD zone in which the parcel or contiguous parcels of land that are part of the

subdivision, comprise a total area of ten (10) or more acres. For parcels less than 10 acres the elements of the ARD are strongly encouraged, but require a special permit.

**5.5.2B Special Permit Conditions:** The Planning and Zoning Commission may grant a special permit to the ARD subdivision requirements if the following criteria are met.

The applicant shall present a conceptual design sketch of the property showing both an as of right subdivision as well as the proposed subdivision for comparison. This shall include enough detail for the commission to understand how the development would occur.

The applicant must show any remaining undeveloped land and discuss future plans for it.

The applicant may present an alternative plan, including fee in lieu of open space

The applicant shall provide a narrative describing why the proposed design constitutes the best use of the land.

The commission will evaluate the applicant's proposal by comparing it to the as of right subdivision method.

The commission will use criteria established in sections 5.5.8, as well as section 23 to evaluate the proposal as well as:

The degree of the developments impact on immediate abutters and the surrounding neighborhood in comparison to the impacts of an as of right development.

Maintenance of agricultural activity on the site.

The Planning and Zoning Commission will grant the special permit if the commission determines the proposal is a better use of the land than an as of right subdivision.

### **5.5.3 Pre-Application Conference**

The applicant is strongly encouraged to initiate a pre-application conference with the Commission and its staff pursuant to CGS Section 7-159b

The purpose of the conference is to discuss the conceptual aspects of the proposed development and to present a conceptual plan, for informal consideration by the Commission. The conceptual plan shall be designed to allow the Commission to make a general comparison between the ARD open space development, a conventional development plan, or any other alternative proposal. During the pre-application conference, the informal review of neither the conceptual plan nor the Commission's suggestions shall be deemed to constitute approval of any portion of the application.

#### 5.5.4 Application

The applicant for approval as an ARD subdivision shall file with the Commission, in the Land Use Office, the following:

5.5.4.1 A completed subdivision application form and fees in accordance with these Regulations and the Subdivision Regulations.

5.5.4.2 Twelve (12) hard copies, and an electronic copy, of the proposed development plan showing the information required by the Subdivision Regulations.

5.5.4.3 Any and all information necessary to demonstrate compliance with these Regulations and the information regarding site plans set forth in these Regulations.

5.5.4.4 As applicable, a summary or general description of the proposed bylaws, rules and regulations of any association or corporation of lot owners within the proposed ARD; the proposed method by which all site utilities will be provided; the manner of ownership and maintenance of any private or public facilities and any commonly owned real property rights, including Open Space, and a description of the proposed Open Space, including the method of proposed protection of each of those areas.

5.5.5 An ARD shall consist of parcels of land containing no less than ten (10) contiguous acres. Smaller parcels may be allowed by special permit, see section 5.5.2.a.

5.5.6 An ARD must provide for the preservation of Open Space in accordance with the requirements of these Regulations.

5.5.7 Open Space and Development Densities.

5.5.7.1 In all ARD's open space/cluster subdivisions a minimum of 40% of the parcel being subdivided shall be preserved as open space. At least 30% of the property preserved as open space must be free of wetlands, watercourses, water bodies, 100-year flood plain, and slopes in excess of 25% that extend 50 linear feet or more. The subdivision is exempt from the 30% requirements where the applicant can demonstrate that the percentage of wetlands, watercourses, water bodies, flood plain, and excessive slopes that exist on the total property is equal to or greater than the percentage of such areas that is proposed for the open space area.

5.5.7.2 For the purposes of Section 5.5, Open Space is an area covered by a restriction, which permanently prohibits development in a manner consistent with the conditions and requirements set forth in Section 5.5.

5.5.7.3 The Commission, in its sole discretion, may permit non-commercial recreational uses within the open space, provided that such uses are not inconsistent with or harmful to the preservation of the restricted area or to the character of the neighborhood. The Commission may also permit



activities and accessory structures necessary to support open space and agricultural uses or historic or archaeological preservation.

5.5.7.4 The Commission may modify any application so as to designate Open Space in locations other than those proposed if such modification will further the conditions and requirements set forth in Section 5.5.8.

5.5.7.5 To determine the maximum number of lots permitted in a ARD, the total area to be developed shall be reduced by subtracting 75% of the wetlands, watercourses, water bodies and flood plain, 100% of slopes in excess of 25% or more that extend 50 linear feet or more, 10% of the total area for roadways and 10% for required open space.

The remaining area shall be divided by the minimum lot size permitted in the zone in which the subdivision is proposed.

#### Example

Total acreage minus 75% of wetlands, watercourses, waterbodies and flood plain, 100% of qualifying slopes, and 20% of the total acreage for roads and required open space = "X".

"X" divided by the minimum lot size = number lots permitted.

Notwithstanding the number of lots produced by this formula, an ARD must not result in the creation of more lots than would occur in a standard subdivision. A conceptual standard design plan must be prepared for this purpose. The final lot count shall be determined by the Commission.

5.5.7.5A Density Bonus - A density bonus may be granted for the provision of excess high quality open space, meaning the amount of any open space acreage that is greater than the minimum amount that would be required. The additional open space may be within the parcel to be subdivided or elsewhere within the Town of Andover. For each three acres of excess open space accepted by the Commission, one additional building lot shall be allowed. An additional density bonus may be allowed by the Commission for the construction of "starter homes" less than 1,500 sq. ft. in size (as defined in section 11), which floor area maximum shall be maintained for forty (40) years by a declaration of covenants and restrictions to the satisfaction of the Commission's attorney. For each 5 homes meeting this requirement the development shall be entitled to one (1) additional building lot in excess of the density calculation in 5.5.7.5.

5.5.7.6 Minimum Lot Area, Frontage and Yard Requirements for ARD development.

Lot Area ARD zone - 30,000 sq. feet

Minimum Lot Frontage - 50 feet

Minimum Front Yard - 20 feet

Minimum Side Yard - 10 feet

Minimum Rear Yard - 20 feet

For the purpose of this Section, frontage means frontage on a public street that either exists currently or is proposed as part of the subdivision.

5.5.7.6.1 There shall be a maximum of one curb cut per 100 ft. of frontage on existing town roads. Rear lots with adjacent frontage shall have a single curb cut and combined driveway for at least the first 50 ft.

5.5.7.6.2 On new streets there shall be a maximum of one curb cut per 100 ft. of frontage unless there is a 2/3rds majority affirmative vote of the commission to allow closer curb cuts.

5.5.7.7 Community wells and community septic systems may be permitted within the Open Space, provided that they are in accordance with the guidelines set forth in Section 5.5.8, section 23.2F and provided that they are in accordance with the State of Connecticut Department of Health Regulations and the State Department of Energy and Environmental Protection, as applicable.

5.5.8 Design Guidelines - The development shall be laid out to protect and preserve the open space and to protect adjoining property owners. The development shall also be laid out to achieve any one, or a reasonable mix, of the following objectives:

5.5.8.1 That all or part of any existing forests, fields, pastures and other land in agricultural use be preserved and maintained, especially the preservation of land mapped as prime or statewide significant farmland soils, together with sufficient buffer areas, of not less than 50 feet, to minimize conflict between residential and agricultural use. The commission, by a ¾ majority vote, may waive the minimum buffer requirement where the Commission determines that existing features such as topography and vegetative screening exist which provide an acceptable buffer at less than the required minimum.

5.5.8.2 That consideration be given to the preservation, creation, and connection of areas used for wildlife habitat, recreational corridors and trails within subdivision open space.

5.5.8.3 That a provision be provided for pedestrian access between properties and for a perimeter design concept intended to facilitate the networking of trails for pedestrian and/or equine use to ensure recreational access to resource lands as provided for in the Subdivision Regulations.

5.5.8.4 That the location of the open space areas be primarily in areas, which are contiguous to existing open space areas, or in areas of the site with the highest probability of connecting with future open space areas.

5.5.8.5 That the scenic views and vistas, particularly as seen from public or scenic roads, as well as the Hop River Rail trail be preserved.

5.5.8.6 That historic and prehistoric sites; and their environs, insofar as needed to protect the character of the site, be preserved.

5.5.8.7 That the visual integrity of hilltops and ridge lines be maintained by siting development so that building silhouettes will be below the ridgeline or hilltop or, if the area is heavily wooded, the building silhouettes will be at least ten (10) feet lower than the average canopy height of trees on the ridge or hilltop.

5.5.8.8 That consideration be given to the protection of existing residential areas, which shall include the creation of sufficient buffer areas, of not less than 50 feet to any existing residential dwelling, to minimize conflict between existing residential use and the proposed ARD. The Commission may require that the buffer area be kept in its natural state or suitably landscaped. The Commission, by a  $\frac{3}{4}$  majority vote, may waive the minimum buffer requirement where existing features exist which provide an acceptable buffer at less than the required minimum or where the proposed lots which abut the existing residential use are at least 60,000 sf.

5.5.8.9A **Right of Review:** The Commission reserves the right to seek professional opinion and review from independent experts without limitation in the areas of traffic engineering, environmental impact and design, planning and zoning law, historic and agricultural preservation, soil erosion and sediment control, and similar areas of specialized knowledge.

5.5.9.2 The permanent preservation of open space shall be accomplished by deeding the property, granting preservation easements or any other method which accomplishes irrevocable preservation in accordance with the requirements set forth in this Section to one of the following entities:

- The Town of Andover;
- The State of Connecticut;
- An approved Home Owners Association;
- At the option of the applicant, The Nature Conservancy or other similar land conservation organization reasonably acceptable to the Commission;

5.5.9.3 The preservation as outlined in Sections 5.5.9.2 regardless of the method used, shall be completed within one year of the date of approval.

5.5.9.5 In determining which of the entities should own or control the proposed Open Space, or whether to require Open Space in locations different from those proposed, the Commission shall consider the following factors:

- The ownership of any existing open space on adjacent properties or the proximity to non-adjacent open space, which might reasonably interconnect, with the proposed Open Space in the future.
- The proposed use of Open Space for active or passive uses and the extent of maintenance, supervision, or management required.
- The potential benefits which the Open Space might provide to residents of the Town or the State, if it were accessible to them.
- The size, shape, topography and character of the Open Space.
- The recommendations, if any, of the Andover Plan of Conservation and Development.
- The reports or recommendations of any State or Town agencies, including, but not limited to, the Andover Recreation Commission, the Connecticut Capitol Regional Council of Governments and the Connecticut Department of Energy and Environmental Protection.

5.5.9.6 Regardless of the manner of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

- The continued use of such land for the intended purposes;
- The continuity of proper maintenance for those portions of the Open Space requiring maintenance; and
- When appropriate, the availability of funds required for such maintenance.
- Commonly Owned Land and Facilities;

5.5.10.1 If dedicated open land or community recreation facilities are to be owned jointly or in common by the owners of lots or dwelling units, maintenance of the common land or facilities shall be permanently guaranteed through the establishment of an incorporated homeowners' association. The documents creating such homeowners' association shall be to the satisfaction of the Commission's attorney; shall be fully executed prior to the endorsement of final subdivision mylar plans; and shall be filed in the office of the Town Clerk simultaneously with the filing of the endorsed subdivision mylar.

5.5.11 Boundary Lines - To prevent trespassing on adjacent lands, the boundary lines of all Open Space shall be identified and marked in such reasonable manner as may be required by the Commission to insure the identification of the Open Space.

5.5.13 Approval - The Commission shall approve the ARD proposal or approve it with conditions necessary to protect the public health, safety, convenience and property values, if it finds that the development plan on balance will better serve the Town of Andover and the neighborhood surrounding the development than a conventional subdivision development.

5.5.14 Conditions - The Commission may establish additional conditions, including but not limited to the following:

5.5.14.1 Granting of a covenant or easement to ensure that existing fields or pastures will be plowed or mowed periodically with attention given to the requirements of existing animal and plant species.

5.5.14.2 Granting of an easement providing and defining rights of public access.

5.5.14.3 Designation of no-cut or limited-clearing areas on lots.

5.5.14.5 Requiring written evidence that at least two (2) organizations are willing to accept the responsibility for the preservation and maintenance of the Open Space.

#### 5.5.15 Recording

The applicant shall record on the Andover Land Records all legal documents required to ensure the permanent preservation of the open space prior to the Commission's endorsement of the final mylars, unless otherwise noted within the Commission's approval, and all such documents shall be filed simultaneously with the filing of the endorsed mylars in the Town Clerk's Office.

## **SECTION 7 ANDOVER LAKE DISTRICT**

### **7.0 Permitted Uses and Use Categories**

Uses Permitted as of Right: The following uses are permitted upon the issuance of a Certificate of Zoning Compliance, per Section 21.3 of these Regulations:

- i. One single-family dwelling per building lot, except: conversion to year round dwellings of seasonal dwellings which are nonconforming structures, or are located on nonconforming lots, which conversion shall be subject to Section 7.0.8 of these Regulations; and provided no single-family dwelling shall be located within 75 feet of the established high water mark of Andover Lake (amended effective 8/1/89).

7.0.2 One single-family seasonal dwelling per building lot provided it shall not be located within 75 feet of the established high water mark of Andover Lake (amended effective 8/1/89).

7.0.3 Garage as accessory use for no more than 2 motor vehicles.

7.0.4 Customary household pets, but not for sale (See Section 19, Kennels and Section 20, Keeping of Animals).

7.0.5 Parks, playgrounds and private beaches.

7.0.6 Churches, community houses and schools.

7.0.7 Accessory uses and buildings, provided that the accessory buildings shall not be within 50 feet of the established high water mark of the lake.

**Special Permit Uses:** The following uses and use categories require a Special Permit with design review approval by the Town Planning and Zoning Commission, per Section 23 of these Regulations, in addition to any other review required by these Regulations:

7.0.8 Conversions. [former Section 7.1.1]

- a. Seasonal dwellings may be converted to year-round dwellings subject to Commission approval and provided the following requirements are complied with:

- b. The Structure and lot, after conversion, shall meet all the requirements of year-round dwellings as set forth in Section 11.2.

c. At the time of a conversion from a seasonal dwelling to a year round dwelling a 100% septic system shall be installed and approved by the Town Sanitarian and Health Department. [Adopted 12/21/09, effective 1/14/10]

7.0.9 Removed 11/17/03 effective 12/17/03 (former Customary Home Occupations [former Section 7.1.2]

7.0.10 Section 5.5 Andover Rural Design shall apply to subdivisions in the Lake Zone

i. Rear Lots (See Section 4.9). [former Section 7.1.3]

ii. Deleted 11/17/03 effective 12/17/03

7.0.12 Bed & Breakfast Establishments

## **7.1 Prohibited Uses**

7.1.1 Raising or keeping of livestock and fowl unless permitted under Section 20, Keeping of Animals.

7.1.2 Section Deleted [Adopted 12/21/09, effective 1/14/10]

7.2 Space Requirements  
(See Section 11.2)  
[former Section 5.2, renumbered but not revised effective 8/1/89]

7.3 Parking Requirements  
(See Section 12)  
[former Section 7.4, renumbered but not revised effective 8/1/89]

7.4 Rear Lots  
(See Section 4.9)  
[former Section 7.5, renumbered but not revised effective 8/1/89]

7.5 Accessory Uses  
(See Section 14)  
[added effective 8/1/89]

## **Andover Lake Watershed Protection in the Andover Lake Watershed Protection Overlay Zones (ALWPOZ)**

### **7.6 Watershed Nutrient protection**

#### **7.6.1 Intent:**

The intent of this section is to protect the water quality of Andover Lake by preventing excessive nutrient enrichment contamination. This will ensure that Andover Lake continues to be a quality resource for recreation and natural habitat, as well as protecting property values.

As storm water runoff flows across the ground and hard surfaces, it picks up Phosphorus and Nitrogen from atmospheric and organic and inorganic materials. Increased levels of Phosphorus/Nitrogen can cause eutrophication resulting in toxic algae blooms, increased weed growth, and possible enforcement action by the DEEP. Phosphorus and Nitrogen are transferred directly into the Lake by storm water runoff unless the velocity of the surface water is reduced and slows enough to seep into the soil. Phosphorus/Nitrogen and other surface contaminants are treated (renovated) and naturally removed by contact with soils.

These regulations are designed to reduce sediment in storm water and current levels of nutrient enrichment by reducing water runoff volume and increasing infiltration of rainwater as well as mitigate increases due to development and increases in impervious surface. These mitigation measures also help maintain the water table at a healthy level.

Property owners are encouraged to implement additional storm water runoff mitigation measures beyond the requirements of these regulations to further maintain the quality of the lake water. The Zoning Agent is available to help determine the most effective places to mitigate the storm water runoff.

Actions taken by property owners to mitigate storm water runoff that are beyond what is required by these regulations may be considered in fulfilling future measures required by further future development.

#### **7.6.2. Applicability**

These requirements shall be in addition to the requirements for the underlying District as well as section 4.17. In the event of a conflict; the more restrictive requirements shall apply. Where section 4.17 requires a site storm water management plan to be filed, it shall include the requirements of this Section 7.6.

Within the Andover Lake Watershed Protection Overlay Zones , these regulations shall apply to all new structures, additions to existing structures, and changes that render the ground surface characteristics less pervious; and shall require a Nutrient Allocation Worksheet for an



area greater than the square footages indicated for the AL-A, AL-B, and AL-C Overlay Zones. As an example, a new patio over a lawn area or paving over a gravel driveway would make the ground less pervious.

### **7.6.3 Requirements**

For all applicable land use activities within the Andover Lake Watershed Protection Overlay Zones A – C, a completed Nutrient Allocation Worksheet shall be used to calculate the amount of phosphorus leaving the site prior to planned activity. This nutrient loading will be used to determine the reduced post activity nutrient loading required by these regulations. The amount of nutrient reduction is based upon the respective zone with zone A, closest to the lake requiring the most reduction. Best Management Practices (BMPs) to increase the infiltration and/or reduce storm water runoff will have to be implemented to achieve the required reduction.

The BMPs and proposed maintenance plan shall be shown on the site plan submitted for the Building Dept., Zoning Enforcement Officer, Zoning Commission, Inland Wetlands and Watercourses Commission, and/or Zoning Board of Appeals.

Once implemented, all BMPs shall be maintained and kept in working condition by the property owner, and such obligation shall be contained in the land record. If the approved BMPs and surfaces have not been adequately maintained, then, in addition to any other remedy at law or equity, no further zoning permits shall be issued until the BMPs and surfaces have been brought back to compliance with the permitted plan.

### **7.6.4 Nutrient Allocation Worksheet to Determine Compliance with Phosphorus/Nitrogen Runoff**

Different surface types have different Phosphorus/Nitrogen runoff coefficients based on the degree of storm water infiltration. Hard surfaces such as roofs, driveways and patios have a higher runoff coefficient because storm water cannot be absorbed which results in surface runoff; woodlands have a low runoff coefficient as storm water is absorbed into the ground with little surface runoff.

The maximum allocation for Phosphorus/Nitrogen leaving a site is different for each of the four Overlay Zones in the Andover Lake Watershed Protection Overlay Zone.

The Nutrient Allocation Worksheet calculates the estimated Phosphorus/Nitrogen leaving the site, in pounds per acre, using the square footage area of various surfaces (for example - roofs, driveways, lawns, and gardens) for a specific property. For the purposes of these calculations, it is calculated based on phosphorous loading since the treatment for nitrogen loading (for purposes of these regulations) shall be the same.

When an undeveloped lot is developed, it would be very difficult for the property owner to reduce nutrient runoff to achieve the required reduction called for by the Nutrient Allocation Worksheet. In this case, at a minimum, the property owner will mitigate storm water runoff by capturing all roof and driveway runoff in storm water storage capacity.

If a property owner is unable to reduce the nutrient levels as determined by the Nutrient Allocation Worksheet, the property owner can apply for a special permit to the Planning and Zoning Commission as discussed in section 7.6.12 of these regulations.

#### **7.6.5 AL (A) Overlay Zone**

1. A Nutrient Allocation Worksheet is required when one of the following conditions is met
  - A. New principal building construction
  - B. Renovation that cumulatively improves more than 50% of the structure's square footage within any 10-year period following implementation of these regulations
  - C. Increasing the gross floor area of any structure by 100 sf
  - D. The addition of an accessory structure greater than 100 sf gross floor area
  - E. Increasing the impervious surface by greater than 100 sf, or increasing the imperviousness of any existing surface by greater than 100 sf.
2. A zoning permit shall not be issued unless a Nutrient Allocation Worksheet is submitted and approved for the site's surface areas. After all improvements, along with proposed BMPs, the worksheet must demonstrate an estimated Phosphorus runoff that is at least 10 percent less than the pre-improvement values for the site to be in compliance;

Additionally, the site plan must demonstrate that it will infiltrate the first 2 inch flush of storm water or the volume of a 2 inch rain event from the new increased surface area or area of increased imperviousness, retained in a subsurface or surface system allowing for both storage of the rain event and subsequent infiltration into the surrounding soils. The Zoning Agent may determine that the equivalent of the 2 inch rain event from the new surface be infiltrated from another surface closer to the Lake or a surface having a greater potential for contamination to the Lake.

#### **7.6.6 AL (B) Overlay Zone**

1. A Nutrient Allocation Worksheet is required when one of the following conditions is met
  - A. New principal building construction
  - B. Renovation that include more than 50% of the structures square footage within any 10-year period following implementation of these regulations
  - C. Increasing the gross floor area of any structure by 200 sf
  - D. The addition of an accessory structure greater than 200 sf gross floor area

- E. Increasing the impervious surface by greater than 200 sf, or increasing the imperviousness of any existing surface by greater than 200 sf.
2. A zoning permit shall not be issued unless a Nutrient Allocation Worksheet is submitted for the site's surface areas. After all improvements, along with proposed BMPs, the worksheet must demonstrate an estimated Phosphorus runoff that is at least 7.5 percent less than the pre-improvement values for the site to be in compliance;

Additionally, the site plan must demonstrate that it will infiltrate the first 2 inch flush of storm water or the volume of a 2 inch rain event from the new increased surface area or area of increased imperviousness, retained in a subsurface or surface system allowing for both storage of the rain event and subsequent infiltration into the surrounding soils. The Zoning Agent may determine that the equivalent of the 2 inch rain event from the new surface be infiltrated from another surface closer to the Lake or a surface having a greater potential for contamination to the Lake.

#### **7.6.7 AL (C) Overlay Zone**

1. A Nutrient Allocation Worksheet is required when one of the following conditions is met
- A. New principal building construction
  - B. Renovation that include more than 50% of the structures square footage within any 10-year period following implementation of these regulations
  - C. Increasing the gross floor area of any structure by 300 sf
  - D. The addition of an accessory structure greater than 300 sf gross floor area
  - E. Increasing the impervious surface by greater than 300 sf, or increasing the imperviousness of any existing surface by greater than 300 sf.
2. A zoning permit shall not be issued unless a Nutrient Allocation Worksheet is submitted for the site's surface areas. After all improvements, along with proposed BMPs, the worksheet must demonstrate an estimated Phosphorus runoff that is at least 5 percent less than the pre-improvement values for the site to be in compliance.

Additionally, the site plan must demonstrate that it will infiltrate the first 2 inch flush of storm water or the volume of a 2 inch rain event from the new increased surface area or area of increased imperviousness, retained in a subsurface or surface system allowing for both storage of the rain event and subsequent infiltration into the surrounding soils. The Zoning Agent may determine that the equivalent of the 2 inch rain event from the new surface be infiltrated from another surface closer to the Lake or a surface having a greater potential for contamination to the Lake.

#### **7.6.8 AL (D) Overlay Zone**

A Nutrient Allocation Worksheet is not required. However, a zoning permit shall not be issued for any cumulative increase in impervious surface area or area of increased imperviousness greater than 300 square feet within any 10 year period, unless the site plan demonstrates the following:

- that it will infiltrate the first 2 inch flush of storm water or the volume of a 2 inch rain event from the new increased surface area or area of increased imperviousness,
- storm water shall be retained in a subsurface or surface system allowing for both storage of the rain event and subsequent infiltration into the surrounding soils.

#### **7.6.9 Modifications to Nutrient Allocation Worksheet**

Factors for “Runoff Coefficients” not listed on the Nutrient Allocation Worksheet may be used if based on relevant scientific analysis and approved by the Zoning Enforcement Officer.

#### **7.6.10 Mitigating a One-time small surface change in the AL-A, AL-B and AL-C Overlay Zones**

Activities involving a one-time change in surface type from pervious to non-pervious (such as erecting a shed or increasing a patio area) or increasing the imperviousness of an existing surface, that is less than the maximum dimensional requirements of sections 7.6.5, 7.6.6, and 7.6.7 in area, do not require a Nutrient Allocation Worksheet approval. However, the effect on storm water flow of the change in surface type must be mitigated to the equivalent of a minimum of a 2 inches rain event.

The Zoning Agent can approve the addition of a structure to the property that is less than the maximum dimensional requirements in Sections 7.6.5, 7.6.6., and 7.6.7 if a stone-filled trench is installed at the roof drip edges that is twelve inches (12”) wide and eighteen inches (18”) deep, approximating a 2 inch rain event.

The Zoning Agent can approve an increased patio or deck area of less than the maximum dimensional requirements in Sections 7.6.5, 7.6.6., and 7.6.7 if mitigated by the detention/ treatment at least 2” of rainfall that falls on the increased impervious area. Examples of this would be a rain garden one-hundred (100) square feet in area, or a fifty foot (50’) wide lawn swale down slope of the patio or deck, or another method of equal or greater value mitigating storm water runoff.

Any such Zoning Agent approved mitigation measures shall be maintained by the property owner and such obligation shall be enforced by wording to be placed on the Land Deed Record.

### **7.6.11 Best Management Practices (BMPs) for reduction of Phosphorus/Nitrogen runoff**

The first important step in protecting a lake is stewardship that reflects an understanding that what we do on land and in the water has an impact on the lake. In evaluating any site plan within the AL District, the Commission or the Zoning Agent, as the case may be, will evaluate the submission in accordance with the following criteria.

Applicants can reduce total Phosphorus/Nitrogen runoff by the following methods:

- 1) By changing the type of existing surfaces to surfaces that increase the storm water infiltration into the ground; and/or
- 2) By detaining storm water in swales, ponds or underground infiltration systems to allow seepage into the surrounding soils before it reaches Andover Lake.
- 3). By upgrading their septic system if a professional evaluation has found that the leach field is ponding, deficient in size, too close to ground water, and/or too close to surface water based on the most updated version of the state of Connecticut Technical Standards for Subsurface Sewage Disposal Systems

A number of manuals and websites have examples or diagrams of BMPs. The University of Connecticut's NEMO Center's website ([nemo.uconn.edu/tools/index](http://nemo.uconn.edu/tools/index)) storm water section contains examples, explanations, and diagrams for BMPs that may be appropriate for the site.

The most valuable and practical BMPs include:

Site layout:

- Maintain pre-development vegetation
- Locate non-pervious areas so as to direct storm water to desired locations
- Reduce non-pervious areas, especially within 50 feet of the shoreline
- Minimize creation of steep slopes
- Encourage sheet flow of storm water versus channelization, to limit erosion
- Use vegetated swales to interrupt sheet flow of storm water
- Use permeable pavement that will be maintained
- Install rain barrels at downspouts or infiltrate roof runoff into a subsurface infiltration system and/or direct downspouts (and outlets from rain barrels) to an area that provides the greatest potential for retention and infiltration of storm water.

Additional methods:

- Create native woodland with appropriate trees, underbrush and groundcovers. The effectiveness of this measure is based on the quality/quantity of both over and under story and infiltration properties of surface area.
- Direct roof runoff to an underground detention (drywells, designed above the maximum high groundwater table)

- Direct driveway runoff to an underground detention or aboveground swale or pond
- Direct lawn sheet flow to a rain garden or lawn swale
- Minimize exposed soil
- Maintain mulched areas or a natural “no mow” buffer especially on the down slopes of lawns and hard surfaces and especially at the edge above the shoreline. Mulched areas should be a minimum of 6 inches in thickness and not be dyed mulch.
- No application of fertilizer within AL (A)
- Only use fertilizers that have low, or no Phosphorus content,

Prospective applicants are urged to call the Zoning Agent to review your house site and help guide you in making the best choices to protect your Lake. Usually a combination of several of these methods is used. The Nutrient Allocation Worksheet has factors to calculate how changing surface types would impact the Phosphorous/Nitrogen leaving the site.

#### **7.6.12 Modifications of Lake Watershed Protection Requirements by Special Permit**

In a case where the applicant of a proposed activity governed by this Section is unable to comply with the requirements of this Section, the Commission may modify the requirements by Special Permit. Reduction may only be granted by the Commission after the finding that the following requirements have been satisfied:

1. The annual export of total Phosphorus for the subject parcel with existing improvements thereon on the date of the application shall not be exceeded after completion of the project applied for;
2. A so-called first flush infiltration system either has been employed to the maximum extent possible or is not possible as determined by the Commission.
3. Other reasonably available BMPs have been satisfactorily employed as determined by the Commission; and
4. If a wetland permit is required for the proposed activity, it has been issued as “The Most Feasible and Prudent Alternative to the proposed activity.”

If a reduction is granted and a letter from the Commission describing the reasons for the action granting the reduction is obtained, it shall be and attached to the building/zoning permit application and filed on Land Records.

#### **7.6.13 Demonstration that Property is Not Within Andover Lake Watershed**

In a case where, upon site inspection and review of topography, the proposed activity

governed by this Section appears to not be within the Andover Lake Watershed, the Zoning Enforcement Officer may issue a decision indicating that the proposed activity is exempt from this Section 7.6. The document shall include a description of the determining factors of the decision and a map indicating the parcel, or the area of the parcel, that is exempt and shall be signed by the Zoning Enforcement Officer. The applicant shall publish a legal notice of such decision as provided by law, and such decision may be appealed by an aggrieved party (or by the applicant in the case of a denial of exemption) to the Zoning Board of Appeals.

## **7.7 Subsurface Discharge**

### **7.7.1 Intent and Purpose**

The Town of Andover seeks to maintain the water quality of Andover Lake. The Andover Planning and Zoning Commission recognize that the Andover Lake Watershed requires special consideration related to subsurface septic systems. It is the intent of this section to promote the Health and General Welfare of the Community by preventing further nutrient enrichment and contamination of Andover Lake. The Commission is taking proactive measures to protect Public Health, improve water quality, and property values.

Conditions in the AL District that require special consideration include:

1. The small size of (AL) lots containing onsite well and septic systems.
2. That the majority of septic systems were installed prior to 1980
3. Septic systems are undersized and do not meet the minimum separating distance to groundwater required to renovate septic effluent/residential waste.
4. Existing septic systems are often located in the Maximum High Ground Water Table.

Septic Systems that do not meet the minimum standards of the Public Health Code continue to contaminate ground and surface water; these conditions if not addressed may lead to an Abatement Order from the Department of Energy and Environmental Protection resulting in Public Sewers for Andover Lake.

This Regulation requires upgrading subsurface septic systems when significant construction activity occurs that may increase the quantity of septic effluent.

### **7.7.2 AL (A) Overlay Zone**

A principal structure in AL-A Overlay Zone that meets one of the criteria in 7.7.2.1, and is not eligible for an exemption under 7.7.2.2, shall be required to install the septic system approved by the Eastern Highlands Health District, complying with Section 19-13 B100A of

the CT Public Health Code in order to receive a building permit.

**7.7.2.1 Conditions requiring a new/appropriately upgraded septic system when project design flow exceeds 50%:**

1. An increase of use requiring a B-100a Approval under the CT Public Health Code.
2. When one or more bedrooms are added.(same as 7.7.2.1 .1)
3. When greater than 50 percent of the principal structure's square footage is rebuilt.
4. This regulation is cumulative as of the effective date of these regulations. If any application(s) for a lot cumulatively satisfy any of conditions 1-5, this regulation will apply.
5. If upon professional inspection, the existing system meets the formal Connecticut definition of a "failing" system as stated in the Technical Standards for Subsurface Sewage Disposal.

**7.7.2.2 Criteria for not having to upgrade septic system:**

In order to certify the existing septic system is functioning as required, a Connecticut Registered Professional Engineer that is qualified in onsite sewage disposal engineering must analyze the existing system and produce a plan certifying all of the following criteria:

1. The existing system is located greater than 18 inches above the maximum high groundwater table;
2. Exceeds the Eastern Highlands Health District distance requirement from the high - water mark of Andover Lake or tributary;
3. Exceeds 50 percent of the size requirements for a new septic for a new principal building equivalent to the proposed principal building.
4. The system does not meet the technical definition of "failing" as stated in the Technical Standards for Subsurface Sewage Disposal.

The above determinations to certify the conditions 1-3 must at a minimum, include deep test holes witnessed by EHHD or Soil Scientist conducted by witnessing test holes and utilizing current technology i.e. "Sewer Inspection Cameras, Zoom Pole Camera, Push Cameras, Sewer Asset Management Software, Manhole Inspection Camera" to determine depth, size and location of the existing septic system.

**7.7.3 AL (B) Overlay Zone**

A principal building or use in AL-B Overlay Zone that meets one of the criteria in 7.7.2.1, and is not eligible for an exemption under 7.7.2.2, shall be required to install a septic system approved by the Eastern Highlands Health district, complying with Section 19-13 B100A of the CT Public Health Code in order to receive a building permit.



#### **7.7.3.1 Conditions requiring a new/appropriately upgraded septic system when the project design flow exceeds 50%:**

1. An increase of use requiring a CT Public Health Code B-100a approval.
2. When one or more bedrooms are added. (same as 7.7.3.1.1)
3. When greater than 50 percent of the principal buildings square footage is rebuilt.
4. This regulation is cumulative as of the effective date of these regulations. If any application(s) for a lot cumulatively satisfy any of conditions 1-5, this regulation will apply.
5. If upon professional inspection, the existing system meets the formal Connecticut definition of a “failing” system as stated in the Technical Standards for Subsurface Sewage Disposal.

#### **7.7.3.2 Criteria for not having to upgrade septic system:**

In order to certify the existing septic system is functioning as required, a Connecticut Registered Professional Engineer must analyze the existing system and produce a plan certifying all of the following criteria:

1. The existing system is located greater than 18 inches above the maximum high- water table;
2. Is greater than 50 feet to the high -water mark of the lake or tributary;
3. Exceeds 50 percent of the size requirements for a new septic for a new principal building equivalent to the proposed principal building.
4. The system does not meet the technical definition of “failing” as stated in the Technical Standards for Subsurface Sewage Disposal.

The above determinations to certify the conditions 1-3 must at a minimum, include deep test holes witnessed by EHHD or Soil Scientist conducted by witnessing test holes and utilizing current technology i.e. “Sewer Inspection Cameras, Zoom Pole Camera, Push Cameras, Sewer Asset Management Software, Manhole Inspection Camera” to determine depth, size and location of the existing septic system.

#### **7.7.4 Voluntary Actions Beneficial to Andover Lake Watershed Protection Area.**

Residents are encouraged to take additional voluntary actions to protect the quality of Andover Lake, including but not limited to:

Septic System and Leach Fields:

- Proper maintenance and pump-out frequency of on-site wastewater disposal systems (septic systems),
- Consider installation of septic tank effluent filters when service is performed,
- Use of sand fill materials with a Phosphorus attenuation capacity exceeding 0.01 kg P / cubic ft. when constructing or repairing septic system leaching fields,

- Design leaching field geometry to maximize down-gradient soil contact volume and avoid intersecting septic groundwater plumes,
- Avoid the use of septic system additives,
- Maximize Phosphorus and Nitrogen removal from wastewater by approved innovative designs,

## 7.8 Definitions

**Andover Lake Watershed Protection Overlay Zone:** the land surrounding Andover Lake that based on topography, rainfall and snow melt naturally drains into Andover Lake. The protection area contains 4 overlay zones based on proximity to the Lake.

**Andover Lake Watershed Protection Map:** Zoning Appendix 2 of the Andover Zoning regulations, includes 4 overlay zones

**AL (A) Overlay Zone:** property which drains directly to Andover Lake and has frontage on the Lake or tributary.

**AL (B) Overlay Zone:** property which does not have frontage on Andover Lake but is located within 100 feet of the lots in Overlay Zone AL-A

**AL (C) Overlay Zone:** All properties in the Andover Lake District that are not in Overlay Zone AL- A or AL-B.

**AL (D) Overlay Zone:** All properties in the town of Andover, and also in the Andover Lake Watershed that are not in Andover Lake District.

**Dry Well:** An underground structure that disposes of unwanted water, most commonly surface runoff and storm water and in some cases greywater. It is a covered, porous-walled chamber that allows water to slowly soak into the ground, dissipating into the groundwater.

**First Flush infiltration system:** A system designed to capture and infiltrate the initial runoff from a storm event from an impervious surface.

**Less Pervious Surface:** An area of a lot that has been improved in such a way that the rate of groundwater absorption is decreased from pre-improvement conditions;

**Nutrient Allocation Worksheet:** A worksheet designed to calculate the effects of the proposed activity on amount of Phosphorous/Nitrogen in lbs. that is not retained on site.

**Additional definitions** can be found in section 4.17 and section 24.2

## **SECTION 8 BUSINESS DISTRICT**

### **8.0 Uses Permitted by Site Plan Review in the Business (B) Zone**

The following uses are permitted in the Business (B) zone subject to site plan review by the Planning and Zoning Commission. An application and ten (10) copies of a site plan prepared in accordance with Section 23 shall be submitted the Thursday before the third (3<sup>rd</sup>) Monday of the month in order to appear on the next Planning and Zoning Commission agenda. Special consideration shall be given to such factors as site layout, parking and loading, architectural design, lighting, signage, landscaping, buffer strips, screening, traffic and ingress and egress.

Site Plan Review requirements must meet all the criteria excluding the public hearing requirements; however, the Commission may hold a public hearing regarding any Site Plan submission if, in its judgment, circumstances warrant such hearing. The Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Permits (Conn. Gen., Statutes §8-3c).

- 1) Medical and Dental Office, Labs and Clinics;
- 2) Schools, Colleges, Public and Private;
- 3) General/Professional Offices and Office buildings;
- 4) Health and Fitness clubs;
- 5) Retail Sales within a completely enclosed building;
- 6) Personal Services, Barber shop, beauty salon/spas, nail salons;
- 7) Restaurants without a drive thru window;
- 8) Churches;
- 9) Libraries;
- 10) Agricultural uses;
- 11) Funeral homes;
- 12) Accessory apartments limited to dwellings in existence prior to August 19, 1993;
- 13) Bed and Breakfast;
- 14) Existing single and two family dwellings built prior to September 1, 2003;
- 15) Banks and other financial institutions;
- 16) Any other commercial uses (except those for which a special permit is required) which are proven by the applicant to be substantially similar in nature and impact to uses listed above and approved by a majority vote of the Commission.

[former Section 1) renumbered and revised effective 7-15-09]

[Amended and renumbered adopted 12/21/09, effective 1/14/10]

## 8.1 Uses Permitted by Special Permit in the Business (B) Zone

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be allowed as a special permit in the Business (B) Zone only after a public hearing and subject to conditions and modifications as determined by the Commission. In evaluating applications the Commission shall consider all of the criteria found in Section 23 of these regulations.

- 1) Gasoline sales facilities;
- 2) Convenience Stores;
- 3) Car Washes;
- 4) Municipal Land uses;
- 5) Adult Day Care;
- 6) Child Day Care;
- 7) Theaters;
- 8) Laundry;
- 9) Animal Hospital; and
- 10) Restaurants with a drive thru window (drive thru window shall have at a minimum of a 200 foot stacking lane;
- 11) Building/Landscape materials sales and service, and
- 12) Any other commercial uses which are proven by the applicant to be substantially similar in nature and impact to uses listed above and approved by a majority vote of the Commission

[former Section 8.0a renumbered and revised effective 7-15-09]

[amended and renumbered, adopted 12/21/09, effective 1/14/10]

## 8.2 Maximum Floor Area

No one building shall exceed 15,000 square feet of gross interior floor area and no group of stores or shopping center shall exceed 50,000 square feet of gross interior floor area.

(renumbered, adopted 12/21/09, effective 1/14/10)

## 8.3 Architectural Design

The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building material, color, roof line and building elevations shall be of such character as to harmonize and be compatible with the

other buildings in the Business Zone and surrounding properties as to preserve and improve the appearance and beauty of the community. The following are encouraged.

- 1) Buildings designed to achieve a small scale and residential/historic appearance shall be encouraged.
- 2) Pitched roofed buildings shall be encouraged.
- 3) Roof top mounted mechanical equipment shall be concealed from all sides
- 4) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible. And
- 5) Section 23.4m – 23.5 of these regulations shall be considered as part of all site plan reviews and sign applications.

\* amended 11/17/03 effective 12/17/03 \*

[former section 8.0a, renumbered but not revised, effective 7-15-09]

[renumbered, adopted 12/21/09, effective 1/14/10]

#### 8.4 Restricted Sites

A restricted site is 1) a tract, which cannot be expanded because of developed boundaries, or 2) a small tract which is recorded in the Land Records at the Town Clerk's Office on or before July 1, 1976.

8.4.1 A small restricted site not exceeding one (1) acre may be developed for single-family residence.

8.4.2 The Commission may approve construction of single-family residence on restricted tracts with areas in excess of one (1) acre if the Commission finds that such a tract is difficult to develop by reasons of site configuration or difficult terrain or other good reasons.

8.4.3 Any restrictive lot to be used for single-family residence, the area, frontage, side yard, rear yard, coverage, and height requirements shall be those of the ARD zone.

[renumbered, adopted 12/21/09, effective 1/14/10]

#### 8.5 Space Requirements

(See Section 11.2)

[former Section 8.3, renumbered but not revised effective 8/1/89]

[renumbered, adopted 12/21/09, effective 1/14/09]

## 8.6                    Parking Requirements

(See Section 12)

[former Section 8.4, renumbered but not revised effective 8/1/89]

[renumbered, adopted 12/21/09, effective 1/14/10]

## 8.7                    Accessory Uses

(See Section 14)

[former Section 8.5, renumbered but not amended effective 8/1/89]

[renumbered, adopted 12/21/09, effective 1/14/10]

## **SECTION 9 - I - INDUSTRIAL DISTRICT**

### **9.0 Uses Permitted by Site Plan Review in the Industrial (I) Zone**

The following uses are permitted in the Industrial (I) zone subject to site plan review by the Planning and Zoning Commission. An application and ten (10) copies of a site plan prepared in accordance with Section 23 shall be submitted by the Thursday before the 3<sup>rd</sup> Monday of the month in order to appear on the next Planning and Zoning Commission Agenda. Special consideration shall be given to such factors as site layout, parking and loading, architectural design, lighting, signage, landscaping, buffer strips, screening, traffic and ingress and egress.

Site Plan Review requirements must meet all the criteria excluding the public hearing requirements; however, the Commission may hold a public hearing regarding any Site Plan submission if, in its judgment, circumstances warrant such hearing. The Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Permits (Conn. Gen. Statutes §8-3c).

- 1) Uses permitted under Section 8.0 "Uses Permitted by Site Plan Review in the Business Zone"
- 2) Medical and Dental Offices, Labs and Clinics;
- 3) Schools, Colleges, Public and Private;
- 4) General/Professional Offices and Office Buildings;
- 5) Research and Development and testing facilities;
- 6) Manufacturing and Production;
- 7) Existing single and two family dwellings built prior to September 1, 2003;
- 8) By a majority vote of the Commission, other industrial operations similar to these listed above provided that each use does not produce or emit objectionable dust, noise, or vibration, smoke refuse matter, odor, gas or fumes or have dangerous or offensive characteristics.
  - 9) Any other Industrial uses which are proven by the applicant to be substantially similar in nature and impact to uses listed above and approved by a majority vote of the Commission.

\*amended 6/15/09, effective 7-15-09  
[amended 12/21/09, effective 1/14/10]

### **9.1 Uses Permitted by Special Permit in the Industrial (I) Zone**

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be allowed as a special permit in the only after a public hearing and subject to conditions and modifications as determined by the Commission. In evaluating applications the Commission shall consider all of the criteria found in Section 23 of these regulations.

- 1) Auto Sales and Service;
- 2) Auto repair facilities;
- 3) Gasoline Sales Facilities;
- 4) Convenience Stores;
- 5) Car Washes;
- 6) Municipal Land Uses;
- 7) Adult Day Care;
- 8) Child Day Care;
- 9) Theaters;
- 10) Laundry;
- 11) Warehouse distribution;
- 12) Storage in bulk or warehousing including but not limited to lumbar, petroleum, concrete products, coal and coke;
- 13) Building Materials Sales and Service;
- 14) Animal Hospital;
- 15) Bed and Breakfast establishments;
- 16) Banks and other financial institutions.

17) By a majority vote of the Commission, other industrial operations similar to these listed above provided that each use does not produce or emit objectionable dust, noise, or vibration, smoke refuse matter, odor, gas or fumes or have dangerous or offensive characteristics.

\*amended 11/17/03 effective 12/17/03

\*\* amended 6/15/09 effective 07-15-09

[renumbered and amended, adopted 12/21/09, effective 1/14/10]

## 9.2 Requirements

9.2.1 All applications to the Commission under the provisions of Section 9 shall be in accordance with the provisions of Section 8.6.

9.2.2 Storage in bulk or warehousing including lumber, petroleum and concrete products, coal and coke.

No emissions of smoke and dust etc., odors and fumes etc., waste material



and noise shall be permitted except in accordance with the requirements of the Department of Environmental Protection.

No activity shall be conducted which is hazardous or dangerous to persons or property outside of the lot on which the activity is conducted.

[re-numbered and amended, adopted 12/21/09, effective 1/14/10]

### 9.3 Access Requirements

Each property shall have a clear and unobstructed easement, right-of-way, or access to a public street. Such access shall be not less than 40 feet in width.

[amended and renumbered, adopted 12/21/09, effective 1/14/10]

### 9.4 Buffer Strips

Where an Industrial or Business Zone (see Section 4.2.1) abuts an R-Zoned lot, a residential property or residentially zoned land (unless said land is occupied by an industrial use), no building or structure shall be built thereon unless the plan shows at least a 50' wide buffer strip along such lands which shall be provided and permanently maintained by the owner of said industrial land. This area shall not be used for storage of materials or parking of cars and trucks. It shall be planted with hardy indigenous trees, at least fifty percent of which shall be coniferous and shall be planted to a depth of at least fifteen feet. Coniferous trees shall be at least 4 feet in height and deciduous trees shall have a caliper of at least 24 inches at the time of planting.

If in the opinion of the Commission, existing growth provides an adequate screen, the Commission may waive or modify the planting requirements above. The remainder of the buffer strip shall be planted to lawn grasses or acceptable plant ground cover. Existing natural growth shall be preserved where practicable and shall be supplemented with new planting to give the required screening.

[renumbered, adopted 12/21/09, effective 1/14/10]

### 9.5 Custodian Quarters

9.5.1 Dwelling quarters for a custodian or watchman when accessory to commercial or industrial use and only if such quarters are located on the same premises as such use.

9.5.2 The quarters are to be occupied by one person only, (as opposed to a family).

9.5.3 Dwelling quarters shall contain at least 500 square feet of livable floor area in accordance with the provisions of Section 11.

9.5.4 Dwelling quarters shall be provided with approved sanitary and convenience facilities.

9.5.5 No rent is to be paid by the custodian or watchman as compensation for occupying said quarters.

[re-numbered, adopted 12/21/09, effective 1/14/10]

9.6 Space Requirements (See Section 11.2)

[renumbered 12/21/09, effective 1/14/10]

9.7 Parking (See Section 12)

[renumbered 12/21/09, effective 1/14/10]

9.8 Accessory Uses (See Section 14)

[renumbered 12/21/09, effective 1/14/10]

## **SECTION 10 - SPECIAL FLOOD HAZARD AREA REGULATIONS**

10.1 Purpose - It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damages at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

10.2 Objectives - The objectives of these regulations are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
7. To insure that potential home buyers are notified that property is in a flood area.

10.3 Definitions - Unless specifically defined below, words or phrases used in this section shall be interpreted as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Base Flood - a flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement - that a portion of a building having its floor subgrade (below ground level) on all sides.

Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or permanent storage of materials.

Elevated Building - a non-basement building built to have the lowest flood elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers) sheer wall or breakaway walls.

Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or, the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Map - an official map of a community, issued by the Federal Emergency Management Agency, on which the boundaries of the 100 year flood, 500 year flood, and floodway have been delineated.

Flood Insurance Rate Map (FIRM) - means the official map of a community on which the Federal Emergency Management Agency has delineated both the Areas of Special Flood Hazard and the applicable risk premium zones.

Flood Insurance Study - the official report by the Federal Emergency Management Agency, containing flood profiles, the water surface elevation of the base flood, and other flood data.

Floodway - the channel of a river or other 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 (1) foot.

Floor - the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally Dependent Facility - a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a dock facility necessary for the loading and unloading of cargo or passengers. The term does not include long-term storage, manufacture, sale or service facilities.

Highest Adjacent Grade - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Lowest Floor - the lowest floor of the lowest enclosed area, including basement.

Incremental Fill - fill, including any material or structure used for the purpose of changing the elevation or contour of property subject to these regulations or which would have the effect of displacing water or flood storage capacity of the property, proposed to be brought onto the property or deposited, erected or developed on such property. Shifting of existing contours without the addition of new fill from off site and which does not reduce the existing flood storage capacity of the subject property shall not be considered incremental fill.

Manufactured Home - A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park vehicles, or travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Mean Sea Level - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD - as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction - structures for which the "start of construction" commenced on or after January 22, 1982 and includes any subsequent improvements to such structures.

Recreational Vehicle - A vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Special Flood Hazard Area - the area within a community subject to a one percent or greater change of flooding in any given year, as identified on the community's FIRM.

Start of Construction - includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. Should the permittee fail to commence work within this time frame, a new permit shall be required. 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 construction or 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.

Structure - a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or man-made facilities or infrastructures.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - any combination of repairs, reconstruction, alterations or improvements to a structure, taking place during a one (1) year period in which the cumulative costs equals or exceeds fifty (50) percent of the market value of the structure.

The market value of the structure should be:

(a) the appraised value of the structure prior to the start of the initial repair or improvement, or (b) in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The terms do not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions.

Variance - a grant of relief from the requirements of these Regulations which permits activities and construction otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

Water Surface Elevation - the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (Or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

#### 10.4 General Provisions

1. **Applicability.** These Regulations shall apply to all areas of flood prone zone within the jurisdiction of the Town of Andover.
2. **Basis for Establishing the Special Flood Hazard Areas.**  
The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study of the Town of Andover of August 3, 19981, with accompanying FIRM and floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of these Regulations.
3. **Issuance of the Zoning Permit and Certificate of Zoning Compliance.** Neither the zoning permit nor a Certificate of Zoning Compliance shall be issued unless the applicant has successfully demonstrated that the proposed or completed activity is in compliance with the requirements of this Section and other applicable Regulations.
4. **Permit Expiration.** Permits issued under the jurisdiction of Section 10 of these Regulations shall expire if actual construction of a permitted structure does not commence within 180 days of the permit approval date.
5. **Abrogations & Greater Restrictions -** These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and other ordinances, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. **Interpretation -** In the interpretation and application of these regulations all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; deemed neither to limit nor repeal any other powers granted under state statutes.
7. **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Town of Andover or any officer or employee thereof for any flood damage which may result from reliance on these Regulations or any administrative decision made thereunder.

#### 10.5 USES IN FLOOD ZONE. Construction, reconstruction, extension of any building or structure,



or any other development, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations shall be prohibited in the Special Flood Hazard Area, except in conformance with these Regulations. Use of land, construction or other activities permitted within this Section shall be subject to approval by all applicable federal or stated agencies.

1. Permitted Uses - subject to the provisions of Section 10 and any other applicable Regulations:
  - A. Agricultural
  - B. Farm, excluding a dwelling, or premises used for the keeping of livestock, when a farm is located in the flood zone.
  - C. Historic Sites
2. Special Permit Uses - subject to review and approval by the Planning & Zoning Commission in accordance with the provisions of Section 23 and any other applicable Regulations:
  - A. Sand & Gravel, sale of
  - B. Parks
  - C. Recreation area, non-profit
  - D. Utility, electric, gas, water
  - E. Bazaars, carnivals, and other temporary recreational uses

10.4.9 Permits Required - No development of any property within the Flood Prone District shall be permitted except in compliance with the terms of these regulations and subject to the terms and conditions of a Special Permit (see Section 23) unless otherwise stated.

## 10.6 ADMINISTRATION

1. Designation of Administrator. The Zoning Enforcement Official is hereby appointed to administer and implement the provisions of these Regulations.
2. Application.
  1. Permit Procedures. A building permit, zoning permit, special permit and/or variance shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the Zoning Regulations with the Zoning Enforcement Official to determine which permits are required for the use proposed. The applicant shall provide information with the application which would show that any proposed building sites will be reasonably safe from flooding.

2. Certification of Plans. Where required under this Section, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section. Such certification must be provided to the Zoning Enforcement Official.
3. Establishment of Flood Area Boundaries.
  1. When base flood elevation data or floodway data have not been provided, the Zoning Enforcement Official shall obtain, review, and reasonably utilize any base flood elevation or floodway data available from Federal, State, or other source in order to administer these Regulations.
  2. The Zoning Enforcement Official shall make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
4. Notification of Other Agencies. The Zoning Enforcement Official shall notify adjacent communities and the Connecticut Department of Environmental Protection, Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and evident of such notification shall be sent to the Federal Emergency Management Agency. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
5. Other Permits to Be Obtained. The Zoning Enforcement Official shall advise applicant that additional Federal or State Permits may be required, and if special Federal or State permit requirements are known, required that copies of such permits be provided and maintained on file with any local permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.
6. Records Maintenance. The Zoning Enforcement Official shall record and maintain: (a) the as-built elevation of the lowest floor (including basement) of all new or substantially improved structures; (b) the elevation to which the new or substantially improved structures have been flood-proofed; (c) certification as to floodway heights; d) any and all certifications required under these Regulations; e) all records pertaining to the provisions of this section.

## 10.7 DEVELOPMENT STANDARDS -

The Following standards must be satisfied for any application for development to be approved:

1. General Standards.
  1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
  3. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  4. All new construction and substantial improvements to structures shall be constructed to ensure that electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  5. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  6. New and replacement sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;
  7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  8. In any portion of a watercourse which is altered or re-located the flood carrying capacity shall be maintained.
2. Specific Standards - In all Special Flood Hazard Areas AL 30, AE, and AH zones where base flood elevation data has been provided, the following standards shall apply in addition to the General Standards above:
  1. Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the base flood elevation.

2.     Manufactured Homes. These shall be elevated so that the lowest floor is above the base flood elevation and placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties.
  3.     Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure located in the A Zone shall have the lowest floor, including basement,           elevated above the base flood elevation. Non-residential structures located in all A zones may be flood-proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Zoning Enforcement Official.
  4.     Floodways. Located within special flood hazard areas are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and have erosion potential, no encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design.
3.     Standards for Streams Without Established Base Flood Elevations, Floodways, and/or Flood Mapping
1.     The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 7.14 of the Andover Subdivision Regulations as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community's FIRM meet to standards of these regulations.

2. In A zones where base flood elevations have been determined but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
3. The Zoning Enforcement Official may request floodway data of an applicant for watercourses without FEMA- published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town shall adopt a regulatory floodway based on the principal that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.

#### 10.8 VARIANCE OF SECTION 10

The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of these regulations. The Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other section of this ordinance and the items listed below. Upon consideration of theses factors and the purposes of these Regulations, the ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of these Regulations.

The Zoning Enforcement Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

##### 1. General Considerations for Granting Variances

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity of the facility to waterfront location, in the case of a functionally dependent facility;
6. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. the compatibility of the proposed use with existing and anticipated development;

8. the relationship of the proposed use to the Comprehensive Plan of Development and floodplain management program for that area;
  9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. the expected heights, velocity, duration, rate and rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
  11. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges; and
  12. potential for pollution of waters or contamination of soils.
2. Floodway Prohibition. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  3. Specific Variance Situations
    1. Historic Structures. Variances may be issued for the reconstruction or restoration of structures on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

No renovations or alterations may be made to an historical structure without due consideration and effort to incorporate design concepts which, while preserving the historical character of the building, will also serve to reduce the potential for future flood damage and threat to human life and property.
    2. Functionally Dependent Uses. Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets the requirements of Section 10.8.4, Criteria for Variances.
  4. Criteria for Variances. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and result in the loss of the historic designation of the building. In addition, variances shall only be issued upon:
    1. a showing of good sufficient cause.
    2. a determination that failure to grant the variance would result in exceptional hardship.

3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Regulations.
4. only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent parcels, shall qualify to meet subsection 2 above. Claims of hardship based on the structure, on economic or on personal circumstances are not sufficient cause for the granting of a variance under these Regulations.

## **SECTION 11 AREA, FLOOR, DENSITY, AND YARD REQUIREMENTS**

### **11.0 Floor Area Requirements**

- 11.0.1 No dwellings shall hereinafter be erected in any District unless the living quarters shall comply with the minimum gross floor area for living quarters as set forth in Section 11.1.1 below.
- 11.0.2 If the dwelling is to contain two or more floors, at least one-half of the second floor area qualifying for living quarters shall have a ceiling height of not less than 7 feet. The second floor in each case qualifying for living quarters shall have access thereto by a permanent built-in stairway.
- 11.0.3 The term "living quarters" as used herein means that portion of the building which is constructed with ceilings and walls finished on the inside with lath and plaster in the customary manner or finished in some acceptable substitute.
- 11.0.4 Gross floor area is determined by dimensions on the outside walls and/or partitions enclosing living quarters.
- 11.0.5 In cases where the interior of the second floor of a single house is not finished at the time of construction, such house shall be considered a one-story house; the first floor thereof shall conform in area to the regulations for one-story houses.
- 11.0.6 In computing gross floor area, customary rooms, such as halls, stairways, and closets shall be included. The following shall not be included: utility rooms, garages, open and closed outside vestibules, porches, verandas or breezeways, bay windows, stairways and halls serving more than one dwelling unit, and basements, being defined in accordance with the Connecticut Basic Building Code, as the same may be amended from time to time. As of the effective date of this section, "basement" is defined in the Code as any portion of a building which is partly or completely below grade, unless the distance from grade to the finished surface of the floor above the basement is more than six (6) feet for more than 50 percent of the total perimeter or more than 12 feet at any point. [revised from former Section 24.3.18]

### **11.1 Minimum Floor Requirements**

- 11.1.1 In all Districts every single family dwelling, other than seasonal dwellings, shall contain the following minimum floor areas:

One-story dwellings:	500 square feet
Two-story dwellings:	400 square feet on the ground floor, and a total



floor area of 500 square feet.  
[former Sections 11.1.1 and 11.1.3]

11.1.2 (Deleted effective January 1 2018)

REVISED SECTION 24.3.18

FLOOR AREA - See Section 11.0 of these Regulations.

## TOWN OF ANDOVER

### 11.2 space requirements

District	Minimum Requirements							Maximum Requirements		
	Lot	Lot	Front	Side	Total side	Rear	Floor	lot	Bldg.	Dwelling
	Area SF	Width	Yard	Yard	Yard	Yard	Area	Coverage <sup>5</sup>	Height	Units
	Sq. Feet	Feet	Feet <sup>5</sup>	Feet	Feet	Feet	SF	%	ft./stories	
ARD (Andover Rural Design)	60000	200	50	25	50	50	500	10	35/2	1
ARD Rear Lot	120000 <sup>2</sup>	40	75	37.5	75	75	500	10	35/2	1
ARD Open Space Lot	30000	50	20	10	20	20	500	15	35/2	1
ARD Open Space Rear Lot	30000 <sup>3</sup>	25	40	10	20	20	500	18	35/2	1
Andover Lake (seasonal)	30000	100	50	15	40	751	500	10	35/2	1
Andover Lake (Year Round)	60000 <sup>1</sup>	200	50	25	50	751	500	12	35/2	1
Andover Lake (rear lot)	120000 <sup>2</sup>	40	75	37.5	75	75	500	10	35/2	1
Andover Lake Open Space	30000	50	20	10	20	20	500	15	35/2	1
Andover Lake Open Space rear lot	30000 <sup>3</sup>	25	40	10	20	20	500	18	35/2	1
Business <sup>4</sup>	20000	100	45	10	20	35	1000	50	35/2	
Business Adjacent to ARD <sup>4</sup>	20000	100	10	25	100	50	1000	50	35/2	
Industrial <sup>4</sup>	40000	200	100	35	75	35	1000	50	35/2	
Industrial Adjacent to ARD <sup>4</sup>	40000	200	100	50	100	50	1000	50	35/2	

Revised effective 1 Jan 2018

<sup>1</sup>50 ft. where property does not abut lake

<sup>2</sup> calculated including of access way

<sup>3</sup> calculated excluding access way

<sup>4</sup> section 11.3 for details

<sup>5</sup> See section 24.3 for definition of building setback line and Lot coverage

### 11.3 Reduction in setbacks and Consolidation of lots in Business and Industrial Zones by Special Permit

#### 11.3.1 Reductions in dimensional requirements will be considered by the Commission

and will require a passing vote of two-thirds(2/3rds) of the members voting and only in special cases when it is determined that reductions in one or more dimensional requirements will improve overall compatibility of the site to surrounding and/or connecting properties and with special attention to one or more of the following criteria: landscaping, building orientation, architecture, linkages to abutting properties and other site amenities.

11.3.2 Minimum distance from residential zones. All buildings and structures shall be located at least 50 feet in the side yard and 50 feet in the rear yard from the boundary line of any residential zones; the Commission may by a vote of two thirds (2/3rds) reduce these setbacks when due to an existing or proposed buffer or other on-side conditions. Screening and landscaping of the setback area shall be required by the Commission.

11.3.3 Yards requirements on a common side lot line may be reduced or omitted where two (2) or more lots containing no residential uses make use of a single joint entry and single joint exit to a frontage street, provided that each consolidated parcel shall have the minimum side yard at each sideline abutting a residential use or residential zone, provided that permanent vehicular access may be provided to the rear of such lots and when required, rights of access shall be mutually granted.

11.3.4 Frontage in Business and Industrial zones, consolidation of lots. The minimum lot frontage in the Business Zone shall be 100 feet, and the minimum lot frontage in the Industrial Zones shall be 200 feet, provided that the Commission may, by Special Permit, allow a lesser frontage where two or more adjacent lots having a combined frontage of at least 150 feet in the Business Zone and 300 feet in the Industrial zone, with combined parking lots and driveway curb cuts: and perpetual cross easements that provide for the maintenance of parking areas, driveways, landscaping and illumination ; and provide cross easements for signage at the driveway curb cut such that all businesses located on the lots shall share a single ground sign for the entire development. And further, the Commission shall consider the following in making its decision:

a. One or more adjoining lots are designed as a single consolidated site, with combined parking lots and driveway curb cuts and perpetual cross easements that provide for the maintenance of parking areas, driveways, landscaping, and illumination;

b. the buildings have been designed such that the buildings on the consolidated site are of a harmonious architectural style, illumination, and landscaping pattern.

c. The signage is of uniform design throughout the entire consolidated site,

having the same basic size, shape, mounting method and location, and type of illumination. There shall be a single ground sign identifying the driveway curb cut, with cross easements for each owner to install and maintain its own message on such ground sign.

d. There shall be no reduction in side yards except for the interior lot lines between the lots which are submitted for consolidated sites, building, access, and sign designs in accordance with this section, and not on the side of any lot adjacent to a parcel that is not included in such overall consolidated plan.

New Section 11.3, adopted 12/15/08, effective 1/15/09

## **SECTION 12 OFFSTREET PARKING AND LOADING**

12.0 These parking regulations are adopted for the purpose of providing sufficient parking facilities to meet actual demand off of the street and on the same lot as the building or buildings they serve for all existing and proposed uses and to:

### **12.0.1**

- a. Allow flexibility in addressing vehicle parking, loading and access issues;
- b. present a menu of strategies to solve parking problems rather than parking space requirements;
- c. Maintain and enhance a safe and efficient transportation system that is consistent with environmental goals and clean air;
- d. Ensure that off street parking, loading and access demands associated with new development are met without adversely affecting other land uses and surrounding neighborhoods;
- e. Provide landscaping in parking areas to improve lot appearance and safety, intercept and manage storm water runoff and optimize natural infiltration of rainwater;
- f. Support and promote safe and convenient pedestrian and bicycle traffic in parking lots;
- g. Mitigate against the urban heat island effect;

12.1 Parking space Size: All regular parking spaces shall be 9X18 Feet.

12.1.1 Compact spaces are allowed. Up to 10% of the required spaces may be compact, 9x15 feet if properly marked.

12.2 Handicapped Parking: Handicap spaces shall be placed as near to potential entrances as practical and the number and size of spaces shall meet the requirements of Connecticut Building Code. No sharing of striped access aisles is allowed.

Handicapped access to the sidewalk and or street and between buildings is required.

12.3 Lighting: Parking areas shall comply with section 23.5 of these Regulations. All lighting must be dark sky compliant. A lighting plan and photometric plan shall be submitted with each application for commercial, industrial or mixed use (Floating zone) development.

12.4 Aisle Width: For 90 degree parking, the access aisle shall be 24 feet wide. For parking with one way traffic, an access aisle of 20 feet wide is required.

12.5 For on-street parking (for Interior Development Streets) or parallel parking, the parking space shall be 8.5 feet wide by 25 Feet long

12.6 Loading: Loading spaces shall be required in the Commercial and Industrial Zones as well as

in any mixed use development in accordance with this Section.

12.6.1 Number of Loading Spaces: The number of loading spaces shall be in accordance with the following requirements:

12.6.1.1 Mixed Use Floating Zones: For mixed use developments consisting of multiple buildings and uses, loading spaces shall be sited in such a manner as to conveniently service as many uses as possible. The Commission may modify the parking requirements in accordance with Section 26.15 of these Regulations.

12.6.2 Loading requirements for Other Zones: Less than 5000 square feet (SF) of Gross Floor area, there shall be 1 loading space unless the applicant can demonstrate that the proposed use will have no requirement for delivery of products or other materials, in which case the Commission may require the reservation of a loading space if needed in the future.

For 5000-20,000 SF Gross Floor area 1 loading space. For greater than 20,000 SF Gross of Floor Area, 2 spaces minimum, or 1 space for each additional 20,000 SF of Gross Floor Area or fraction thereof

12.7 Bicycle and Pedestrian Accommodations.

12.7.1 Required Spaces: Bicycle parking spaces shall be provided for developments within the Business, Industrial, Mixed Use Floating Zone, and incentive housing overlay zone as follows:

12.7.1.1 Industrial Zone: 1 space for every 15 parking spaces.

12.7.1.2 Business Zone: 1 space for every 10 parking spaces.

12.7.1.3 Multifamily and incentive housing zone: 1 space for every 4 bedrooms or units (whichever is larger).

12.7.1.4 Mixed use development: 1 space for every 4 residential units, plus compliance with 12.7.1.1 and 12.7.1.2 as applicable

12.7.2 Design Requirements.

12.7.2.1 All bicycle parking spaces shall be provided in the form of anchored bicycle racks or locker type facilities for spaces required by 12.7.1.1 and 12.7.1.2

12.7.2.2 All bicycle parking spaces shall be provided in the form of locker type facilities for spaces required by 12.7.1.3 and 12.7.1.4.

12.7.2.3 Bicycle parking facilities shall meet the following criteria:

- a. a minimum area per bike rack parking space of 12 (twelve) square feet.

- b. siting to minimize the conflict between bicyclist, pedestrian and vehicular traffic.
- c. provide adequate lighting.
- d. provision for locking bicycles to racks or in lockers.
- e. where possible, bicycle parking located within view of building entrances, or in view of windows, and located to provide convenient parking opportunities.
- f. bicycle racks shall be located so that access to the bike rack is free of obstructions.
- g. bicycle racks shall be designed using materials that are durable and consistent with the streetscape.
- h. Where a bicycle rack allows bicycles to be locked on both sides of the rack without conflict, each side counts as one required space.

12.7.3. The Commission at its discretion may reduce one required vehicle parking space for every 5 bicycle rack spaces provided.

12.8 Off street Parking: Off street parking for customers and employees shall be provided and maintained in connection with any use, any substantial change in use, construction, conversion, or increase in intensity of use of buildings or structures. Such spaces shall be provided using the following guidelines. All numbers are per 1000 Square foot (SF) of Gross Floor Area (GFA) for uses within a building, plus the square footage of any outside areas dedicated to that use, unless otherwise indicated.

12.8.1 Reference: The Route 6 Corridor plan and other studies

Land Use	Maximum	Minimum
Bank/ Financial Institution	6	2
Small Commercial Centers < 20,000 sf	5	2
Large Commercial Centers > 20,000 sf	3	2
Free Standing Retail	5	2
Grocery Store	3	2
Pharmacy	5	2
Laundry (full service)	5	2
Farmers Market	2	1.5
Nursery/ Garden Center	3 per 1000 sf of indoor and outdoor display area	1 per 1000 sf of indoor and outdoor display area
Commercial Agriculture (including Wineries, Cider Mills etc.	2; parking for seasonal outdoor or tented events may be temporary field	1.5; parking for seasonal outdoor or tented events may be temporary field

	parking if approved by the Commission	parking if approved by the Commission
Professional Buildings (Non- Medical)	5	2
Manufacturing	2	1
Medical Office Building	9	4
Animal/ Veterinary Hospital/ Clinic (no Kennel)	9	4
Restaurant/ Tavern/ Microbrewery/ Eating and Drinking Establishments/ Banquet Facilities	11	6
Movie Theater/ Live Theater	11	6
Bed and Breakfast	1.2 spaces per guestroom	1 space per guestroom
Personal and Business Services	3	2
Day Care Centers	1 space per 4 children at Max Capacity	1 space per 8 children at Max Capacity
Churches/ Houses/ Place of Worship	1 space per 3 seats in portion of building used for services	1 space per 5 seats in portion of building used for services
Museums, Art Studios, Art Galleries, Libraries	2	1
Private Social and Fraternal Clubs and Organizations	4	3
Private Elementary, Middle and High Schools	1 space per 4 children at Max Capacity under the Fire Code	1 space per 8 children at Max Capacity under the Fire Code
Hotels and Motels	1.2 spaces per guestroom	1 space per guestroom
Hotel and Conference Centers	11 plus Hotel/Motel Maximum Parking Standard	6 plus Hotel/Motel Minimum Parking Standard
Warehouse	1	0.3
Single Family Residence per Dwelling	none	2
2 Family Residence per Dwelling	none	4
Accessory Apartment per Dwelling Unit	2	1



Multifamily Residences Condominiums/ Apartments/ Town Houses/ Upper Level Residential	2.5/ Dwelling Unit plus Maximum Commercial Parking Standard	1/ Dwelling Unit plus Minimum Commercial Parking Standard
Age Restricted Housing	1.5 Per Dwelling Unit	0.5 per Dwelling Unit
Car Wash	Maximum Queuing Capacity in accordance with the approved site plan	Minimum Queuing Capacity in accordance with the approved site plan
Automobile Sales and or Rental (Inclusive of areas for Employees, Customers, Rental and Display)	3	2
Automotive Repair Facility (Inclusive of areas for Employees, Customers, Rental and Display)	4	2
Gymnasiums, Physical fitness Centers, Health Clubs and Spas, Martial Arts and Dance Facilities, Indoor Recreational Facilities	10	2
Outdoor Recreation Facility and Athletic Fields excluding parks	24 per acre	5 per acre
Mixed Use Developments/ Village District	Aggregate Maximum Parking as modified by Section 26	Aggregate Minimum Parking as modified by Section 26

#### 12.8.2 Restrictions and Clarifications

- a. For uses not listed in this section, the maximum and minimum number of parking spaces should be comparable to the closest similar use as determined by the Commission.
- b. When two or more principal or accessory uses are located on the same property, the parking requirements for the various uses shall be computed separately and cumulatively.
- c. When computation of parking spaces results in a fractional parking space, the required number of spaces will be rounded up to the next whole number.
- d. No area shall be credited as a parking space if it is in any part credited as a loading space or travel way.
- e. No required parking space shall be used for the sale, storage, or display of goods.
- f. The Commission shall determine the parking space requirements within the minimum and maximum guidelines based on the mix of uses, if any; the size and character of the

use; parking demand studies prepared by the applicant or by the Commission; advice of the Traffic Authority, the Fire Marshal, or other Town officials and consultants to the Commission. The Commission may also consult the current edition of "Parking Generation" as published by the Institute of Transportation Engineers or any successor organization.

- g. The Commission may require the submission of a parking demand analysis to guide its decision as to the appropriate parking standard between the Minimum and Maximum.

### 12.8.3 Exemptions

The intent of these Regulations is that all structures and land uses be provided with a sufficient amount of off-street parking for motor vehicles and bicycles while allowing some flexibility of site design to accommodate the unique characteristics of individual properties or aggregates of properties. This section of the regulations is intended to set standards for conditions under which modifications to the general parking requirements may be allowed.

The Commission may require a parking demand analysis as part of any request for a modification of the general parking requirements.

#### 12.8.3.1 Parking Reduction

In the case that an applicant believes the required parking spaces are in excess of what is needed for the proposed use, the applicant may submit a request for a modification, with sufficient justification to the Commission for a reduction in parking space requirements based on a Parking Demand Analysis. The Commission will consider and act on this request with and as part of the development application process.

#### 12.8.3.2 Parking in Excess of the Maximum

The Commission may approve parking lots with more than the maximum allowable parking spaces, provided all of the spaces above the maximum are composed of a pervious surface such as pervious concrete or bituminous, concrete or grass pavers and complies with Andover Stormwater Management Standards in Section 4.17 of these Regulations. The Commission may also approve parking lots with additional impervious parking spots above the maximum where the use of pervious materials would not be environmentally sound due to the presence of hazardous materials in the soil and where a storm water management plan, complying with Andover Stormwater Management Standards (Section 4.17) is submitted. The storm water management plan shall show that the increase in runoff volume of a 2 year rain event is completely retained on site using LID measures.

### 12.8.4 Shared Parking

By special permit, the Commission may allow up to 25% of the required parking spaces to be shared between uses that occur at different times of the day or week. All shared parking spots shall be located within 500 feet more or less of the main building entrance of the recipient use. In approving the special permit, the Commission must find that there shall not be a substantial overlap of peak parking periods for the uses and that legally binding documents satisfactory to the

Commission have been prepared for filing on the land records to guarantee perpetual access to, and use of, shared parking spaces by the recipient use.

#### 12.8.5 Common Parking

By special permit, the applicant may submit a plan to the Commission to allow common parking for multiple properties, and multiple uses, especially in a Mixed Use Development. The applicant must provide evidence of perpetual cross-easements for reciprocal parking, access and utility rights affecting all uses within the properties covered under the common parking plan. The plan must include the access and maintenance agreements, and must meet the requirements of section 23.5.

#### 12.8.6 Reserved parking

If the applicant can demonstrate that the demand for off-street parking spaces for the proposed use or uses is less than the minimum required, and the Commission grants a reduction in parking spots under sections 12.8.3.1, 12.8.3.3 or section 12.8.3.4, the Commission shall require the applicant to reserve up to 25% of the required parking spaces for future parking needs. Such reserve spaces shall be standard size, and shown in dotted lines on the site plan, labeled Reserve parking, and shall be limited to natural or grass areas without trees or structures thereon. Any stormwater management plans shall be based on the reserve areas being paved unless the applicant restricts such future reserved parking to pervious materials only.

The Commission may require the future construction of all or part of the reserve parking area into paved parking within a designated time, but not less than three (3) months of written notice to do so, and with a hearing and an opportunity to be heard by the Commission. Such requirement shall be based on a change in parking demand, change of use, or a change in traffic safety circumstances as determined by the Commission. The time to comply shall take into account the time of year suitable for paving.

### **SECTION 14 ACCESSORY BUILDINGS**

#### 14.0 Farm Buildings

14.0.1 Accessory farm buildings may be located in side yards but must be set in back of the building line, except:

- a. Roadside stands may be located in front yards, but must be set in back of the street property line. Safe entrance from and exit into the highway with adequate space for pickup, parking and loading off-street shall be provided. (See Section 20 Keeping of Animals)

#### 14.1 Non-farm Buildings

No accessory non-farm building in a Residential Zone shall be located in any front yard, nor in any side yard nearer to the side lot line than the minimum width required for a side yard for the principal building, nor in a rear yard unless at least 15 feet from any lot.

#### 14.2 Attachment to Buildings

A building attached to the principal building by a covered passageway, or by having a wall or part of a wall in common with it, shall be considered an integral part of the principal structure and not an accessory building.

#### 14.3 Height

Except farm buildings, shall not exceed 20 feet in height above ground level.

#### 14.4 On Corner Lots

In addition to the above requirements, no accessory building in a rear yard shall be nearer a street side lot line than the least depth of any front yard required along such street.

### **SECTION 15 – SIGNS**

#### 15.0 INTENT

It is the intent of this section to provide for appropriately designed signs which are suitable to perform designated functions within a particular district, and which do not detract from property values or impair public health, safety and welfare, while ensuring the Constitutional right of free speech is protected.

#### 15.1 SIGN FUNCTION-DEFINITIONS

##### 15.1.1 Sign

Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises.

#### 15.1.2 Identification Sign

A sign which identifies a business, commodity, service, public or quasi-public building, residential development, entertainment, or other use conducted, sold, or offered upon the premises where such sign is located, or to which it is affixed.

#### 15.1.3 Billboard

A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed, or any sign having a sign face in excess of thirty-two (32) square feet.

#### 15.1.4 Temporary Sign

A sign erected on a site which is to be developed or is being developed; property being sold or rented; signs of a temporary nature associated with a political, educational, civic, religious, or similar activity or event, or other uses of land or buildings that are temporary.

#### 15.1.5 Public Interest Sign

Signs placed by the authority of a local, State, or Federal government agencies for public purposes.

#### 15.1.6 Political Position Signs

Signs pertaining to public policy issues, excluding those for which an election or other date-certain event is involved (see following section).

#### 15.1.7 Special Event and Election Temporary Signs

These are signs for public, charitable, educational, political, or religious events, or for public elections.

#### 15.1.8 No Trespass Signs

Any sign on a Premises restricting the right to enter such Premises and indicating the private nature of such Premises.

### 15.2 SIGN CONSTRUCTION - DEFINITIONS

#### 15.2.1 Banner Signs

Any sign constructed of flexible material, including a pennant that is mounted on a pole, rope, wire or similar material or is mounted on a building.

#### 15.2.2 Canopy Sign

A sign placed on the panels of a permanent canopy or erected above and supported by the canopy, and extending no higher than the eaves or the top of a parapet wall.

#### 15.2.3 Flat Sign

A sign placed on a wall or other exterior surface of a building, and extending no higher above roof

level than the eaves or the top of a parapet wall.

#### 15.2.4 Freestanding Sign

A sign placed on the ground or supported by a structure placed in or upon the ground. The supporting structure or architectural feature of a freestanding sign shall not extend beyond one and a half feet beyond the side edge of any sign.

#### 15.2.5 Mechanical Sign

A sign which involves motion or rotation of any part; or which displays flashing lights, intermittent lights, or creates an illusion of movement; including through the use of forced air; and including any sign where artificial light is not maintained stationary and constant in intensity and color at all times, but not including signs that scroll, alternate, or otherwise move or change message using lighting, screens, or projections. See "Electronic Message Sign."

#### 15.2.6 Projecting Sign

A sign supported solely by a building and projecting more than 18 inches from the wall or surface upon which it is mounted.

#### 15.2.7 Roof Sign

A sign erected above roof level, but not including a sign which extends no higher than the eaves or the top of a parapet wall.

#### 15.2.8 Electronic Message Sign

Any sign that contains or consists of patterns of illumination which form words, symbols, or other messages which are altered more than every five minutes.

#### 15.2.9 Sky Sign

Any Sign suspended in the air by means of a balloon or other lighter-than-air device.

#### 15.2.10 Vehicular Signs

Any visual message or advertisement painted or placed on, or affixed to, a vehicle, parked trailer or other parked device capable of being towed, when repeatedly parked or displayed in a manner that may be in public view and not in the location which is used for transportation purposes which is customary for said vehicle

#### 15.2.11 Window Signs

A sign located inside of a building or structure but designed to be visible from the exterior by means of a window or other opening.

### 15.3 SIGN LIGHTING – DEFINITIONS

#### 15.3.1 Natural Illumination

A sign depending only on natural light for illumination.

#### 15.3.2 Artificial Illumination

A sign illuminated by devices which project artificial light upon it or which has characters, letters, figures, design or outline of artificial light provided as part of the sign.

a. Sign, Directly Illuminated. Any Sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such Sign; but not including a "channel" letter in which the light source is concealed within the rear side of a hollow, opaque letter mounted on a wall, with the letter silhouetted against the halo of the reflected light.

b. Sign, Indirectly Illuminated. A Sign illuminated by a light source which is remote from the sign structure and so shielded that no direct rays therefrom are visible elsewhere than on the Sign Face, or the area immediately around it, but in no event visible off the Lot where said Sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be a Directly Illuminated Sign.

#### 15.4 GENERAL REGULATIONS

In addition to the specific Sign Regulations as set forth in the following subsections, the following general requirements apply to all signs:

##### 15.4.1 The following signs are prohibited:

- a. Mechanical signs
- b. Sky signs
- c. Roof signs
- d. Billboard signs
- e. Vehicular signs.
- f. Banner signs over or across public roadways except temporary banner signs when explicitly authorized by the Board of Selectmen.
- g. No signage shall be at the Veterans Monument at the corner of Rt. 6 and Rt. 316 except Town erected signage to identify the Veteran's Memorial.

##### 15.4.2 Sign Area or Face.

The plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided signs where the sides are back-to-back and located no more than eighteen (18") inches apart and parallel shall be considered to have only one (1) sign face."

15.4.3 All signs or part thereof shall be clear of all street rights-of-way and no closer than 15 feet to lot line.

15.4.4 No sign shall be higher than 10 ft.

15.4.5 No signs will have letters taller than eighteen inches, and any insignia, logo, icon or picture will not be larger than four square feet; home occupation signs in residential districts will not have letters taller than five inches.

15.4.6 Signs shall not be designed, constructed, located or maintained in such a fashion that will obstruct or impair vision with the normal flow of traffic. No sign shall be permitted which is directly or indirectly illuminated in a manner which may create a traffic hazard or which may shine on adjacent, adjoining or nearby property in such a way so as to be a nuisance. Lighting shall comply with the requirements of section 4.21 of these regulations.

15.4.7 No temporary sign shall be displayed for a time period longer than 7 days after the event, property sale or lease or other purpose of the sign has concluded.

15.4.8 For signs requiring review by the Commission under Section 23 of these Regulations, signs shall be designed in harmony with the building and established surrounding development. All store units in the same building or in separate buildings on the same lot shall have a uniform design and placement of signs.

15.4.9 Non-compliance with any provisions of this section shall be construed as a zoning violation subject to the full penalties and fines as noted in Administration and Enforcement, Section 21 of the Zoning Regulations.

#### 15.5 SIGNS PERMITTED IN ALL ZONES

The following signs are permitted as of right, without a permit from the Zoning Enforcement Officer:

15.5.1 The Town of Andover, acting by its Board of Selectmen or its designee, may erect Public Interest signs of a size, construction and lighting deemed appropriate for the purpose, but in no event larger than 16 square feet.

#### 15.5.2 Temporary signs

- a. Real Estate Signs: One freestanding sign advertising the sale, lease, or rent of each premise not exceeding four square feet. Illumination shall be natural.
- b. Special Event and Temporary Election Signs: Freestanding signs up to 32 square feet in the business or industrial zones and 16 square feet in residential zones. Multiple signs are permitted so long as the total square footage from all the signs does not exceed 50 square feet in the business or industrial zone and 32 square feet in residential zones.



Illumination shall be natural.

c. Construction Signs: One construction or project sign per lot not exceeding 16 square feet in residential zones or more than 32 square feet in business or industrial zones. In addition not exceeding 4 square feet is, one freestanding sign per subcontractor permitted. The total square footage of all construction signs will not exceed 32 square feet in the residential zones or more than 50 square feet in the business or industrial zones. The illumination will be natural.

15.5.3 No Trespass signs: Signs not to exceed 2 square feet in size and illumination shall be natural. Where multiple signs are required, the signs shall be spaced at intervals no closer than 20 feet apart.

15.5.4 Political Position signs: Each lot may have one sign, maximum size of 16 square feet in residential zones and 32 square feet in the business and industrial zones. No political position sign shall be allowed on publicly owned property. Illumination shall be natural.

#### 15.6 SIGNS PERMITTED IN ARD AND AL DISTRICTS IN ADDITION TO THOSE ALLOWED BY SECTION 15.5.

15.6.1 Identification signs for uses other than single family dwellings are permitted by Special Permit (see Sections 15.9 and 23):

- a. One flat or freestanding sign not exceeding 16 square feet.
- b. Signs identifying the name of an apartment building or multiple-family complex may have one of the following:
  - (1) One freestanding sign for each major entrance to the complex.
  - (2) Area –16 square feet for each sign, and no more than 32 square feet total per property.
  - (3) Illumination - natural or artificial (not flashing).

15.6.2 Identification Signs for Single Family Dwellings are allowed by zoning permit.

- a. No more than one flat sign, not to exceed two square feet.
- b. Home based business signs can have one freestanding sign not to exceed four square feet.
- c. Illumination shall be natural.

#### 15.7 SIGNS PERMITTED IN THE BUSINESS (B) DISTRICT IN ADDITION TO THOSE ALLOWED BY SECTION 15.5. For the following, a permit from the Zoning Enforcement Officer is required, unless the development received Special Permit or Site Plan approval pursuant to Section 23 of these Regulations, in which case approval of the Commission shall be required.

15.7.1 Window signs including electronic messaging signs are permitted but not to exceed 25% of the available business frontage window area. Illumination is natural or artificial, but not flashing.

15.7.2 Lots containing more than one business occupancy:

- a. Identification Sign for the property - shall not exceed the following:
  - (1) One freestanding sign solely to identify the property, not larger than 32 square feet in area.
  - (2) Illumination – natural or artificial but not flashing.
- b. Signs identifying an individual business in a multi-occupancy development shall not exceed the following:
  - (1) One flat or projecting sign not exceeding 32 square feet in size. Illumination may be natural or artificial but not flashing

15.7.3 Single occupancy properties:

- a. Signs identifying on-premises commercial and service establishments on single-occupancy lots or parcels shall not exceed the following:
  - (1) Two signs, one freestanding and one flat, projecting, or canopy, with no single sign exceeding 32 square feet in area, (Combined area not to exceed 50 square feet). Illumination is natural or artificial but not flashing

15.7.4 Gasoline Service Stations and Car Repair Facilities

- a. Signs identifying a gasoline service station shall not exceed the following:
  - (1) Three signs total:
  - (2) One freestanding sign not exceeding 32 square feet.
  - (3) Two of any combination of flat or canopy, not exceeding 32 square feet per sign.
  - (4) Combined area of all three signs shall not exceed 50 square feet.
  - (5) Illumination shall be natural or artificial but not flashing.
- b. Window signs including electronic messaging signs are permitted but not to exceed 25% of the available business frontage window area. Illumination is natural or artificial but not flashing.

15.8 INDUSTRIAL (I) DISTRICT

15.8.1 Signs identifying on-premises industrial establishments shall not exceed the following:

- a. Two of any combination of freestanding, flat or projecting with a combined area not to exceed 50 square feet. Illumination shall be natural or artificial, but not flashing. A permit from the Zoning Enforcement Officer is required, unless the development received Special Permit or Site Plan approval pursuant to Section 23 of these Regulations, in which case approval of the Commission shall be required.
- b. Window signs including electronic messaging signs are permitted but not to exceed 25% of the available business frontage window area. Illumination is natural or artificial but not flashing.

15.9 PERMIT PROCEDURES

15.9.1 Application for a sign permit shall be made as follows:

- a. One hard copy of Planning & Zoning Application Form filled out, and one digital copy in a PDF or similar format
- b. One copy of deed (used for legal description of property).
- c. A list of property owners and addresses (Assessor's records) within 100 feet in all directions (including across street).
- d. A detailed drawing (size 24 X 36, 18 X 24, or 12 X 18) showing the following information:
  - (1) Location of building, land, or structure upon which the sign is to be erected or to which it is to be attached.
  - (2) Position in feet and inches to nearest building or structure, street or highway and to all property lines.
  - (3) Description of construction.
  - (4) Outside dimensions and height.
  - (5) Lettering width, height and area, and/or pictorial matter composing the sign.
  - (6) Position of lighting, including type, and other extraneous devices.

15.9.2 Issuance of Permit

Upon submitting application to Zoning Enforcement Officer, the following procedures may be followed for sign which may be permitted by the Zoning Enforcement Officer alone, without Commission review and approval:

- a. Zoning Enforcement Officer checks plans for correct information, visits site, makes sure sign conforms to regulations.
- b. If in compliance with Regulations, the Zoning Enforcement Officer approves application.
- c. After an approval has been granted, the Permit shall be issued.

**SECTION 16 - SAND & GRAVEL PITS - EXCAVATION**

16.0 Intent

The intent of this section is to insure that land used for any purposes permitted hereunder shall, during and after excavation, be maintained in such a way so as to prevent unusual dust conditions, erosion and sedimentation, or in any other way adversely affect the environment or the health, safety, and welfare of the residents and taxpayers of the Town of Andover; and further, the purpose of this section is to provide

that, when a site or a section of a site is complete, it shall be returned to an environmentally and functionally sound condition.

## 16.1 Permitted Uses

The following uses are permitted in all districts:

- 16.1.1 The removal of surplus materials in conjunction with construction of structures and related structures for which a building permit has been issued.
- 16.1.2 The removal of surplus materials in conjunction with landscaping and agricultural operations.
- 16.1.3 Trenching, earthmoving or excavation in conjunction with the construction of an approved subdivision or other development plans.
- 16.1.4 Any other similar type operation which, in the opinion of the Commission, does not require prior approval.

## 16.2 Special Permitted Uses (see Section 23)

The following uses are permitted in all districts subject to Commission approval.

Any sand or gravel pit, peat bog, or earth, loan, clay, silt, rock, stone or other material removal operation.

## 16.3 Application Procedure

The Commission shall not act on any request for an excavation permit until a complete application has been submitted. A complete application includes:

- 16.3.1 All plans and information as required by the Planning and Zoning Commission form.
- 16.3.2 The following maps, plans, and specifications shall also be included:
  - a. An estimate of the type and amount of material to be removed.
  - b. Existing and proposed drainage of the site.
  - c. Grading plan showing existing contours in the area to be excavated and proposed contours for the area after operations. Such plans shall include the area to be excavated as well as the surrounding area within 50 feet of the excavation and shall be drawn at a convenient scale. Contour interval shall be

not more than 5 feet.

- d. Proposed truck access to the excavation.
- e. An estimate of the number and types of trucks and other machinery to be used on the site, hours of operation and locations and types of any buildings to be erected.
- f. Details of final grading and planting of the site.
- g. Location and dimensions of proposed structure.
- h. Limits of excavation.
- i. Sections or stages of operations.

16.3.3 Fee of \$10.00 unless the Commission requires a Public Hearing in which case the fee shall be \$60.00.

#### 16.4 Granting the Permit

The Commission shall approve the plan and grant the permit only when all conditions it requires are shown on the plan to be approved or are agreed to in writing, and when it is satisfied that the following requirements are complied with in the undertaking of such excavation.

- 16.4.1 The premises shall be excavated and graded in substantial accordance with the approved plan and any deviation from the plan shall be a zoning violation and shall be cause for the Commission to revoke the permit.
- 16.4.2 The applicant shall file with the Commission a performance bond in such amount as the Board of Selectmen shall deem sufficient to insure completion of the work following excavation pursuant to the conditions as set forth below:
  - a. No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises unless located within an industrial district.
  - b. No fixed machinery shall be erected or maintained within 100 feet of any property or street line.
  - c. No excavation will be permitted which will divert or otherwise interfere with the flow of any stream or river or any other permanent or intermittent

watercourse unless such activities are first approved by the Andover Wetlands Commission.

- d. No excavation will be permitted, which will cause an unusual amount of offset sedimentation or in any other way adversely affect or pollute any watercourse or water body.
- e. Standing water shall not be allowed to accumulate except as required for retention and detention basins which may be required by the Commission.
- f. No excavation shall take place within 50 feet of a property line.
- g. No excavation shall take place within 50 feet of any watercourse or water body, unless a Wetlands Permit has been issued, nor shall any excavation be conducted below the water level of watercourses in the immediate area which may be affected by such an operation.
- h. No excavation shall take place within 50 feet of a street line if below the established grade of the street.
- i. No structures or buildings, whether temporary or permanent, shall be erected on the site except as show on the approved plan.
- j. At all stages of operations, proper precautions shall be provided to prevent harmful effects upon area residents and properties.
- k. During the period of excavation and removal, barricades or fences shall be erected as are deemed necessary by the Commission for the protection of pedestrians and vehicles.
- l. Truck access to the excavation shall be arranged so as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operations shall be provided with a dustless surface.
- m. Proper measures, as determined by the Commission, shall be taken to minimize the nuisance of noise, flying dust or rock and unsightly or dangerous conditions. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated materials upon the site and hours of work.
- n. When excavation and removal operations or either of them are completed, the excavated area shall be so graded that slopes in disturbed areas shall be no

steeper than 1:3 (vertical-horizontal). A layer of topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of two inches in accordance with the approved final grading plan. The area shall then be seeded with a suitable grass mixture containing at least 50% permanent grasses and maintained until the area is stabilized and approved by the Commission.

#### 16.5 Expiration or Revocation of Permit

Any such permit shall expire one year from the date of issuance unless renewed or revoked by the Commission.

#### 16.6 Permit Renewal Application

The Commission shall not renew or extend any permit unless the operator is able to show, through the report of a registered engineer, that the excavation already completed conforms with the plan of operations as approved. The applicant shall apply for a permit renewal at least 45 days prior to the expiration of the current permit. The renewal application shall consist of the following:

- 16.6.1 Three complete copies of the Planning and Zoning Commission application form.
- 16.6.2 Grading plans showing the entire area of excavation and indicating in which areas excavation has been completed. This plan shall show the grading plan of the remaining area to be excavated and shall include existing and proposed contours.
- 16.6.3 Fee of \$10.00 unless the Commission requires a Public Hearing in which case the fee shall be \$60.00.

#### 16.7 Bond Reduction

Bond amounts can be reduced periodically if the contractor can show that improvements for which the bonds have been posted, have been satisfactorily completed. Application for a reduction of a bond must be accompanied by certified documentation that the improvements have been completed and that the requested amount of reduction agrees substantially with the amount of the cost of such improvements.

#### 16.8 Bond Increase

On substantial operations the Commission may, from time to time as required, recommend to the Board of Selectmen that the amount of the Bond be increased to

compensate for rising costs, etc.

- 16.8.1 The new Bond figure if required by the Board of Selectmen shall be posted there with and a copy shall be submitted to the Commission. This new Bond will be considered an essential part of any application for an Excavation Permit Renewal Application.

## 16.9 Stages of Operations

Depending on the size of the proposed excavation site and other factors, the Commission may require that the excavation take place in two or more stages. In this case, one stage shall be completed before work can commence on any other stage except as provided for in 16.11.4.

## 16.10 Application Procedure (Staged Operations)

The application procedure shall be in accordance with Section 16.3, except all the required information shall be broken down by section. The following additional information will be required:

- 16.10.1 A plan clearly delineating each section and showing the limits of excavation in each section.

## 16.11 Granting the Permit (Staged Operations)

The permit shall be granted in accordance with the provisions of 16.4.2 with the following exceptions:

- 16.11.1 The applicant shall file with the Commission a performance bond in such amount as the Board of Selectmen shall deem sufficient to insure completion of all work as required by these regulations and as provided for on the approved plan. The bond amount shall be determined only for the section (Stage) which is being worked on at the time.
- 16.11.2 Work on the next stage shall not commence until the area of the previous stage has been reclaimed to the satisfaction of the Commission and until a bond has been posted covering the next stage.
- 16.11.3 The bond on any section shall not be released until it is determined by the Commission that the site has been reclaimed in complete accordance with the approved plan.



16.11.4 The Commission may permit work to be conducted in more than one section if circumstances warrant such a decision and if the Commission is satisfied that the operation is progressing in accordance with the plan.

16.12 Expiration of Revocation of Permit (Staged Operations)

Any such permit shall expire one year from the date of issuance unless renewed or revoked by the Commission.

16.13 Permit Renewal Application (Staged Operations)

The requirements for permit renewals shall be in accordance with the provisions of 16.6, Permit Renewal Application.

16.14 Bond Reduction (Staged Operations)

The bond(s) may be reduced in accordance with the provisions of 16.7, Bond Reduction.

16.15 Bond Increase (Staged Operations)

The bond(s) may be increased in accordance with the provisions of 16.8, Bond Increase.

16.16 Abandonment

If for any reason the operation of the bank (pit) is abandoned for 6 months during period of permit, the permit is void and the owner or his agent must apply for a new permit and furnish such engineering data and bonds as may be required by the Commission and Selectmen.

16.17 Effect of Operations

In passing on applications for permits under this Article, the Commission shall give full consideration to the facts of each case, taking into account the full effect of such removal on surrounding property, the duration of the operation, the future usefulness of the premises when the operation has been completed, and the general welfare of the community itself.

**SECTION 17 ALCOHOLIC /CANNABIS ESTABLISHMENTS**

17.0 Bars, Nightclubs and Taverns

- 17.0.1 No building or premises shall be used, and no building shall be erected or altered for a restaurant, grill or tavern serving alcoholic liquor, as defined in the Liquor Control Act, for consumption on the premises if any part of said building or premises is situated within a radius of 500 feet from a church, elementary school, library, park, playground or lot having frontage in a Residential District.
- 17.0.2 No building or premises shall be used, and no building shall be erected or altered for a restaurant, grill or tavern serving alcoholic liquor, as defined in the Liquor Control Act, for consumption on the premises if any part of said building or a premise is situated within a radius of 200 feet from the Hop River State Park Trail.
- 17.1 Package/ Cannabis Stores
- 17.1.1 No building or premises shall be used as a package or cannabis store or establishment selling alcoholic liquor or cannabis as packaged merchandise and not for consumption on the premises, if any part of said building or premises is located within a radius of 500 feet from a church, elementary school, library, park or playground or a lot having frontage in a Residential District.
- 17.1.2 No building or premises shall be used as a package or cannabis store or establishment selling alcoholic liquor or cannabis as packaged merchandise and not for consumption on the premises, if any part of said building or premises is located within a radius of 200 feet from the Hop River State Park Trail.

For the purpose of this Section, "premises" shall mean only that fractional part of the building used for the sale, storage or consumption of alcoholic liquor, and shall not mean attached land or adjuncts.

## **SECTION 17A – ADULT USES REGULATIONS**

- 17A.01- PURPOSES- The intent of this section is to regulate uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of

the surrounding neighborhood. The primary control of regulation is for the purpose of preventing a concentration of these uses in any one area.

17A.02- DEFINITIONS- For the purpose of this section, the following definitions shall apply:

- 23 Adult Book Store- An establishment having as a substantial or significant portion of his stock in trade, books, magazines, films, sexual devices for sale or viewing on premises by uses of motion picture devices or any coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", or an establishment a segment or section devoted to the sale or display of such material.
- 24 Adult Motion Picture Theater- An enclosed building with a capacity of 50 or more persons used regularly and routinely for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or acts relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.
- 25 Adult Mini-Motion Picture Theater- An enclosed building with a capacity for less than 50 persons used for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or acts relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.
- 26 Adult Entertainment Establishment- A public or private establishment which may or may not be licensed to serve food and/or alcoholic beverages, which feature topless dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.
- 27 Massage Parlor- An establishment or place primarily in the business of providing non-therapeutic massage services and/or steam baths.
- 28 "Specified Sexual Activities" is defined as:
  - 28.2 Human genitals in a state of sexual stimulation arousal;
  - 28.3 Acts of human masturbation, sexual intercourse or sodomy;
  - 28.4 Fondling or other erotic touching of human genitals, public region, buttock, or female breast.
- 29 "Specified Anatomical Areas" is defined as:
  - 29.2 Less than completely and opaquely covered: (I) human genitals, pubic region, (II) buttock and (III) female breast below a point immediately above the top of the areola.
  - 29.3 Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

17A.03- REGULATED USES- Regulated uses include all Adult Uses which include, but not limited to, the following:

23 Adult Book Store

24 Adult Entertainment Establishment

25 Adult Mini-Motion Picture Theater

26 Massage Parlor

27 Adult Uses shall be permitted subject to the following restrictions:

27.2 No such Adult Use shall be allowed within 1000 feet of another existing Adult Use. There shall be no more than one Adult Use per building.

27.3 No such Adult Use shall be located within 1000 feet of any Zoning District which is zoned for Residential Use.

27.4 No such Adult Use shall be located within 1000 feet of a pre-existing school or place of worship.

27.5 No such Adult Use shall be located in any Zoning District except in industrial zoned areas. Adult Uses, as herein defined, shall require the granting of a special exception from the Planning and Zoning Commission. The Commission shall judge each application based on the requirements of this section and the Special Exception criteria found in Section 23.

17A.04- EXTERIOR DISPLAY- No Adult Use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", from any public way or from any property not registered as an Adult Use. This provision shall apply to any display, decoration, sign, show window or other opening.

17A.05- REGISTRATION-

23 The owner of a building or premises, his/her agent for the purposes of managing, controlling, or collecting rents, of any other person managing or controlling a building or premises, any part of which contains an Adult Use, shall be register annually with the Director of Health the following information:

23.2 The address of the premises.

23.3 The name of the owner of the premises and names of the beneficial owners if the property is in a land trust.

23.4 The address(es) of the owner and the beneficial owners.

23.5 The name of the business or establishment subject to the provisions of paragraph C.

23.6 The name(s) of the owner, beneficial owner of the major stock holders of business or the establishment subject to the provisions of paragraph C.

- 23.7 The address(es) of those persons named in subparagraph (e).
- 23.8 The date of initiation of the Adult Use.
- 23.9 If the building or premises is leased, a copy of the said lease shall be attached.
- 24 It shall be unlawful for the owner or person in control of any property to establish or operate thereon or permit any person to establish or operate an Adult Use without first having properly registered and received certification of approved registration; pre-existing Adult Uses prior to the effective date of this Regulation shall register within thirty (30) days of the effective date of this Regulation.
- 25 The owner, manager or agent of a registered Adult Use shall display a copy of the Registration Form approved by Director of Health in a conspicuous place of the premises.

## **SECTION 18 CAMPGROUND REGULATIONS**

### **18.0 Campground (see Section 23 Special Permit Requirements)**

- 18.0.1 All campgrounds in the Town of Andover must have received approval of the Planning and Zoning Commission prior to engaging in any campground activity.
- 18.0.2 The Commission shall require a Public Hearing on any application which comes before it relating to Campground permits.

### **18.1 Definitions**

Campground shall be defined as a parcel of land used by the public in return for some compensation, for overnight living quarters which may consist of tents, camping vehicles or temporary structures, primarily occupied by family groups engaged in travel, recreation, or vacation.

Campground activity shall mean any activity normally associated with camping or which one might expect to be found taking place on campgrounds, including such activities as erecting tents, parking of camp trailers, recreational vehicles, etc.

## 18.2 Use District and Land Requirements

18.2.1 Campgrounds will be permitted in all use districts.

18.2.2 No campsite shall be established on a parcel of land of less than 10 contiguous acres.

18.2.3 Maximum density permitted on a campground will be fifteen campsites per acre; the number can be lowered at discretion of the Commission, based on the suitability of the land.

18.2.4 All campgrounds shall be provided with a 50 foot buffer zone all along the perimeter of the proposed campground. The Andover Planning and Zoning Commission may, at any time either prior to or after the establishment of said campground, require suitable plantings in said buffer zone where such might be necessary to screen the campground from public view.

## 18.3 Application Procedure

18.3.1 Application for campground approval shall be submitted at any regular meeting of the Commission.

18.3.2 A complete application shall include:

- a. All applicable data and plans called for on the Planning and Zoning Commission application form.
- b. A plot plan showing proposed campsite locations, sanitary facilities, water supply, locations of existing and proposed structures on the site and the locations of all structures, on adjacent property, within 100 feet if any part of the proposed campground.
- c. The distances, from all existing and proposed structures to the nearest lot line, shall be clearly indicated on the plan.
- d. A letter of intent or description of the type of operation planned, number of campsites intended, parking areas indicated and future expansion plans described.

- e. Fee - \$15.00 in check or money order made out to the Town of Andover.

#### 18.4 General Requirements

18.4.1 All campgrounds must receive annual approval from the State Department of Health and be in accordance with all State Statutes regarding campgrounds.

18.4.2 All campgrounds approved by the Commission shall be subject to annual renewal by the Commission.

- a. The applicant shall be responsible for making application to the Commission for annual renewal.
- b. Application shall be made at least 45 days in advance of the camping season.
- c. An application for campground renewal shall include:
  - 1. A plan showing any proposed changes from the original proposal;
  - 2. A letter from the Zoning Enforcement Officer stating whether or not the campground was developed and conducted in accordance with the original proposal; and
  - 3. A fee of \$10.00.

18.4.3 No persons using or visiting such campgrounds shall be deemed eligible for any Town services normally available to non-residents, but shall be considered a transient.

18.4.4 No campground shall be permitted to operate where it is shown to be a health, safety, environmental hazard or a public nuisance.

#### 18.5 Enforcement

18.5.1 Any campground found in violation of any of the above requirements will be subject to revocation or non-renewal of Commission approval or as otherwise provided by the Connecticut General Statutes as amended.

## **SECTION 19 - KENNEL REGULATIONS**

### 19.0 Definitions

- a. Adult Dog - Any dog which has reached the age of 6 months.
- b. Commercial Kennel - A facility for the purpose of breeding, selling, or boarding dogs, or any combination thereof. Handling, training, grooming, showing, and other similar compensated services are permitted.
- c. Flood Prone Area - Any land designated as Flood Prone by the Tolland County Soil and Water Conservation District or as shown on the Official Zoning Map.
- d. Kennel - Anyone who keeps five or more adult dogs is deemed to have a Kennel and is subject to these regulations.



- e. Limited Commercial Kennel - Dogs are raised primarily for owner's use or pleasure; limited compensated services such as training, grooming, breeding or handling are permitted. Sale of dogs is permitted.
- f. Non-Commercial Kennel - Dogs are for owner's use or pleasure only. No training, boarding, or other compensated services of any kind shall be permitted. Sale of puppies is permitted.
- g. Type "A" Kennel - Is any class of Kennel which is designed for or used to accommodate 10 or fewer adult dogs.
- h. Type "B" Kennel - Is any class of Kennel which is designed for or used to accommodate 11 to 20 adult dogs.
- j. Type "C" Kennel - Is any class of Kennel which is designed for or used to accommodate over 20 adult dogs.

#### 19.1 General Requirements

- 19.1.1 No commercial kennel will be less than 4,000 feet from any other commercial kennel.
- 19.1.2 No kennel will be so located or allowed to fall into such a state of disrepair so as to constitute an eyesore either to adjacent property owners or to the general public.
- 19.1.3 No harmful or offensive wastes shall be discharged into any watercourse, stream, or body of water, or onto any adjacent property, nor shall it be allowed to accumulate to the extent that it becomes a health hazard or public nuisance.
- 19.1.4 No dog house, pen, run, or enclosure regulated by this section, containing dogs, shall be permitted within 50 feet of any stream, water body or Wetland as shown on the official Wetlands Map of the Town of Andover.
- 19.1.5 Noise which is objectionable in volume outside the property from which it emanates will not be permitted and shall be deemed a violation of these Zoning Regulations.
- 19.1.6 There shall be a minimum of four off-street parking spaces for the first 25 dogs; additional parking spaces will be determined by the number of dog facilities; for each twenty dogs over the first 25, one parking space shall be provided. In addition to the requirements of Section 19.2.6, the Commission may require the parking area to comply with any or all of the provisions of Section 12.1.

19.1.7 All dogs permitted, subject to any Planning and Zoning Commission action, shall be confined to the premises by a sound fence or other suitable enclosure or shall be contained as otherwise provided by the Connecticut General Statutes as amended.

19.2 Special Permitted Uses - "Type A" Kennels (see Sec. 23)

The following uses are permitted subject to Commission approval:

- a. Kennel (Type A).
- b. Non-Commercial Kennel (Type A).
- c. Limited Commercial Kennel (Type A).
- d. Commercial Kennel (Type A).

19.2.1 Special Requirements - "Type A" Kennel classes shall be subject to the following requirements:

- a. Permitted in all use districts except Flood Prone District.
- b. Minimum lot size shall be three contiguous acres.
- c. Minimum front, rear, and sideline requirements to any doghouse, pen, run, or enclosure containing dogs shall be seventy-five (75) feet.

19.2.2 Application Procedure - for any of the above uses shall be submitted to the Zoning Enforcement Officer ten (10) days prior to meeting of Commission.

A complete application shall include at least the following information:

- 1. All applicable data and plans called for on the Planning and Zoning Commission application form.
- 2. Plot plan showing the location of the proposed kennel, buildings in the immediate area, location of roads and property lines.
- 3. Detailed description of proposed operation.
- 4. Any other information the Commission deems appropriate to aid in making a sound decision.
- 5. Fee \$65.00 in check or money order made payable to the Town of Andover.

### 19.2.3 Action of the Commission

The Commission shall take action on any such application within 65 days, after the application is received. Applicant will be notified of the Commission's decisions by Certified mail within 15 days after such action or as otherwise provided by the Connecticut General Statutes as amended.

### 19.3 Special Permitted Uses - "Type B" Kennels (see Sec.23)

The following uses are permitted, subject to Commission approval, following a public hearing conducted in accordance with the Connecticut General Statutes as amended.

- a. Kennel (Type B).
- b. Non-Commercial Kennel (Type B).
- c. Limited Commercial Kennel (Type B).
- d. Commercial Kennel (Type B).

#### 19.3.1 Special Requirements - "Type B" Kennel classes shall be subject to the following requirements.

- a. Permitted in all use Districts except Andover Lake District and Flood Prone District.
- b. Minimum lot size shall be five contiguous acres.
- c. Minimum front, rear, and sideline requirements to any doghouse, pen, run, or enclosure containing dogs shall be one hundred (100) feet.
- d. Indoor housing facilities that comply with state regulations for either dog pound or commercial kennel must be provided.
- e. The provisions of Section 19.1.

#### 19.3.2 Application Procedure

Application for any of the above uses shall be submitted to Zoning Agent 10 days prior to regular meeting of the Commission. The Commission will set a public hearing date in accordance with the provisions of the Connecticut General Statutes as amended.

A complete application shall include at least the following information:

1. All applicable data and plans called for on the Planning and Zoning Commission application form.
2. Plot plan showing the location of the proposed kennel, buildings in the immediate area, location of roads and property lines.
3. Detailed description of proposed operation.
4. Proposed client parking areas in accordance with the provisions of Section 19.2.6.
5. Provisions for disposing of waste material.
6. Any other information the Commission deems appropriate to aid in making a sound decision.
7. Fee \$65.00 in check or money order made payable to the Town of Andover.

#### 19.3.3 Action of the Commission

The Commission shall take action in accordance with the provisions of Section 19.2.3.

#### 19.4 Special Permitted Uses - "Type C" Kennels (see Sec.23)

The following uses are permitted, subject to Commission approval, following a Public Hearing conducted in accordance with the Connecticut General Statutes as amended.

- a. Kennel (Type C).
- b. Non-Commercial Kennel (Type C).
- c. Limited Commercial Kennel (Type C).
- d. Commercial Kennel (Type C).

##### 19.4.1 Special Requirements - "Type C" Kennel classes shall be subject to the following requirements:

- a. Permitted in all use Districts except Andover Lake District and Flood Prone

District.

- b. Minimum lot size shall be ten (10) contiguous acres.
- c. Minimum front, rear, and sideline requirements to any doghouse, pen, run, or enclosure containing dogs shall be one hundred and fifty (150) feet.
- d. Indoor housing facilities that comply with State regulations for Commercial Kennels must be provided.
- e. The provisions of Section 19.1.

#### 19.4.2 Application Procedure

Application Procedure shall be in accordance with the provisions of Sections 19.3.2 and 19.3.2(a).

#### 19.4.3 Action of the Commission

The Commission shall take action in accordance with the provisions of Section 19.1.6.

## SECTION 20 - THE KEEPING OF ANIMALS

The intent of this regulation is to regulate the keeping of animals so they will not endanger the general public or in any other way create a nuisance, constitute a health hazard, or adversely affect the environment.

### 20.1 Definitions

- a. Animals, Endangered and Rare Species - shall be as defined in Section 26-40c of the Connecticut General Statutes or any amendments thereto.
- b. Animals, Farm - shall be those domesticated animals customarily found on farms in the Tolland County area and shall include, but not necessarily be limited to: cattle, horses, fowl, sheep, goats, etc.
- c. Animals, Game - shall be as defined in Section 26-40 of the Connecticut General Statutes or any amendments thereto.
- d. Animals, potentially dangerous wild - shall be as defined in Section 26-40a of the Connecticut General Statutes or any amendments thereto.
- e. Pets, household - shall be those animals customarily found in homes in the Andover area including, but not necessarily limited to: dogs, cats, rabbits, and indoor-type such as gerbils, hamsters, guinea pigs, tropical fish, parakeets, and canaries, etc.

### 20.2 The Keeping of Horses for Personal Use Including Breeding Purposes

The keeping of horses for personal use is permitted in all Zoning Districts.

20.2.1 No horse shall be permitted on any parcel of land less than 2 acres. Horses shall be allowed on parcels of land, at the rate of one for the first two acres of land and one for each 1/2 acre of land thereafter.

20.2.2 On a residential building lot, the keeping of horses and accessory structures shall be restricted to the rear yard.

20.2.3 No horse stable, barn, or feed or watering trough shall be constructed, established or moved within 75 feet of any adjoining property line or within 100 feet of any off-site dwelling.

20.2.4 No horse stable, barn, or feed or watering trough shall be constructed, established or

moved within 50 feet of any stream, water body or Wetland as shown on the official Wetlands map of the Town of Andover.

20.2.5 The use of trailers for stabling horses is prohibited.

20.2.6 Stable manure shall not be allowed to accumulate within 100 feet of any stream, water body or Wetland as shown on the Official Wetlands Map of the Town of Andover nor shall it be allowed to create a health hazard or any other kind of nuisance.

20.2.7 Horses shall be confined to the premises by a sound fence or some other suitable device.

### 20.3 The Keeping of Horses for Commercial Use – Special Permit (see Section 23)

The keeping of horses for commercial use shall be permitted in all Zoning Districts except Andover Lake District and Flood Prone District and shall be subject to the requirements hereunder and subject to Commission approval.

20.3.1 Permitted commercial uses shall be limited to, or closely related to the following:

- a. Riding Stables.
- b. Breeding services.
- c. Training services.
- d. Stabling services.

20.3.2 Accessory uses to the above are permitted and shall include such structures as:

- a. Stables.
- b. Paddocks (corrals & rings).
- c. Fences.
- d. Feed and watering troughs.
- e. Running track.
- f. Any other devices used for the training of horses and riders.

### 20.3.3 Area Requirements

- a. Any site occupied by a residence, used for commercial purposes pursuant to 20.3.1, shall be a minimum of 3 acres and shall accommodate no more than three horses on a permanent basis. One half acre of land shall be required for each additional horse permanently kept on the premises.
- b. On any site not occupied by a residence and not shown as a building lot on a legally recorded subdivision, there shall be a minimum of two acres for up to three horses kept on a permanent basis. One half acre of land shall be required for each additional horse kept on the premises.

### 20.3.4 Site Requirements and restrictions

- a. Site requirements and restrictions shall be in accordance with the provisions of Sections 20.2.2, 20.2.3, 20.2.4, 20.2.5, 20.2.6, and 20.2.7 and;
- b. Off street parking shall be required at the discretion of the Commission after reviewing the proposal.
- c. Automobile parking, if required, shall be no closer than 25 feet from adjacent property lines and shall be screened from adjacent residentially zoned property by a light-proof barrier at least five feet in height.
- d. In addition to the above requirement, the Commission may require the parking area to comply with any or all of the provisions of Section 12.1.
- e. There shall be no external lighting which transmits outside the property from which it originates or any other lighting which is objectionable due to brightness.

### 20.3.5 Application Procedure

Application for a permit to keep horses for Commercial purposes shall be submitted to the Zoning Enforcement Officer 10 days prior to next regular meeting of the Commission.

### 20.3.6 A complete application shall include:

- a. All applicable data and plans called for on the Planning and Zoning Commission application form.



- a. The plot plan required on the above form shall show thereon the location of all fences, stables, outside food and watering troughs, tracks, parking areas, and any other permanent structures existing or proposed which will be accessory to the proposed use. The distances from such structures to the nearest property line shall be clearly indicated on the plan.
- c. A letter of intent or description of the type of operation planned including hours of operation, etc.
- d. Any other information the Commission deems appropriate to make a sound decision.
- e. Fee of \$65.00 payable in check or money order made out to the Town of Andover.

#### 20.3.7 Action of the Commission

The Commission shall take action in accordance with the provisions of Section 19.2.3.

#### 20.4 The Keeping of Farm Animals

The Keeping of Farm Animals is permitted on farms in ARD District or any farm in any District legally existing at the time these regulations are adopted. The Keeping of Farm Animals shall be subject to the following requirements:

##### 20.4.1 The provisions of Sections 20.2 and 20.3.

20.4.2 No barn, stable, corn crib, feed or water trough, salt-lick or any similar structure shall be constructed, established or moved and no processed feed, fodder, animal bedding material, fertilizer or manure shall be stored or allowed to accumulate within 75 feet of any adjoining property line or within 100 feet of any off-site dwelling.

20.4.3 No barn, stable, corn crib, feed or water trough, salt-lick or any similar structure shall be constructed, established or moved within 50 feet, and no fertilizer or manure shall be stored or allowed to accumulate within 100 feet, of any potable well or any stream, water body or wetland as shown on the official Wetlands Map of the Town of Andover.

20.4.4 No farm shall be maintained in such a state that it creates a health hazard, adversely affects the environment, or in any other way creates a public nuisance.

20.4.5 All animals shall be confined to the premises by a sound fence, enclosure, or any other acceptable retaining structure or device.

20.4.6 Animals shall be provided with shelter, food, water, and veterinarian care in accordance with current acceptable standards as required or recommended by the Connecticut General Statutes as amended, the Connecticut Humane Society, the Connecticut Department of Agriculture, or any other agency with the authority to regulate the keeping and care of animals.

## **20.5 The Keeping of Farm animals for personal use (see Section 23)**

The purpose of this section is to permit, as of right under certain circumstances, the keeping of a specific number of Farm animals for personal use or consumption as an accessory use to a residential use on parcels containing 0.75-3 contiguous acres in Andover Rural Design district.

20.5 A Homeowners may have up to 8 total of any combination of chickens, guinea hens, turkeys, and rabbits without a special permit. Roosters and Peacocks are excluded from this list.

20.5 B The provisions of sections 20.4.4- 20.4.6 apply.

20.5 C Animals, feed and waste must be contained such that they are not within 50 ft. of any adjoining property line.

20.5D Animals, feed and waste must be contained such that they are not within 75 ft. of any potable well, stream, watercourse, or wetlands.

### **20.5.1 Application Procedure**

20.5.1a The Keeping of Farm animals not covered by section 2.5 A must be approved by special permit by the commission and such approval may have reasonable conditions attached and may be for any time period deemed appropriate by the commission.

20.5.1b Application for a permit to keep farm animals for personal use may be submitted at any regular meeting of the commission.

20.5.2 A complete application shall include:

- a. All applicable data and plans called for on the Planning and Zoning Commission application form.
- b. The plot plan required on the above form shall show thereon the location of all fences, stables, outside food and watering troughs, feed and fodder storage areas, animal

shelter, and any other structures related to the proposed use. The plan shall show thereon the approximate distances from the side and rear property lines to any off-site residential dwelling within 100 feet.

- c. A letter of intent describing, in detail, the proposed use, the number of animals to be kept, for what purposes they will be used, where they will be kept, how they will be sheltered, type of food to be used, and provisions for storing or disposing of manure.
- d. Any other information the Commission deems necessary to make a sound decision.
- e. Fee \$5.00 in check or money order made out to the Town of Andover.

#### 20.5.3 Action of the Commission

The Commission shall render a decision in accordance with the provisions of Section 19.2.3 if it finds that:

- a. The site meets area requirements, if applicable
- b. The proposal will not have an adverse effect on the environment
- c. The proposal will not create a health or safety hazard or create a nuisance to abutting property owners or the general public
- d. The proposed use, (number and size of animals, etc.), is not too intense for the site.

#### 20.5.4 General Requirements

- a. Any animal permitted by the Commission under Section 20.5 shall be confined to the premises by a sound fence, enclosure, or any other acceptable retaining structure or devices.

#### 20.6 The Keeping of Unusual Animals

For the purpose of this section, "unusual animals" shall include, but not necessarily be limited to the following:

- a. Endangered and rare species as defined in Section 26-40a of the Connecticut General Statutes as amended.
- b. Potentially dangerous wild animals as defined in Section 26-40a of the Connecticut General Statutes as amended.

- c. Game animals as defined in Section 26-40 of the Connecticut General Statutes.
- d. Any animal not considered to be a customary household pet or a customary farm animal in the Tolland County area.
- e. Any animal not noted above, which is distinguished by its size, habits, temperament, or behavior, or by its wild or dangerous character.

#### 20.6.1 Regulated Uses

- a. Endangered and Rare Species - No person shall keep any rare or endangered species or as otherwise provided by the Connecticut Statutes as amended.
- b. Potentially dangerous wild animals - No person shall possess a potentially dangerous wild animal without first obtaining a permit from the chief executive authority of the Town, or as otherwise provided by the Connecticut General Statutes as amended. The keeping of any such animals for which a permit has been received shall be in accordance with the provisions of Section 19.2.3.
- c. Game Animals may be kept in accordance with the Connecticut General Statutes as amended and in accordance with the provisions of Sections 20.5.3 and 20.6.5. The keeping of fox and mink is specifically prohibited.
- d. Any other unusual animals provided for in Section 20.6.d and e. are permitted only after Commission approval. The Commission may require a public hearing if it thinks the request warrants such action. (see Section 23)

#### 20.6.2 Application Procedure

Application for a permit to keep "unusual animals" may be submitted at any regular meeting of the Commission. If the Commission elects to hold a public hearing, a hearing date will be set and the applicant will be so notified.

#### 20.6.3 A complete application shall include:

- a. All the requirements of Section 20.5.2 a, b, c, d, and e.

#### 20.6.4 Action of the Commission

- a. The Commission shall render a decision in accordance with the provisions of Section 20.5.3.

#### 20.6.5 General Requirements

- a. Any animal permitted by the Connecticut General Statutes under Sections 20.6.1b and c, and as permitted by the Commission under Section 20.6.1d, shall be confined to the premises by a sound fence, enclosure, or any other acceptable retaining structure or device.
- b. The number of any such animals shall not be increased without receiving written permission from the agency empowered to issue such permit.

## **SECTION 21 - ENFORCEMENT**

### **21.0 Intent**

It is the intent of this section to provide for effective administrative procedures to assist in the application and enforcement of these Regulations in order to promote the public health, safety, and general welfare of the community of Andover.

### **21.1 Zoning Enforcement Officer**

The Zoning Enforcement Officer, or Officers, shall enforce these Regulations. The Officer(s) shall be designated by the Planning and Zoning Commission, and may include members and alternate members of the Commission itself. Whenever the term "zoning enforcement officer" is used throughout this section, it is assumed to include all those individuals so designated by the Commission. (from former Section 22.1.1, amended effective 8/1/89)

### **21.2 Enforcement and Penalties**

The Zoning Enforcement Officer shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist in violation of any provision of these regulations, or any permit or approval which has been issued. The owner or agent of a building, structure, or property where such violation has been committed or exists, or the lessee or tenant of an entire building or an entire lot where such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violations shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission may, at its sole discretion, direct the Town Counsel to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these regulations. (from former Section 21.5, amended effective 8/1/89)

### **23.2Certificate of Zoning Compliance**

The Zoning Enforcement Officer is hereby authorized to issue a Certificate of Zoning Compliance for any site, building, or structure which has been reviewed by the Commission or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these Regulations. Such Certificate shall be evidence that such site, building, site plan, or structure conforms to these Regulations and/or to the requirements and conditions attached to any variance, Special Permit, or Special Exception, or that such use, building, or structure is a valid nonconforming use, building or structure, as defined in these regulations. The Commission may provide for such certificates to be issued by any person or persons designated by it, including any member(s) of the Commission. No Certificate of Zoning Compliance shall be issued if it is determined that a subdivision violation exists. In accordance with the Connecticut General Statutes Section 8-3(f), no

Building Permit or Certificate of Occupancy for any building, use or structure shall be issued by the Building Official without the prior issuance of a Certificate of Zoning Compliance.

Prior to the issuance of any Certificate of Zoning Compliance, the property owner shall provide a plan accurate to the Standards of A-2 Classification as defined in the Code of Practices for Standards of Accuracy of surveys and maps adopted December 10, 1975 as amended by the Connecticut Association of Land Surveyors, Inc. Said plan shall show all required setbacks and boundary lines and the location of all new construction and other important features, including, but not limited to, new buildings, structures, parking areas, sanitary disposal systems, wells, wetlands, flood plains and other information required to determine compliance with these regulations, the Andover Subdivision Regulations, or the Andover Inland Wetlands and Watercourses Regulations, or any permit issued thereunder.

No Certificate of Zoning Compliance shall be issued if it is determined that a violation of these regulations, the Andover Subdivision Regulations, or the Andover Inland Wetlands and Watercourses Regulations, or any permit issued thereunder, is proposed or exists. (from former Section 21.2, amended effective 8/1/89)

#### 21.4 Building Permit

##### 21.4.1

Issuance. No Building Permit shall be issued for any activity which is not in conformance with the provisions of these Regulations, and no such Permit shall be issued unless and until the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance indicating that the plans submitted to the Building Official conform to these regulations and any Special Exception, Special Permit or variance. During the course of construction, the Building Official and Zoning Enforcement Officer shall insure continued compliance with these regulations, and any such Special Exception, Special Permit, or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. The Building Official or Zoning Enforcement Officer shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan.

Any construction activity which is found to be in violation of these regulations or any Special Exception, Special Permit, or variance issued hereunder may be ordered to cease and desist by the Zoning Enforcement Officer or Building Official. In order to carry out the provisions of this Section, the property owner shall allow any official of the Town of Andover free access to the site. (added effective 8/1/89)

##### 21.4.2

Amendments. Nothing in this section shall be construed to require any change in the plans, construction, size, or designated use of a building or which a Building Permit has been issued prior to the effective date of these regulations or any amendment thereto, provided construction shall have been commenced and completed in accordance with Section 21.8. (from former Section 21.3.2, amended effective 8/1/89)

#### 21.5 Certificate of Occupancy

No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until the Certificate of Occupancy is issued by the Building Official. Such Certificate of Occupancy shall not be issued unless the site, building(s), and structure(s) conform to any Special Exception, Special Permit, or variance, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these regulations.

Similarly, no Certificate of Occupancy shall be issued until an as-built plan of any septic system design reviewed by the Commission, pursuant to Section 23.2.2.g(2) "Soils With Severe Limitations" of these regulations, has been submitted to the Zoning Enforcement Officer. Said plan shall certify that the preparer thereof personally inspected the installation of the septic system on the site, and that the septic system as installed conformed to the original design, and said plan shall be prepared and certified by a Connecticut registered professional engineer. The Building Official may issue a temporary Certificate of Occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in Section 21.10.

As set forth in Section 21.3 of these regulations, no Certificate of Occupancy shall be issued without the prior issuance of a Certificate of Zoning Compliance. (added effective 8/1/89)

#### 21.6. Appeals of Decisions.

Any party or person aggrieved by a decision of the Zoning Enforcement Officer/Building Official shall have a period of fifteen (15) days from the date of receipt of the Zoning Enforcement Officer/Building Official notice to appeal the decision to the Zoning Board of Appeals. the Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said fifteen (15) days.

#### 21.7. Special Exceptions, Special Permits and Variances; Deviations, Amendments, Misrepresentations.

- a. In accordance with Section 8-3d of the Connecticut General Statutes, no Special



Exception or Special Permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance, Special Exception or Special Permit, including the Regulation which is varied in its application or to which a Special Exception or Special Permit is granted, and stating the name of the owner of record, is recorded in the land records of the Town of Andover.

- b. No person who has obtained a Special Exception, Special Permit, or variance shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission or the Zoning Board of Appeals, as the case may be, without an amendment as provided in these Regulations.

Likewise, no person who has obtained a Special Exception, Special Permit, or variance shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Commission or Zoning Board of Appeals, as the case may be, to void said Special Exception, Special Permit, or variance, following a public hearing, and to take such other legal action as may be required to secure compliance with said Special Exception, Special Permit, or variance and the conditions attached thereto.

- c. The Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Special Exceptions and Special Permits. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved variances.
- d. Substantial changes to Special Exceptions, Special Permits, and variances shall be treated as new applications for approval, and shall be submitted and acted upon in accordance with these Regulations.
- e. In the event that the Commission or the Board, as the case may be, determines or discovers that information submitted to it in support of any application for Special Exception, Special Permit, or variance was incorrect or invalid, the Commission or Board may, after a hearing, void such approval, and shall state the reasons for such action on the record.

(Revised effective 2-13-88)

#### 21.8. Completion of Construction.

For any Special Exception, Special Permit, or variance, the applicant shall commence

construction of any building or structure, or the establishment of any use, within twelve (12) months of the effective date of such approval; said construction or establishment shall be completed by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within twenty-four (24) months of the effective date of such approval. Any such approval not completed within the time limits contained in this section shall be void.

(Added effective 2-16-88)

21.9. Lapse of Previously-Granted Special Permit, Special Exception, or Variance by Non-Use.

Any Special Permit, Special Exception or variance approved by the Commission or the Board of Appeals, as the case may be, shall be commenced and completed in accordance with the time limits set forth in Section 21.8 of these regulations, which time limits shall be deemed to commence upon the effective date of this Section 21.9 (February 13, 1988). Any Special Permit, Special Exception or variance not so commenced or completed shall be void, and notice thereof shall be filed in the office of the Town Clerk.

Likewise, any Special Permit, Special Exception or variance use which shall be discontinued for a period of twenty-four (24) months shall be deemed abandoned, regardless of actual intent, and, upon the filing of notice of such abandonment in the office of the Town Clerk, such Special Permit, Special Exception or variance shall be void. (Added effective 2-16-88)

21.10. Performance Bonds.

- a. As a condition of the approval of any Special Exception, Special Permit, or variance, the Commission or the Zoning Board of Appeals, as the case may be, may require that the record owners of the subject property post a bond, in such form and with such sureties as the Zoning Enforcement Officer may prescribe, in an amount sufficient to cover the cost of construction of any street improvements, drainage, septic facilities, erosion control measures, water supply, and any other improvements required by the Commission/Board in connection with any such Special Exception, Special Permit, or variance. Such requirement for bonding shall be determined on the basis of the importance of the completion of such improvements to compliance with the criteria of these Regulations, the extent and expense of such improvements and the potential for occupancy of the site or building in the absence of such improvements. All such improvements shall be completed prior to the issuance of a Certificate of Zoning Compliance and/or Certificate of Occupancy, except as provided herein below.
- b. In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Enforcement Officer shall require a performance bond, in such

amounts, form, and surety as he/she may deem necessary, to insure the completion of such improvements in not more than six (6) months following such occupancy.

- c. In the event that the improvements described herein above shall not be completed within the time limits contained herein, the Commission, Zoning Board of Appeals, or the Zoning Enforcement Officer, as the case may be, shall be authorized to utilize the performance bond to complete such improvements, and to compensate the Town for any administrative expenses incurred in connection with the completion of such improvements. (Added effective 2-16-88)

## **SECTION 22 - BOARD OF APPEALS**

### **22.0 Powers and Duties**

- 22.0.1 The Board of Appeals shall have the following powers and duties which shall be exercised, subject to appropriate conditions and safeguards, in harmony with the purpose and intent of these regulations, and in accordance with the public interest and the most appropriate development of the neighborhood:
- 22.0.2 To hear and decide appeals, where it is alleged that there is an error in any order, requirement, or decision made by the Building Official.
- 22.0.3 To hear and decide all matters, including special exceptions, upon which it is required to pass by the specific terms of these regulations.
- 22.0.4 To authorize upon appeal in specific cases variances from the terms of these regulations, where by reason of exceptional shape, size, or topography of lot, or other exceptional situation or condition of the building or land, exceptional difficulty or unusual hardship would result to the owners of said property from a strict enforcement of these regulations. Before any exception or variance is granted, the Board of Appeals shall include a written finding in its minutes as part of the record in each case, stating specifically the exceptional conditions, the practical difficulties, or unnecessary hardship involved.
- 22.0.5 To act on requests concerning the location or construction of, or the relocation, conversion, reconstruction, alteration, or enlargement of any of the following:
  - a. Gasoline stations or bulk oil storage facilities.
  - b. Motor vehicle service or repair shops.
  - c. New and used car dealerships including motorcycles and any other self-propelled vehicles used for transportation on public roads.
  - d. Motor vehicle storage facilities.
- 22.0.6 To act on any other applications as cited in these regulations or in any other capacity as determined by the Connecticut General Statutes as amended.

### **22.1 Procedures**

- 22.1.1 The Board of Appeals shall hold a public hearing on all applications and

appeals, and shall publish a notice of said hearing as prescribed in the Connecticut General Statutes as amended.

The applicant shall notify all property owners within 100 feet of the subject property of the public hearing by sending a copy of the legal notice, via certified mail, mailed a minimum of ten (10) days prior to the hearing. The applicant shall provide the Town with copies of all receipts and assume all costs associated with the mailing. For purposes of complying with this section the applicant shall use the names and addresses as they appear on the Town's most current grand list. In addition, the applicant shall post one or more signs on the subject property. All signs, which shall be provided for a fee by the Town, shall be placed on the property so as to be readily visible from any and all streets upon which the property fronts, no more than twenty five (25) feet from the street. Signs shall be posted for a period of ten (10) days prior to the public meeting and remain posted until the close of the hearing. The sign shall state the reason for the public hearing, the time and the location of the public hearing, and shall inform interested parties as to where additional information is available. (effective 5/31/01)

- 22.1.2 In accordance with Connecticut General Statutes, Section 8-6a, whenever an application for a variance is joined with an appeal of any order, requirement or decision of the Zoning Enforcement Officer, the Board shall decide the issues presented in the appeal before considering the variance application.
- 22.1.3 The Board of Appeals shall render its decision on an appeal within sixty-five days after the public hearing thereon. The Board may reverse or affirm wholly or partly or may modify any order, requirement, or decision appealed from, and make such order, requirement or decision as in its opinion should be made in accordance with its interpretation of the requirements of these Zoning Regulations. Such order, requirement or decision, and any grant of any variance, may be subject to such conditions and restrictions as appear necessary to the Board in order to insure that the granting of the application or petition shall be in harmony with the purposes of these regulations, as set forth in Section 1.1.1, and as set forth in Section 8-2 of the Connecticut General Statutes.
- 22.1.4 Any conditions or restrictions imposed upon the granting of any application or petition, as set forth in the preceding paragraph, shall be completed within ninety (90) days of the granting thereof, unless the Board, upon the request of the applicant, grants a further extension of ninety (90) days.
- 22.1.5 Any variance or exception in the use of buildings or land which is granted by the Board shall be placed upon the land records of the Town by recording a copy of the variance or exception with the Town Clerk or as otherwise provided by the Connecticut General

Statutes as amended.

22.1.6 The Board shall adopt such procedure as may be necessary to carry out the provisions of this section.

SECTION 22.2 WAS AMENDED MARCH 21, 1988, EFFECTIVE APRIL 19, 1988.

SEE SECTION 21.6 APPEALS OF DECISIONS

## **SECTION 23    SPECIAL PERMIT/EXCEPTION AND SITE PLAN REVIEW**

[All of Section 23 amended 11/15/1, effective 12/15/10]

### **23.0      Special Permit/Exception and Site Plan Review Requirements**

Site Plan review-requirements must meet all the criteria of this section excluding the public hearing requirements; however, the Commission may hold a public hearing regarding any Site Plan submission if, in its judgment, circumstances warrant such hearing. The Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Permits. (Conn, Gen. Stats. §8-3c).

In dividing the Town of Andover into Districts/Zones, it is recognized that there are certain uses which may be necessary or desirable to the Town, but which may be detrimental to the Town or the neighborhood in certain locations, or if proper safeguards are not provided. The Commission, as the case may be, must evaluate the impact of each proposed use upon neighboring uses and the Town as a whole in determining the appropriateness of any use requiring a Special Permit/Exception or Site Plan Review for the proposed location. For simplicity, both "Special Permit" and "Special Exception" will hereafter be referred to simply as "Special Permit/Exception".

[Section amended 11/15/10 effective    ]

### **23.1      Special Permit/Exception -Requirement**

In any instance involving a use or uses requiring a Special Permit/Exception or Site Plan Review as set forth in these regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, or used until the Commission shall grant a Special Permit/Exception as defined in this Section 23, or amend a previously granted Special Permit/Exception.

The Commission may waive the requirement for a Special Permit/Exception where it finds that: (a) one Special Permit/Exception use is being substituted for another similar use on the same lot which was previously granted a Special Permit/Exception by the Commission, (b) the new use will require no greater parking or loading than the original, as set forth in Section 12 of these Regulations, (c) the new use shall entail no exterior change to the building or site, and (d) the new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 23.4 of these regulations.

The Commission may, by resolution, prescribe application forms and fees.

[Section 23.0 and 23.1 amended 11/17/03 effective 12/17/03]

## 23.2 Required Information for Special Permit/Exception or Site Plan Review

The following information shall, at a minimum, be provided by any applicant for Special Permit/Exception or Site Plan Review:

23.2A. A completed application form and fee, as prescribed by the Commission.

23.2B. Site Plan.

A site plan shall comply with the following requirements;

[Section amended 11/15/10 effective ]

1. Boundary Survey. A boundary survey prepared and sealed by a Connecticut Registered Land Surveyor, which survey shall be drawn at a scale of not smaller than forty feet to one inch (1" = 40'), and which survey shall be certified to a stated accuracy of 0.01 and 20" according to accepted standards for a "Class A-2 Transit Survey" as defined by the Connecticut Association of Land Surveyors, Inc. Said survey shall include the dimensions of the subject property, and its acreage or square footage.
2. Location Map. A location map, at a scale of one inch equals 1,000 feet, showing the location of the site in relation to existing roads, major water courses, and adjoining properties, and other features which would assist the Commission and the public to orient themselves to the site and its boundaries.
3. General Information:
  - a) The name and address of the applicant, property owner of record, the name of the development, and the names and addresses of the owners of record of all properties within one hundred (100') feet of the subject property; (effective 5/31/01)
  - b) The name, address and professional seal of each design professional responsible for, or participating in, the design of the site;
  - c) The assessor's map and lot numbers for the subject property and the properties within one hundred (100') feet of the perimeter of the site; (effective 5/31/01)



- d) The date of the site plan, a north arrow, and the scale of the plan;
  - e) A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances which run with the land, including the identity of the dominant and servient estates, the volume and page of the Andover Land Records where the same are recorded, and the date upon which they will expire, if any; the words, "Approved by the Andover Planning and Zoning Commission/Zoning Board of Appeals" with a designated place for the signature of the chairman, vice chairman, or secretary of the Commission or the Board, as the case may be, and the date of signing.
4. Site Features, Existing. On the site, and within two hundred (200') feet of the perimeter of the site:
- a) All existing uses of land including uses not requiring buildings or structures, such as outside storage; property lines, streets, utility lines, ledge outcrops, specimen trees, major tree or shrub areas, and other significant features of the site, both natural and manmade;
  - b) Wetlands and water courses as defined by the Regulations of the Andover Wetlands Commission; the high water level of areas covered by water (such as lakes, rivers, streams, ponds, swamps, and the like);
  - c) Areas having slopes in excess of twenty (20%) percent;
  - d) Flood hazard areas as designated on the most current Federal Flood Insurance Rate Map for the Town of Andover, and the rate map designation for such areas;
  - e) Existing structures and their uses, general type of construction, height, and the like;
  - f) The location of all existing wells, public water supply watersheds, and other public or private water supplies;
  - g) The maximum slope of the site, expressed as a percent; existing monuments, iron pins, and other boundary indicators;
  - h) The soil classifications, as per the U.S. Soil Conservation Service/Tolland County Coding of Soil Types;

i) Existing contours of the land at intervals of two (2') feet within one hundred (100) feet of the development or disturbance. The applicant may provide information to the Commission demonstrating that contours at intervals of five (5) feet would be sufficient to clearly and accurately depict the proposed activities; the Commission will take this testimony along with comments from staff in making a determination on this request.

5. Site Features, Proposed. On the site, and for any area off the site where any alteration whatsoever is proposed:

a) Any change whatsoever to any of the existing features depicted on the site plan in accordance with the preceding paragraph, including, but not limited to: proposed uses of land, including uses not requiring a structure or building;

b) The location, dimensions, square footage (both ground floor and total), height, and type of construction of all buildings or structures, including fences, walls, signs, lighting fixtures, flagpoles, and the like;

c) The location of any proposed well, septic system, and the location of, and test results for, any and all percolation and deep test holes, as verified by the Town Sanitarian and/or Health Official;

d) Any regrading, excavation, filling, and the volumes of material to be brought onto or removed from the site;

e) The percentage of building coverage, combined building and paved area coverage;

f) Alterations in property boundaries, easements, utilities, and the like;

g) The location of any roads, curbs, sidewalk, driveway, parking and loading area(s) paths, and similar improvements;

h) Phase lines, proposed future division of the property, long-term lease boundaries, and the like.

i) In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.

6. Parking and Drainage:

- a) The site plan shall include all information necessary to establish conformance with the requirements of Section 12 of these regulations, Off-Street Parking and Loading Requirements, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.
- b) The site plan shall depict the dimensions of all parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the storm water management plan for the site.
- c) For any site plan which depicts more than Two Thousand (2,000) square feet of impervious surface, be it building areas or paved areas, the site plan shall include provisions to retain storm water runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed by the Commission's engineering consultant.

23.2C Sanitary Waste Disposal Plan - The applicant shall submit a sanitary waste disposal plan which shall include, at a minimum, the following:

- (1) Report of Soil Test and Percolation Data. A Report of Soil Test Data signed by the Town Sanitarian which shall be in conformance with the Public Health Code, as the same may be amended from time to time. All percolation tests and observation test pits for groundwater and ledge shall be dug and tests performed in accordance with the Technical Standards of the Connecticut Public Health Code, as the same may be amended from time to time, and shall be supervised and certified by the Town Sanitarian or his designee, who shall provide to the applicant, for inclusion with his Special Permit/Exception Application, a verified approval of the application for subsurface disposal in accordance with the Connecticut Public Health Code, as the same may be amended from time to time.
- (2) Soils with Severe Limitations. If any existing soils in the immediate area of the site designated for sanitary waste disposal are classified as having "severe" limitations for on-site sewage treatment, as set forth in the current Soil Interpretation Record of the U. S. Department of Agriculture, Soil Conservation Service, Tolland County and in accordance with the current soils map of the said Soil Conservation Service, then a subsurface sewage disposal plan shall be presented to the Commission. Said plan shall specifically address the methods utilized to overcome the limitations identified in the soils of the site; shall be prepared by a licensed Connecticut professional

engineer, and shall be accompanied by a written report of the health official or his representative, certifying that the plan will resolve the limitations of the soil, and will pose no significant risk to the public health or safety.

23.2D. Soil Erosion and Sediment Control for Land Development:

Every application for Special Permit/Exception shall include an Erosion and Sedimentation Control Plan which conforms to the requirements of Section 4.10 of these Regulations.

23.2E. Protection of Surface and Ground Water Supply

Pursuant to Connecticut General Statutes Section 8-2, as amended by Public Act 85-279, every application for Special Permit/Exception or Site Plan Review shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

- (a) A statement describing the nature of the use of any buildings or areas of the site and their method of disposal;
- (b) The nature of any discharges anticipated;
- (c) The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site;
- (d) The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any ground water, the nature of the soils surrounding such groundwater, and the like;
- (e) Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies;
- (f) Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified hydrogeologist or other professional who provides evidence satisfactory to the Commission that he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any

governmental agency for review and comment.

23.2F Certificate for Community Wells

In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission/Board a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Special Permit/Exception or Site Plan Review involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Andover Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

23.2G. Inland Wetlands and Water Courses

No application for Special Permit/Exception or Site Plan Review shall be deemed complete without the submission of a certified copy of a motion for approval of an Inland Wetlands Permit as issued by the Andover Wetlands Commission, or it's designated Agent provided such a permit shall be required under regulations adopted by said Commission. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans submitted to the Andover Wetlands Commission as the same were approved, or modified and approved, by said Commission.

23.2H. General Provisions

Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of the requirements and criteria of these regulations, in a way that is clear and comprehensible to the Commission and its staff. All plans shall contain the words "Approved by the Andover Planning and Zoning Commission" with a designated place for the signature of the Chairman, or Vice Chairman, of the Commission and the date of signing applicant shall submit no less than ten (10) copies of all plans, reports, and other documents enumerated above, together with such application forms and fees as the Commission may, by resolution, prescribe.

The Commission may, upon the written request of the applicant, waive the submission of information set forth in Section 23.2.B 1-6 (Site Plan) which are not required in order to determine compliance with the criteria set forth in this Section 23. The Commission may not waive the submission of information set forth in Sections 23.2.C through 23.2.G

The Commission may require additional information as may be needed to evaluate the appropriateness of the proposed use in the proposed location, including, but not limited to: information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like; a traffic impact study prepared by a Connecticut registered professional engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information, such as color samples, screening of roof- or ground-mounted heating and air conditioning equipment and ventilation ducts, building illumination, samples of construction materials, and the like; detailed landscaping plans, including the type, size, number and location of material to be planted, the location and construction material of any fences, walls, flag poles, street furniture, walkways, trash disposal areas, and the like; reports from its own consultants and staff, or from government agencies.

### 23.3 Application Procedure

23.3A Who May Apply - The following persons may apply for a Special Permit/Exception and/or Site Plan Review: An owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

23.3B. Information Discussion - Any proponent of a use permitted by Special Permit/Exception may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statement made in such informal discussions, their purpose being only to minimize

delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Special Permit/Exception. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, state, or federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Permit/Exception.

23.3C. Submission of Application:

1. Complete Application. A complete application shall consist of the application form and fee, together with the required information set forth in this Section 23. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission following the date of submission or 35 days following the submission of such application, whichever shall first occur.

The applicant shall notify all property owners who own land adjacent to the subject property by sending a copy of the legal notice, via certified mail, with a certificate of mailing, mailed a minimum of ten (10) days prior to the hearing. The applicant shall provide the Town with copies of all receipts and assume all costs associated with the mailing. For purposes of compliance with this section the applicant shall use the names and addresses as they appear on the Town's most current grand list.

In addition, the applicant shall post one or more signs on the subject property. All signs, which shall be provided for a fee by the Town, shall be placed on the property so as to be readily visible from any and all streets upon which the property fronts, no more than 25 feet from the street. Signs shall be posted for a period of ten (10) days prior to public hearing and remain posted until the close of the public hearing. The sign shall state the reason for the public hearing, the time and the location of the public hearing, and shall inform interested parties as to where additional information is available. Effective 5/31/01.

2. Submission for Review. The Commission/Board may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.
3. In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals pursuant to C.G.S. § 8-7d, (as amended from time to time), a planning commission under chapter 126 and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application,

request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. All decisions on such matters shall be rendered not later than sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

4. Action. The Commission shall review the application for conformance with the criteria of this Section 23. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same shall be denied without prejudice to any future complete application.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 23.

The Commission shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

5. Endorsement and Filing. Within sixty-five (65) days of the Commission approval, the applicant shall submit two (2) sets of final plans on mylar, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, they shall be endorsed by the signature of the Chairman or Vice Chairman of the Commission. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed Mylar plans in the office of the Town Clerk, and one (1) set in the office of the Zoning Enforcement Officer. In accordance with Section 8-3C(b) of the Connecticut General Statutes, no Special Permit/Exception or Site Plan Review shall be



effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void. Any Special Permit/Exception site plan and site plan(s) required under site plan review filed in the Town Clerk's Office without the endorsement of the Commission's Chairman or Vice Chairman shall likewise be void.

#### 23.4 Criteria for Decision

In reviewing an application for Special Permit/Exception, the Commission shall consider the following criteria and shall make a finding that:

- 23.4A. Complete Application. The application shall contain all information required by this Section 23, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.
- 23.4B. Compliance with Regulations. The application shall conform in all respects with these regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 4.1 of these Regulations. Further, the application shall conform to the Andover Subdivision Regulations; the Andover Inland Wetlands and Water Courses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Andover Wetlands Commission; the Public Health Code, as evidenced by a report of the Town Sanitarian or his authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these regulations.
- 23.4C. Frontage Improvements. Where the subject site has frontage on an existing street, the pavement and shoulders shall be improved in accordance with the pattern existing on said street and any special requirements created by the proposed development, including, but not limited to, street widening, acceleration/deceleration lanes, curbing, storm water drainage, street trees, and sidewalks.
- 23.4D. Traffic Access. All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas,

driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent site without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway onto a public street shall exceed 30 feet in width, excluding the radius fillets, and no proposed driveway shall be closer than one hundred (100') feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways.

- 23.4.E      Emergency Access. All site plans shall make adequate provision for facilities and access for fire, police and other emergency protection. Such provision shall include, but not be limited to, fire lanes, access drives to otherwise remote portions of a building or site, adequate lighting of remote or visually obscured building or site areas, fire hydrants where surface or subsurface water supplies exist, and the like.
- 23.4.F      Sanitary Waste Disposal Plans. All plans shall provide for the disposal of sanitary waste in conformance to the Public Health Code, and in addition, in a manner which protects surface and groundwater supplies, inland wetlands and watercourses, and insures the protection of the public health and safety.
- 23.4.G      Erosion, Sediment, and Runoff Control Standards. No site plan shall be approved which will cause erosion, flooding, or sedimentation on the property being developed, surrounding properties, or wetlands or watercourses, as the same are defined by the Regulations of the Andover Inland Wetlands and Water Courses Commission. Storm water runoff shall be channeled into storm water drainage systems and/or detention areas in accordance with proper civil engineering practice. There shall be no increase in the peak storm water runoff from any site as a result of the proposed development. Measures used to control erosion and sedimentation shall, at a minimum, meet the standards and specifications of the 2002 Guidelines for Soil and Erosion Control (DEP Bulletin)
- 23.4.H      Surface and Groundwater Protection. No site plan shall be approved which

poses a risk of degradation of surface or ground water supplies arising out of any element of the proposed use or site plan.

- 23.4.I Water Supply. No site plan depicting a development to be served by a water company, as defined hereinabove, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Andover Board of Selectmen, has been obtained in accordance with Section 23.2.F; of these regulations.
- 23.4.J Public Health and Safety. The site and building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety, and welfare, including, but not limited to the following: adequate access for emergency vehicles and equipment; adequate utility capacity; flood proofing measures which may be desirable, even if over and above the minimum requirements of these regulations or applicable state or federal standards; protection of the natural environment; avoidance of glare visible from public streets or adjacent properties.
- 23.4.K Appropriateness of Use. The proposed use shall be appropriate for the designated location with regard to: the size and intensity of the proposed use, and its relation to existing land uses; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use; the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, storm water disposal systems, and other special burdens on utilities which the use may entail; the degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate.
- 23.4.L Architectural Character, Historic Preservation, Site Design. The overall architectural character of the site and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve their existing historic character in terms of scale of buildings, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from adjoining properties or streets, or which may

impact the character or quality of life on adjoining properties, in the neighborhood, or throughout the Town.

23.4.M Uses In, Adjacent to, or Impacting Residential Areas. In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of, a residential zone or area of residential uses, the Commission shall find that:

- (1) The location and size of such use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to, or detrimental to the character of the said residential district or conflict with the traffic characteristics of the neighborhood.
- (2) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

#### 23.5 Specific Recommendations and Requirements for Sites and Buildings

The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission/Board will examine in evaluating any application for Special Permit/Exception or Site Plan Review, and the preferred or required features, as the case may be:

23.5A. Building Materials. Preferred building materials shall be with brick, stone, or narrow-width siding, or the like. Not preferred are metal, unfinished concrete block, and asphalt shingle siding. Roofing materials should, where visible, be cedar shake, slate, copper, or reasonable equivalents. Tar paper, metal, or plastic roofing surfaces are strongly discouraged. Building-mounted lighting shall utilize shielded light sources, and shall be of a style and character which is in harmony with the character of the Town. Building-mounted flood-lights, and ornamental building lighting are discouraged. All roof-mounted ventilation, heating, and air conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed building.

#### **23.5B Site and Parking Lot Lighting**

23.5B.0.1 The purpose of these Regulations is to provide specific outdoor lighting standards in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid upward illumination, to reduce glare and to avoid light trespass onto adjacent properties and public streets.

23.5B.0.2 These regulations shall apply to the installation or replacement of outdoor lighting fixtures.

### **23.5B.1 Lighting regulations requiring site plan review or special permit**

23.5B.1.1 These regulations shall apply to all commercial developments in the Business and Industrial district by site plan review. They shall apply to special permit applications in Residential districts

23.5B.1.2 Submission of Lighting Plan. Applicants proposing the installation of outdoor lighting shall file with the Commission a Lighting Plan subject to Site Plan review. Said plan shall be designed in accordance with the lighting standards and requirements, and shall contain the following:

- i. The location, height, and type of outdoor-lighting poles and luminaries, including building mounted luminaries.
- ii. The luminaries' manufacturer's specification data, including lumen output and photometric data showing cutoff angles.
- iii. The wattage and type of lamp, i.e., LED, compact fluorescent, high pressure sodium, etc.
- iv. An isodiagram or photometric plan showing the intensity of illumination expressed in lumens per square foot at ground level, including at property lines.
- v. Hours of business operation and when lighting will be turned off or reduced to security levels, and by what means (automatic timers, solar switches, etc.).

23.5B.1.3 Lighting Standards and Requirements. The proposed lighting plan shall comply with the following:

- i. Outdoor lights shall be designed, located, installed, shielded and directed to prevent direct light (and glare across) the abutting property lines and the public right-of way or street.
- ii. In order to provide adequate lighting for public safety, a minimum of one-half lumens per square foot at ground level throughout the parking lot shall be provided in Business and Industrial Districts In order to preserve energy and to avoid excessive distraction, six lumens per square foot at ground level shall not be exceeded except where through a Special Permit Application the Commission determines that:
  - the proposed light intensity is compatible with surrounding land uses and their existing lighting plans,
  - public safety or a unique use or, outdoor recreational facilities or secured parking areas, etc. requires a higher intensity, and
  - in no event shall more than 12 lumens per square foot at ground level be approved.

iii. The Commission shall review the required Lighting Plan and may modify the plan to avoid lighting hot spots or dark areas of the parking lot, or to achieve a uniformity ratio of lighting approximating 4:1.

iv. Lighting from a parking lot area shall not direct light beyond the property limits greater than

0.2 lumens per square foot.

v. Outdoor lighting shall be full cut-off type fixtures, defined as a luminaire or light fixture that by design of the housing does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the light fixture.

vi. Outdoor lighting fixtures shall be limited to a maximum of 12 feet in height, unless in unique circumstances a taller light pole is otherwise approved in Industrial zones and in the Business district by the Commission through a Special Permit when the Commission finds that:

- The lighting supports and fixtures are not within 50 feet of the property line of a property that either contains a residential use or is within a residential district,
- The higher pole height and fixture are not within the minimum front yard setback of the lot,
- Fixtures will be fully shielded to prevent light trespass off of the property,
- The lighting height of pole and fixture and/or topography will not create objectionable glare onto adjacent properties containing residential uses or within a residential district,
- The height provides public safety for lots used for outdoor recreational facilities
- In no events shall outdoor fixtures be mounted higher than 35 feet.

vii. Light standards within parking areas shall be located within curbed islands and recessed three feet from curbs to avoid potential contact by vehicles

viii. The use of utility poles located in rights of way to illuminate adjacent sites is prohibited except for municipal sites.

### **23.5B.3 Modifications**

23.5B.3.1 Modifications to this section including lighting for outdoor recreational facilities, public buildings, public monuments, flagpoles, stairs, ramps, and architectural emphasis may be permitted by the Commission by Special Permit, but in no event shall lighting fixtures be higher than 35 feet nor lumens greater than 12 per square foot.

23.5C. Site Plan. All site plans shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along public streets are required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks, but in no case shall they be gravel or earth.

23.5D. Landscaping and Screening. All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and

landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at breast height of two and one-half inches (2 1/2" DBH), all evergreen trees shall have a minimum height of six (6') feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. All buildings shall have foundation plantings. No lighting shall create glare, nor the luminaires be visible from any property line of the site. No pole-mounted light shall be greater than twelve (12) feet in height.

## **SECTION 24 - INTERPRETATION AND DEFINITIONS**

In the construction of these regulations, the interpretive rules and the definitions contained in this section shall be observed and applied, except where the context clearly indicates otherwise or where their strict interpretation would be contrary to the intent of these regulations.

### **24.2 Interpretation**

Words used in the singular shall include the plural and visa-versa. Words used in the present tense shall include the future tense and visa-versa.

1. The word "SHALL" is mandatory and not discretionary.
2. The word "MAY" is permissive.
3. The word "REQUIRED" when used to modify a word or phrase, (e.g., "required plan", "required report"), shall indicate mandatory compliance with appropriate requirements of these regulations.
4. The word "STRUCTURE" shall include the word "BUILDING".
5. The word "LOT" shall include the words "PIECE", "PLOT", "SITE", "PROPERTY" and "PREMISES".
6. The word "PERSON" shall include a "PARTNERSHIP", "FIRM", "ASSOCIATION" OR "CORPORATION".
7. The words "ZONE", "ZONING DISTRICT" and "DISTRICT" shall have the same meaning.
8. The phrase "THESE REGULATIONS" shall refer to the entire Zoning Regulations or to any of its sections or subsections.
9. The word "PLAN" shall include any or all of, but not be limited to the following: plot plans, landscaping plans, parking plans, grading plans, erosion and flood control plans, elevations of buildings and all agreements and statements involved therewith.
10. Except where specifically defined herein, all words used in these regulations shall carry their customary meaning.

### **24.3 Definitions**



Accessory Use or Accessory Building - Is a use or a building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Agriculture - Shall include the cultivation of soil, dairying, forestry, aquaculture, raising and caring for animals, the improvement and processing of products grown on the premises.

Billboard - Any sign advertising a product, service or activity, which product, service or activity is not available, provided or accomplished within the confines of the property on which the sign is located.

Building - Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

Building, Alteration of - Any change in supporting members of a building, except such change as may be required for its safety, any addition to a building, any change in use from one district classification to another, or removal of a building from one location to another.

Building, Height of - The height of a building is the vertical distance measured from the average level of the ground along all walls of the building to the highest point of the roof.

Building, Setback Line - A line running parallel to the street, to be located by setting back from the center of the traveled portion of the road the depth of front yard as required by Section 11.2. In the case of a Rear Lot, as defined in these regulations and as may be approved by the Commission pursuant to Section 4.9 of these regulations, the setback shall be measured from a line, parallel to the centerline of the street from which access is provided, which line measures at least the minimum lot width for the subject zone. (Adopted 12/17/91, Effective Date 1/17/91) Except along Route 6 Business and Industrial Zones where the setback is measured from the edge of the pavement (Adopted 12/15/08, Effective Date 1/15/09).

Certification - Means a signed, written approval by the Commission, its designed agent or the Tolland County Soil and Water Conservation District that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

Commission - The Andover Planning & Zoning Commission.

Convalescent Homes - A dwelling in which two or more persons other than members of

the family of the person owning or renting said dwelling, suffering from abnormal physical conditions or the infirmities of old age, are provided with lodging.

County Soil and Water Conservation District - The Tolland County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the Connecticut General Statutes.

Development - Any construction or grading activities to improve on unimproved real estate.

Disturbed Area - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Dwelling - A building designed or used as the living quarters for one or more families.

Dwelling, Seasonal - A building designed or used as living quarters for one or more families during the months of May through October.

Erosion - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Family - Any number of individuals related by blood, marriage, legal guardianship or adoption, living together as a single housekeeping unit and doing their cooking on the premises. Up to 8 individuals not so related shall constitute a family provided the character of the dwelling unit is not altered in such a way that it appears to be or resembles, a rooming house or apartment house.

Farm - A parcel or contiguous parcels of land containing three (3) or more acres, or 3 or more acres of land separated by a road, devoted to farm uses for gain or for the expectation of gain in the raising of livestock, poultry or dairy products and including the growing of agricultural products.

Floor Area, Gross. The sum of the gross area (horizontal) of every floor of a building, as measured by the exterior faces of the walls or from the centerline of party or common walls separating two buildings, dwellings, or distinct and separate non-residential uses having no common exterior access. "Floor Area, Gross" shall include: (a) basement space having more than half of its exterior height, measured floor to ceiling, above the finished grade of the ground adjoining the building; (b) attic space if a floor has been laid, over which there is structural headroom of 7 1/2 feet or more; (c) floor space used for mechanical equipment with structural headroom of 7 1/2 feet or more; (d) roofed porches, breezeways, interior balconies and mezzanines; (e) any roofed-over space not located in a basement such as a garage or carport for off- street parking accessory to a

dwelling. "Floor Area, Gross" shall not include: (a) basement space having more than half of its exterior height, measured floor to ceiling, below the finished grade of the ground adjoining the building; (b) elevator shafts and stairwells, accessory water tanks and cooling towers; and (c) patios, terraces, unroofed open porches/decks, and outside uncovered steps.

Floor Area, Net: The floor area of a dwelling unit or other building shall be finished for occupancy and shall have at least 7 foot ceilings. In computing [total] net floor area, customary rooms, private halls and closets shall be included. The following shall not be included: utility rooms, garages, open and closed outside vestibules, porches, verandas or breezeways, bay windows, public stairs and hallways, and areas which are more than four feet below the grade of the lot at the foundation of the area to be [included] calculated. Net floor areas shall be computed from the outside of the finished outside walls.

Garage and Carport, Private - A roofed space for the storage of one or more vehicles provided that no business, occupation or service is conducted for profit therein.

Garage, Public - A building other than a private garage used for maintenance, repair and storage of motor vehicles.

Grading - Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof including the land in the excavated or filled condition.

Home Occupation, Customary - Non-intense occupations such as dressmaking, tutoring, piano tuning, antique sales and similar activities, conducted within the home, which in no way alters the residential characteristics of the neighborhood or the premises on which the activity is taking place.

Hotel - A building providing lodging for persons, with or without meals, and intended primarily for the accommodation of transients and so designed that normal access to the rooms is through a public lobby, and that each room offered for rent has individual sanitary facilities but is not provided with kitchen or cooking facilities. Conference rooms, banquet halls and restaurants, swimming pools, tennis courts and similar recreational uses are considered to be accessory uses provided they are located on the same premises as the primary structure.

Inspection - The periodic review of measures shown on the certified plan.

Junk - Any worn-out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard - The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk.

Lot - A parcel of land occupied or capable of being occupied by one building, and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required by these regulations.

Lot, Building - A parcel of land occupied, or capable of being occupied by a building or group of buildings and accessory buildings and including such open spaces as are required by these regulations.

Lot, Corner - A lot situated at the intersection of two or more streets having an interior angle of less than 135 degrees. On a corner lot the required setback shall be maintained on both street frontages.

Lot Coverage The portion of a building lot containing impervious surfaces, including dwellings, carports, garages, accessory buildings, pools, driveways and patios, and excludes decks.

Lot of Record A lot for which a deed has been recorded in Land Records of the Town of Andover, which lot met the requirements of these Regulations and of the Andover Subdivision Regulations, as the same were in force at the time of such recording. See Section 4.1.2 of these Regulations.

Lot, Through - A lot having both front and rear yards abutting on a street. Front yard requirements shall be maintained on both street frontages.

Lot, Width of - Line of measurement of width is perpendicular to the mean direction of side lot lines and touches but is not in front of the building line. (Adopted from Andover Subdivision Regulations; adopted 12/17/90, Effective Date 1/17/91).

Motel, or Motor Hotel - Is a building providing lodging for persons, with or without meals, and intended primarily for the accommodation of transients and so designed that normal access to the rooms is direct from out-of-doors and that each room offered for rent has individual sanitary facilities but is not provided with kitchen or cooking facilities. Conference rooms, banquet halls and restaurants, swimming pools, tennis courts and similar recreation uses are considered to be accessory uses provided they are located on the same premises as the primary structure.

Nonconforming Uses - Use of a building or of land that does not conform to the

regulations as to use for the district in which it is situated.

Parking Area - An area other than a street used for the temporary parking of more than four automobiles.

Parking Space - An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet, exclusive of passageways and driveways appurtenant and giving access thereto, and having direct access to a street. Truck loading and unloading space shall not be included when computing such area.

Private Recreational Areas. Philanthropic, educational, religious, athletic, social, recreational and similar uses of land and water areas by a duly incorporated nonprofit body, club or association, excluding any principal building, but including buildings and structures accessory to the use of land. (See definition of Accessory Building, Section 24.3.1) (added effective 8/1/89)

Professional Office - An office of recognized professions such as doctors, dentists, lawyers, signers, teachers, and others who through training are qualified to perform services of a professional nature.

Quarry, Sand Pit, Gravel Pit - A lot or land or part thereof used or which has been used for the purpose of extracting stone, sand, or gravel for sale.

Regulations - Any regulations adopted by a municipality pursuant to sections 8-2, 8-13d, and 8-25 of the Connecticut State Statutes.

Sanatorium, Sanitarium - A private hospital, whether or not such facility is operated for profit.

School, College - A college, public school or private school giving regular instruction at least 5 days a week for eight or more months in the year.

Sediment - Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Sign - Any device, including billboards, for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flat, badge, or insignia of any government or government agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.

Self-Storage Facility - A facility open to the general public consisting of individual, leased, storage units of 300 square feet or less. Each unit shall have direct access from the

facility driveway and shall be utilized for the storage of personal property, equipment, inventory, boats, trailers, automobiles, etc. Units shall not be used as work areas or to conduct business, maintenance or repairs of any kind. Outside storage of any kind is prohibited.

Soil - Any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan - A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Street - A public thoroughfare more than 10 feet in width which has been dedicated to the public use, and which affords principal means of access to abutting property.

Street, Interior Development -Interior Development Streets A vehicular thoroughfare, which may also include pedestrian or bicycle access, and is at least ten (10) feet wide and privately owned but open for public use, and designed as the principal access to a mixed use development.

Structure - Anything which is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels; an edifice or building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including fences or walls in excess of six (6') feet in height, a wharf or dock, a satellite dish, an aboveground tank, or a detached solar panel, but excluding a livestock fence through which there is at least 80% visibility. (revised effective 8/1/89) (revised effective 10/16/02)

Tourist Home - Is a building providing lodging for persons with or without meals and is intended primarily for the accommodation of transients and so designed that the normal access to the rooms is through a common lobby or hall. Each room for rent need not have individual sanitary facilities and shall not contain kitchen or cooking facilities.

Trailer, (Mobile Home Type and Recreation Type) - Is any of various types of vehicles used for recreation, living quarters, offices, or for conducting business, whether they are designed to be self-propelled or to be towed by a motor vehicle.

Trailer Home (Mobile Home) - A self-propelled vehicle or one designed to be drawn by a motor vehicle and to be used for human habitation or for the carrying of persons.

Trailer or Mobile Park or Camp - A parcel of land on which there is located or intended

to be located 2 or more trailer homes occupied for living purposes.

Use - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Yard - An unoccupied space on the same lot with a building extending along the entire length of a street or rear, or interior lot line.

Yard, Front - An open unoccupied space extending across the full width of the lot between the Building Setback Line and the street (see definition of building setback line).

Section 24.2.53 was revised 10-17-88, effective 11-12-88.

Yard, Rear - An unoccupied space extending across the full width of the lot between the rear lot line and the closest part of the principal structure thereto. On a corner lot the rear lot line shall be that line opposite the property line with the least street frontage. On a through lot, where the rear yard line is not clearly evident, the rear lot line shall be that line, on a street, from which the principal structure is furthest removed. On any other irregular shaped lot, the Planning & Zoning Commission shall determine which is the rear lot line.

Yard, Side - An open unoccupied space between a main building and the side lot line extending from the front yard, or the front lot line, where no front yard is required, to the rear yard. The width of the required yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

## **SECTION 25 - AMENDMENTS, VALIDITY, EFFECTIVE DATE**

### **25.0 Amendments**

These regulations may be amended, changed or repealed by the Commission as provided by the Connecticut General Statutes as amended.

### **25.1 Validity**

Should any section of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole, nor of any other part not declared to be invalid.

### **25.2 Repeal of Existing Regulations**

The Zoning Regulations effective as revised to November 1, 1968 and October 16, 1972 (Campground and Kennel Regulations), are hereby declared to be null and void as of the date of the adoption of these Zoning Regulations.

### **25.3 MORATORIUMS**

Considering the current residential growth of the Town of Andover, and the need of the Town for a new Plan of Conservation and Development which takes into account the many changes in conditions that have occurred in the nearly fifteen years since the production and adoption of the now outdated Town Plan of 1990, in order to slow the expansion of residential uses in Town for a limited time so as to enable the Town to engage in a comprehensive land use planning process to properly evaluation and determine the current needs of the community, and to formulate plans for rational growth in the future, a planning and zoning moratorium is declared with respect to residential subdivisions or re-subdivisions in excess of three (3) lots within the Town of Andover.

For a period of nine (9) months following the adoption of this amendment, no proposal for subdivision or re-subdivision in excess of three (3) lots may be considered or approved.

During the nine (9) month moratorium period the Planning and Zoning Commission shall engage in a comprehensive land use planning process and shall produce and adopt a new Plan of Conversation and Development, replacing the outdated 1990 Plan, as required by Connecticut General Statutes Section 8-23. During this moratorium, the Planning and Zoning Commission may also propose zoning and subdivision regulation text and/or map amendments authorized by Sections 8-2, 8-23 and 8-



25 of the Connecticut General Statutes to assist in the implementation of the new Plan of Conservation and Development. \*Section added and adopted 10/18/2004, effective 11/18/2004.

## **Section 26 Andover Mixed Use Floating Zone**

**26.1 PURPOSE** - A floating zone is designed to permit and encourage variety and flexibility in uses but also retaining the Commission's legislative authority to guide and ensure proper development in accordance with the Plan of Conservation and Development and these regulations. The Commission may approve, disapprove or approve with modifications an application for floating zone. Once a floating zone designation has occurred the Commission can then approve a detailed site plan for the development of the land which plan may deviate from the standards in the underlying zone in accordance with this section.

**26.2 APPLICABILITY** – This floating zone may be applied to any lot or assemblage of lots (with owner consent) located in the area designated Business or Industrial on the Andover Zoning Map or which has fee simple frontage on Route 6. The recommended minimum size is three (3) acres, however Commission will consider smaller lots.

In rendering a decision on a zone change the Commission acts in a legislative capacity and shall be afforded wide and liberal discretion. The Commission shall use its knowledge of the area, public comment, its Plan of Conservation and Development and the Comprehensive Plan as reflected in the Zoning Regulations.

## **26.3 RELATIONSHIP TO ZONING REGULATIONS**

Uses within the Mixed Use Floating Zone shall be subject to all provisions and definitions of these regulations. However, because the intent of the Mixed Use Floating Zone is to provide flexibility in design standards in order to achieve important design objectives as described herein, in cases of conflict with other provisions of these Regulations including the zoning definitions, the provisions of this Section shall prevail.

## **26.4 PROCEDURE-APPLICATION PROCESS MASTER PLAN REQUIREMENTS –**

**26.4.1. Procedures.** The procedures to amend the Zoning Map to a **mixed use Floating Zone** are described in Section 25 of these Regulations. If a proposed Mixed Use Floating Zone contains more than one parcel, the owner of each parcel must sign the application. For these purposes, the Master Plan shall not be construed as a "site plan" (per Section 23) but as a component of the zoning map change and subsequent special permit application.

**26.4.2. Informal Review.** All prospective applicants considering development within the Mixed Use Floating Zone are encouraged to review with the Commission, on an informal and pre-application basis, a draft preliminary master plan and drafts of other information

required by these Regulations. Although this process may enable a prospective applicant to obtain meaningful preliminary feedback, this informal review is not intended to include evaluation of application specifics. Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Master Plan approval. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for a Mixed Use Floating Zone. Similarly, silence by Commission members during an informal review should not be construed as assent or acceptance of what is presented. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for change of zone.

**26.4.3 Formal Application.** An application for approval of a Mixed Use Floating Zone shall be made in writing to the Commission signed by the owner or owners of the land which are the subject of the application, together with any other applicant. The application shall include ten prints of a Master Plan and other supporting documents in accordance with Section 26.4.4 below. The Commission shall hold a public hearing on the proposal in accordance with Section 25 of these Regulations. The Commission may modify the Master Site Plan or reduce the area of the zone change as it considers necessary in order to assure continued conformance with the zoning regulations.

**26.4.4. Application Requirements.** Petitions to amend the Zoning Map to Mixed Use Floating Zone shall provide the following information:

- (A) Master Plan** for the area to be rezoned, including the following elements:
- (i) Boundary survey of the land to be included in the district at a scale no smaller than 1" = 50 feet, and prepared at the A-2 standard of accuracy by a Connecticut Licensed Land Surveyor;
  - (ii) Existing topography with 2' contours to T-2 or T-3 level of accuracy showing the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features, and limits of inland wetlands, watercourses and floodplains as mapped in the field by a qualified Soils Scientist and plotted by a Connecticut Licensed Land Surveyor;
  - (iii) Existing land uses and zoning within five hundred (500) feet of the area to be rezoned;
  - (iv) Names of all property owners located within five hundred (500) feet of the boundary of the property to be rezoned, as listed on the Town Assessor's records;

- (v) Location of proposed land uses within the area to be rezoned;
- (vi) The number of residences, and the allocation among various types of residences; the aggregate square footage of each type of dwelling unit; the aggregate maximum number of bedrooms for each type of residential use; the residential density and the method used to calculate it;
- (vii) Proposed contours with intervals adequate to indicate drainage and grades;
- (viii) Location and size of proposed buildings and structures, including: the square footage of each proposed building; the allocation of uses for each type of building; the height of each building or structure; the location and use of existing buildings or structures, and the intended use thereof; and the architectural and site Design Guidelines; See "Design Guidelines" below;
- (ix) Public and private streets and circulation patterns and potential traffic improvements proposed by the applicant;
- (x) General locations of on and off-street parking, loading and delivery areas;
- (xi) Existing and proposed pedestrian facilities and circulation routes;
- (xii) Potential location of public transit connections or stops;
- (xiii) Public and private open spaces, both improved and natural, and the square footage or acreage thereof;
- (xiv) General locations of utilities and drainage facilities to serve the area to be rezoned;
- (xv) General landscaping plans, including existing vegetation to be preserved and general location of landscape buffers;
- (xvi) Proposed project phasing of residential and retail components, including phasing of public improvements and provisions to address construction traffic;
- (xvii) The location of all inland wetlands and watercourses as delineated by a certified soil scientist in Connecticut;

(xviii) Any exposed area of ledge or rock outcroppings in excess of two hundred (200) square feet, and

(xix) Identification of any known natural and/or cultural resources (i.e., stone walls, foundations, archeological sites, etc.).

**(B) Comprehensive parking study** (“Master Parking Study”) for the area to be rezoned. The following information should be included in the Master Parking Study:

(i) Overall analysis of parking demand for the area to be rezoned, including share uses analysis if applicable;

(ii) Types, approximate locations and number of parking spaces to be provided; and,

(iii) Comparison of parking demand and parking to be provided.

**(C) Comprehensive traffic study** (“Master Traffic Study”) for the area to be rezoned. The following information should be included:

(i) Existing and projected background traffic counts on major streets located in and adjacent to the area to be rezoned;

(ii) Analysis of anticipated traffic to be generated by the land uses proposed for the area to be rezoned, including projected levels of service and queuing at key intersections;

(iii) Description of traffic improvements, including pedestrian; public transit improvements, to mitigate traffic impacts;

(iv) Anticipated phasing of traffic improvements within project area, and

(v) The Study shall be prepared by a licensed, State of Connecticut Professional Engineer. Said document shall be signed and sealed by the licensed preparer.

**(D) Comprehensive stormwater drainage study** (“Master Stormwater Drainage Study”). The following information should be included:

(i) Analysis of existing and proposed peak rates of storm water discharge from the property for 10, 25, 50 and 100 year storm events;

(ii) Description of stormwater drainage improvements to be constructed, including phasing based on a 50 and 100-year storm event;

(iii) Preliminary description of stormwater quality measures to be incorporated into the area to be rezoned, and

(iv) The Study shall be prepared by a licensed, State of Connecticut Professional Engineer. Said document shall be signed and sealed by the licensed preparer.

**(E) Documentation of the availability of potable water and sanitary sewer service.** The documentation shall be prepared by a licensed, State of Connecticut Professional Engineer. Said documentation shall be signed and sealed by the licensed preparer.

(i) This documentation shall include but not be limited to the proposed water supply (well data) and sewage disposal facilities, including test pit data and suitability.

**(F) Design guidelines** (“Design Guidelines”) for the district, including information on the following:

**(i) Design intent and project vision; A “Pattern Book”** that shall establish the building design standards, including, but not limited to, dimensional requirements; setbacks; architecture, including the exterior materials and finishes to be used, roof lines and materials, fenestration, color palette; building and site illumination; and such other design and architectural details as will allow the Commission to ensure that the individual components of the Master Plan will be clear and enforceable after approval of the Mixed Use Floating Zone.

(ii) .All new buildings shall meet the following minimum architectural design standards:

- **Building Placement:** Buildings shall define the streetscape through the use of setbacks along the build-to line for each block. The build-to line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.
- **Architectural Character:** Buildings may be either traditional in their architectural character, or be a contemporary expression of traditional

styles and forms respecting the scale, proportion, character and materials of historic village and hamlet structures.

- **Architectural Variety:** A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
- **Scale:** The scale of new construction, including the arrangement of windows, doors and other openings within the façade, shall be compatible with historic buildings in the region.
- **Building Mass:** Buildings of forty (40) feet or more in width shall be visually divided into smaller increments to reduce their apparent size and contribute to a human scale development. The mass of these buildings shall be de-emphasized in a variety of ways through architectural details such as divisions or breaks in materials, window bays, separate entrances and entry treatments, variation in rooflines, awnings, or the use of sections that may project or be recessed up to ten (10) feet.
- **Consistent Cornice Lines:** Attached buildings within the same block shall maintain cornice lines in buildings of the same height.
- **Fenestration:** Windows and other openings shall have proportions and a rhythm of solids to voids similar to historic buildings in the region.
- **Roof Materials:** Roof materials and color should be traditional, meaning they should be within the range of colors found on historic buildings in the region. The use of fascia, dormers and gables is encouraged to provide visual interest.
- **Exterior Wall Materials:** Exterior wall materials, color and texture should be similar to that found on historic buildings in the region.
- **Colors:** Colors found on exterior surfaces shall be harmonious with surrounding development and shall visually reflect the traditional colors of historic structures in the region.
- **Accessory Structures:** All accessory structures, screen walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure.

The design standards listed above are intended to give a general direction to the Pattern Book with regards to design intent. In the event that a specific design proposal varies from the standards listed above, the Commission may allow changes based on a reasonable compliance with the overall intent of the Pattern Book.

**(iii) Site Circulation.**

- Pedestrian, including materials to be used for walkways and the location thereof;
- Bicycle trails, and the location and construction method thereof;
- Public Transit Access, including the design of bus shelters and the location thereof;
- Motor vehicles, including the hierarchy of road widths and specifications and the width of each type of roadway; the location of parking areas and the methods of screening or buffering them from public areas, and the methods of illuminating them so to avoid glare on adjoining parcels;

**(iv) Streetscape and landscaping standards,** including materials, street furniture, illumination, cross walks, and preservation of existing specimen trees.

**(v) Lighting and signage standards,** including an overall sign plan, with method of illumination specified; and a signage plan that will ensure that all new or replacement signage will be compatible. Such conceptual plan shall identify existing and proposed attached and detached signs and shall specify locations, mounting, overall size, colors, materials, fonts and lighting. Signage must conform to section 15.

**(vi) Waste disposal facilities** such as dumpster areas and the screening or enclosure thereof;

**(vii) Treatment of service areas,** loading and delivery areas and above-ground utilities such as transformer boxes;

The Commission shall conduct a public hearing on any application for a Mixed Use Floating Zone in accordance with the provisions of Section 25 of these Regulations.

**26.5. Approval Considerations.**

As an exercise of its legislative authority, the Commission may approve, approve with modifications, or deny any application to amend the Zoning Map to Mixed Use Floating Zone. The Commission may also require that certain amenities, such as improved or natural open space areas or community facilities, be allocated to particular phases of the development so as to ensure that such amenities proceed apace with the other components of the development. In considering any petition to amend the Zoning Map to Mixed Use Floating Zone, the Commission shall make a finding, in addition to the findings required by Section 23 for Special Permits, that the Master Plan, including Master Stormwater Drainage Study, Master Parking Study, Phasing Plan, Master Traffic Study and Design Guidelines are consistent with the standards and purposes of an Mixed Use Floating Zone set forth in this Section.

**26.6. Filing of Approved Master Plan and Zoning Map Amendment.**

Following approval of an Mixed Use Floating Zone amendment to the Zoning Map, the Master Plan, together with the approved Master Parking Study, Master Traffic Study, Phasing Plan, Master Stormwater Drainage Study and Design Guidelines, shall be filed in the office of the clerk of the Town of Andover. The approved map amendment shall be identified on the Zoning Map with a numbered Mixed Use Floating Zone designation (e.g. Mixed Use Floating Zone 1, Mixed Use Floating Zone 2, etc.,).

**26.7. Modification of Approved Zoning Map Amendments.**

Approved Mixed Use Floating Zone zoning map amendments may be modified by the Commission following the procedure to approve a zoning map amendment to Mixed Use Floating Zone. The Commission may waive any of the application requirements contained in this Section in the event of minor modifications for which such requirements are not necessary in the opinion of the Commission to adequately review and decide the application for modification.

**26.8. Expiration of Mixed Use Floating Zone District.**

Special Permit approval for a phase of an approved Mixed Use Floating Zone Master Plan or the entire Mixed Use Floating Zone must be obtained no later than five (5) years following the approval of the Mixed Use Floating Zone or, in the event of an appeal of such approval, within five (5) years following the final adjudication of the appeal that the Mixed Use Floating Zone is valid ("final approval"). All components of the Mixed Use Floating Zone shall be completed no later than ten (10) years after final approval of the Mixed Use Floating Zone ,



provided that the Commission may grant extensions of time where the developer demonstrates that it is making a good faith effort to complete the development and there are no outstanding violations of these regulations or the Inland Wetlands and Watercourses Regulations with respect to the Mixed Use Floating Zone. Any failure to meet these deadlines shall result in the expiration of the Master Plan which shall become null and void. If the Plan becomes null and void, the Commission, following notice and the opportunity to be heard to the current owner, may place notice of such, on the land records of the Town.

## **26.9 Site Plan or Special Permit Review.**

Following approval of an Mixed Use Floating Zone Master Plan, all applications for Site Plan or Special Permit approval for the structures and other improvements within such Plan shall be filed with the Commission pursuant to the following process:

### **26.9.1 Informal Review.**

All applicants are encouraged to review all Site Plan or Special Permit applications with the Commission's advisory staff on an informal basis prior to the filing of any application.

### **26.9.2 Application Process.**

(1) Applications for Site Plan or Special Permit approval in an Mixed Use Floating Zone district must be filed with the Commission and conform to Section 23 of these Regulations, except as provided otherwise in this Section 26. Each proposed use, site plan, building or structure, and other component of the application shall include all structures and other improvements within the entire Master Plan or within a project phase as approved by the Commission as part of its approval of the Master Plan, and shall substantially conform to such Master Plan.

(2) The Commission shall conduct a public hearing on any application for Special Permit approval in accordance with the provisions of Section 23.

(3) If any of the activities proposed in the Site Plan or Special Permit application are regulated by the Andover Inland Wetlands and Watercourses Agency (IWWA) by authority granted by the State of Connecticut General Statutes, the Commission shall not render a decision on the application until the IWWA has rendered a decision on the application to conduct such regulated activities.

## **26.10 Special Permit Requirements.**

### **26.10.1 Site Plan or Special Permit Application:**

All applicants for Site Plan or Special Permit approval shall provide the application materials required by Section 23 of these Regulations. The following additional information shall also be submitted:

**(1) Summary zoning table** demonstrating compliance with all zoning requirements applicable to the Master Plan.

**(2) Plan sheets** including all applicable information required by the Regulations for site plans, as well as the following information, if applicable:

(i) **Location or key map**, depicting the location of the Site Plan within the area that is zoned Mixed Use Floating Zone, if the application pertains to an area that is less than the entire area zoned for Mixed Use Floating Zone.

(ii) **Roadway and right-of-way widths**, sidewalk widths, roadway cross-sections and paving materials.

(iii) **Identification of all land and improvements** intended to be dedicated to the Town of Andover.

(iv) **Parking plan**, including on-street parking areas.

(v) **Exterior building elevations** of all sides of each building, including building height and exterior building materials.

(vi) **Interior floor plans** of each floor of each building, provided that the location of interior walls and partitions shall be considered preliminary and subject to change.

**(3) Soil Erosion and Sediment Control Plan** in compliance with Section 4.10 of these Regulations.

**(4) Statement of Consistency with Plans, Studies and Guidelines**. A statement shall be provided demonstrating reasonable consistency with the following documents that were approved as part of the Mixed Use Floating Zone map amendment:

- (i) Master Plan
- (ii) Master Parking Study
- (iii) Master Traffic Study
- (iv) Master Stormwater Draining Study
- (v) Design Guidelines

**(5)** The applicant shall submit a **permanent maintenance plan** that establishes a

yearly maintenance plan which establishes a schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the site. The maintenance plan shall include, but not be limited to, a timetable for all maintenance activities with respect to private storm drainage systems, utilities and other infrastructure including, but not limited to, landscaping and screening, roads, parking areas, sidewalks, trails and berms, lighting, signage, storage, refuse and litter control, snow removal and other site amenities proposed in the plans. If the development is intended to be a common interest ownership community pursuant to the Common Interest Ownership Act (the "Act"), the applicant shall submit proposed language to be included in the Declaration of the community under the Act binding each unit owner and the unit owner's association to the requirements of the approved maintenance plan. If the development is intended to be something other than a common ownership community, the applicant shall submit a restrictive covenant and easement document which details maintenance responsibilities or another sufficient legal document which stipulates maintenance, covenants and easement arrangements to the satisfaction of the Commission.

**26.10.2 Site Plan or Special Permit Approval Considerations.** In reviewing any proposed Site Plan or Special Permit, the Commission shall determine the following, in addition to the applicable criteria of Section 23 of these Regulations:

**(1)** That the application is consistent with the criteria set forth in Section 23, except as provided in the following subsection.

**(2)** That the application is reasonably consistent with the Master Plan, Master Parking Study, Master Traffic Study, Phasing Plan, Master Stormwater Drainage Study and Design Guidelines. A determination of reasonable consistency with the Master Plan shall constitute a conclusive presumption that the use, the location of a building, the square footage, height and size of a building, and the density of any residential use, are in compliance with the criteria of Section 23.4 of these Regulations. If, in its judgment, the Commission determines that changes have been made to the Master Plan, including without limitation the size, density, mix of uses, site plan, appearance, and/or design of the development that effect the application's fulfillment of the objectives of a Mixed Use Floating Zone, the application may be found not reasonably consistent with the Master Plan.

**(3)** That all other applicable provisions of these Regulations have been satisfied, except as otherwise provided by this Section 26.

**26.10.3 Approval Conditions.** The Commission may approve, or approve with modifications, or deny any proposed Special Permit.

**26.10.4 Bonding.** The Commission may require the posting of bonds pursuant to the provisions of the Connecticut General Statutes and Section 8 21.10 of these Regulations, and/or other forms of security deemed appropriate to a particular project at the discretion of the Commission.

**26.10.5 Modification of Approved Plans.** Modifications of approved Special Permit plans in an Mixed Use Floating Zone shall be governed by Section 21.7 of these Regulations.

## **26.11 ANDOVER MIXED USE FLOATING ZONE USE AND BULK REGULATIONS**

**26.11.1 Goal.** The goal of the Mixed Use Floating Zone is to allow for the creation of pedestrian friendly, mixed use developments, which include office, retail, commercial and residential land uses, that are in keeping with the scale and character of the Town of Andover and as discussed in the 2015 Plan of Conservation and Development, as amended.

### **26.11.2 Permitted Uses**

- a. Accessory Uses in connection with an approved use, provided that all such uses shall be consistent with the architectural, signage and landscaping of the approved principal uses.
- b. Pre-Existing, Non-Conforming Structures or Uses.
- c. All uses allowed in the existing Andover Business and Industrial Zones by Site Plan Review shall be permitted in the Mixed Use Floating Zone by Site Plan Review, and all uses allowed in the existing Andover Business and Industrial Zones by Special Permit shall be permitted in the Mixed Use Floating Zone by Special Permit;
- d. Multi-family units integrated into an overall mixed use development
- e. 55 and over Active Adult and Senior Housing/Assisted Living

### **26.11.3. Height and Area Requirements.**

- a. Maximum height of buildings: 35 feet. See section 24.3 for definition.
- b. Minimum height of buildings: Two floors of finished space with a minimum ceiling height of eight (8) feet. Each floor shall have one side completely set above grade, on which side shall be located the primary entrance to the building.

c. Yards:

Front Yard: 10 feet unless otherwise specified by the Commission. Parking between the buildings and Route 6 is discouraged unless site conditions and design requirements make it unavoidable.

Rear Yard: 10 feet unless abutting a residential zone where the Commission may require a 25 foot buffer area

Side Yard: side yard 10 feet, unless abutting a residential zone where the Commission may require a 25 foot buffer yard.

Side Yard Along a Street: 10 feet.

d. Recommended minimum lot size: 3 acres

e. Minimum frontage: 50 feet on Route 6.

f. Maximum floor area: No building constructed after the effective date of the approval of a mixed use floating zone shall contain a retail business or office use having a gross floor area greater than 5,000 square feet. The Commission may approve an increase in the allowable gross floor area for a retail business or office use to a maximum of 15,000 square feet upon the Commission's finding that the proposed plan does not result in the demolition of any historic building and that the building design shall resemble and be in harmony with Andover's historic rural character through the use of architectural features such as:

1. staggering the depth from the street to the face of the building;
2. changing roof heights;
3. use of different but complimentary building materials;
4. changes in fenestration;
5. use of awnings/canopies

. h. Lot Coverage. No more than 60 percent of the lot may be covered with impervious surfaces.

**26.12 "Stormwater Quality.** Management of stormwater shall be in accordance with the stormwater management standards of Section 4.17 of these Regulations.

**26.13 ARCHITECTURAL DESIGN.** The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building material, color, roof line and building elevations shall be of such character as to harmonize and be compatible with, and to enhance, the iconic or traditional buildings in the Zone and surrounding properties as to preserve and improve the appearance and beauty of the community. The following are encouraged.

- 1) Buildings designed to achieve a small scale and residential/historic appearance shall be

encouraged.

2) Pitched roofed buildings shall be encouraged.

3) Roof top mounted mechanical equipment shall be concealed from all sides.

4) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible; and

5) Section 23.4m – 23.5 of these regulations shall be considered as part of all Master Plan and Special Permit site plan reviews and sign applications.

6) During the Special Permit review process Section 23 guidelines shall also apply.

**26.14 RESIDENTIAL USE.**

There shall be no residential uses located at the ground level of any building which is located within one hundred (100) feet of the Route 6 Street Line.

Soundproofing shall be designed and installed to isolate the normal sounds of business activity from the residential uses.

In no case shall the net floor area of all residential units combined exceed 66% of the net floor area within the entire proposed development.

Residential units shall consist of a mix of efficiency, one-bedroom and two-bedroom units distributed within the entire proposed development.

**26.15. OFF STREET PARKING.** All off street parking must comply with the requirements of Section 12. In determining the number of spaces, enclosed garage spaces and garage apron spaces meeting the dimensional criteria of a parking space set forth in these Regulations shall be considered to be acceptable provided, however, that such apron spaces are under the same ownership or control, by lease or otherwise, as the garage space.

Provisions for parking within the zone are based upon the concept of shared parking. The Commission may require that as part of an approval for a development in this zone legal rights of access and use of such parking areas be provided for others within the development, or for the general public. No owner or tenant shall designate a parking space for their own or other's exclusive use without the approval of the Commission.

In calculating the required number of parking spaces for a use or uses on a particular site or offsite (see next paragraph), the Commission may consider overlapping use of parking spaces based upon the various hours of operation and peak usage for each use.

**26.16. COMBINED USE.** The development plan shall integrate residential and non-residential uses so that they share the site in harmony and so that parking areas, landscaped areas, and other site amenities benefit all the uses on the site. Mixed use is not segregating the residential units away from the commercial uses. Mixed use developments shall demonstrate an effective mixing of uses throughout the site.

**26.17. LIGHTING:** A zone change/site plan application shall include specifications of height, color, and materials for all lighting fixtures, so as to achieve uniformity, and a photometric plan. The Commission may require a reduction in lighting after 10:00 p.m. or when otherwise found to be warranted in order to protect nearby residential properties. All lighting shall be Dark Sky compliant and shall also comply with the requirement of section 23.5B

26.18. **SIDEWALKS:** Newly constructed sidewalks shall be handicapped accessible and installed throughout the development to provide pedestrians access among all buildings.

26.19 **ADDITIONAL REGULATIONS:**

1. Public bus stops shall be located so as to be most accessible to all buildings and access points.
2. Delivery and pick-up locations shall be specifically identified.
3. Exterior mechanical equipment such as cooling towers and chillers shall be screened or color-coordinated to match the buildings served.
4. Locations shall be identified for installation of outdoor eating tables or other amenities including consideration of how the development will contribute to the overall pedestrian circulation in the immediate neighborhood.
5. The site plan shall identify all areas for dumpsters and rubbish removal and adequate landscaping and screening to protect adjacent residentially zoned properties.
6. .



**ANDOVER ZONING REGULATIONS  
REVISIONS SINCE MAY, 1983**

**Revised:**

*Revised 5/23/1983. Effective 6/30/1983.*

**Revised:**

*12/8/1988.*

**Revised:**

*Revised 8/1/1988. Effective 8/1/1989.*

Sections: 5; 7; 8; 11; 21; 24.3.46; 24.3.35a

**Revised**

*Revised 12/27/1990. Effective 1/17/1991.*

Section 24.3(6) Building, Setback Line

Section 24.3(31) Lot, Width of

**Revised:**

*Effective 12/18/91.*

Section 8.0 Commuter Parking Lots

**Revised:**

*Effective 2/21/1992.*

Section 8.0.10, delete public garages

Section 8.0.14, Delete motor vehicle facilities, etc.

Section 9.0, amend to include public garages, vehicle uses

Section 4.8.17, prohibit bulk oil distribution centers

**Revised:**

*Effective 1/21/1993.*

Section 4.11, Accessory Apartments

Section 5.0.16, Acc. Apartments in R-80 Zone

Section 7.0.11, Acc. Apartments in AL Zone

Section 8.0.16, Acc. Apartments in B Zone

**Revised:**

*Revised 7/19/1993. Effective 8/19/1993.*

Section 10, Flood Zone

Section 4.12, Bed & Breakfast Establishments

Section 5.0.17, B & B Establishments in R-80 Zone

Section 7.0.12, B & B Establishments in AL Zone

**Adopted:**

*Revised 3/15/1999. Effective 4/15/1999.*

Section 4.13.3g Application Process

**Revised:**

*Effective 3/15/1999.*

Section 15.5.3 Temporary Signs

**Adopted:**

*Effective 4/19/1999.*

Section 4.14 Planned Residential Dev. For Older Persons

**Revised:**

*Effective 5/15/1999.*

Section 4.14 Planned Residential Dev. For Older Persons

**Revised:**

*Effective 5/15/1999.*

Section 4.12 Notice of Public Hearing

**Revised:**

*Adopted 5/17/1999. Effective 6/15/1999.*

Section 15.1.8 Signs - Public Interest

Section 15.5.3 Signs Permitted in all Zones - Public Interest

**Revised:**

*Adopted 8/21/2000. Effective 9/1/2000.*

Section 5.0.2 Permitted Uses and Use Categories

Section 20.6.1c Regulated Uses

Section 24.3 Definitions

**Revised:**

*Adopted 6/17/2002. Effective 10/16/2002.*

Section 24.3 Definitions of a structure

**Revised**

*Adopted 7/21/2003. Effective 8/21/2003.*

**Revised:**

*Adopted 11/17/2003. Effective 12/17/2003.*

Amend	- Section 4.11.1	Accessory Apartment by right
Add	- Section 5.0.3a	Accessory Apartments (4.11)
Delete	- Section 5.0.17	Accessory Apartment by Special Permit and ZBA Special Exception
Delete	- Section 7.0.11	Accessory Apartment in AL zone and ZBA Special Exception
Add	- Section 4.12a	Home Occupation by right
Add	- Section 5.0.4a	Home Occupations (4.12a)
Delete	- Section 5.0.8	Home Occupancy by Special Permit
Add	- Section 6.06a	Home Occupation (4.12a) AL Zone
Add	- Section 4.15	Historic Preservation by way of Adaptive Historic Reuse
Replace with New	- Section 8.0	Business Zone Use Schedule
Replace with New	- Section 9.0	Industrial Zone Use Schedule
Add	- Section 15.5.3(f)	ZEO to remove public interest signs in violation
Amend	- Section 15.6.4(5)	"Staff level site plan review" is required
Amend	- Section 15.7.1b(2)	Sign Height from 20 feet to 10 feet
Amend	- Section 15.7.1b(5)	Signs-Staff level review is required
Amend	- Section 15.7.1b(3)	Signs-External Illumination Only
Amend	- Section 15.7.1c(3)	Signs-External Illumination Only
Amend	- Section 15.7.2(c)	Signs-External Illumination Only
Amend	- Section 15.7.2(e)	Signs-Staff Level Site Plan Review
Amend	- Section 15.7.3(c)	Sign Height from 20 feet to 10 feet
Amend	- Section 15.7.3(d)	Signs-External Illumination Only
Amend	- Section 15.7.3(e)	Signs-Staff Level Site Plan Review
Amend	- Section 15.8(3)	Sign Height from 20 feet to 10 feet
Amend	- Section 15.8(4)	Signs-External Illumination Only

**Adopted:**

*11/17/2003. Effective 12/17/2003.*

Amend	- Section 15.8(5)	Signs-Staff Level Site Plan Review
Eliminate	- Section 15.9.2	Fees –remove from regulations
Delete	- Section 15.9.3(b)(c)	Need for commission action
Amend	- Section 17	Alcoholic Establishments
Delete	- Section 17.0	Restaurants, Grills and Taverns
Delete		ZBA Special Exception Uses from all related regulations

Section 17A Adult Uses Regulations

**Added New:**

*Adopted 12/15/2003. Effective 1/15/2004.*

**Added New:**

*Adopted 10/18/2004*

*Effective 11/18/2004*

Section 25.3 Moratorium

**Added New:**

*Adopted 7/21/2008. Effective 8/13/2008.*

Section 4.16 Driveways

**Amended:**

*Adopted 12/15/2008. Effective 1/15/2009.*

Section 11.2, Space Requirements

**Added New:**

*Adopted 12/15/2008. Effective 1/15/2009.*

Section 11.3, Reduction in setbacks and consolidation of lots in Business and Industrial Zones by Special Permit

**Amended:**

*Adopted 12/15/2008. Effective 1/15/2009.*

Section 24.3 - Definitions, Building, Setback Line

**Amended:**

*Adopted 6/15/2009. Effective 7/15/2009.*

Section 8.0 Uses Permitted by Site Plan Review in the Business (B) District

**Amended:**

*Adopted 6/15/2009. Effective 7/15/2009.*

Section 8.0.01 Uses Permitted by Special Permit in the Business (B) District

**Amended:**

*Adopted 6/15/2009. Effective 7/15/2009.*

Section 9.0 Uses Permitted by Site Plan Review in the Industrial (I) District

**Amended:**

*Adopted 6/15/2009. Effective 7/15/2009.*

Section 9.0.01 Uses Permitted by Site Plan Review in the Industrial (I) District

**Amended and Renumbered:**

*Adopted 12/21/2009. Effective 1/14/2010.*

## Section 4

### **Amended and Renumbered:**

*Adopted 12/21/2009. Effective 1/14/2010.*

## Section 9

### **Amended:**

*Adopted 12/21/2009. Effective 1/14/2010.*

## Section 7.0.8 Conversions

### **Deleted:**

*Adopted 12/21/2009. Effective 1/14/2010.*

## Section 7.1.2 Septic Tanks

### **Amended:**

*11/15/2010. Effective 12/15/2010.*

Section 4.12A (Home Occupation Uses) and

Section 23 (Special Permit Exception/Site Plan Review) on

### **Amended:**

*Approved 4/18/2011.*

## Section 4.11.1.1

### **Amended and Renumbered:**

*Adopted 12/21/2009. Effective 1/14/2010.*

## Section 8

### **Amended:**

*Adopted 7/17/2017. Effective 1/1/2018.*

## Section 2.1

## Section 2.2

## Section 4.9

## Section 4.14 (Andover Rural Design)

## Section 5

## Section 7.0.1

## Section 11.1

## Section 11.2

## Section 15.6

## Section 24.3

### **Deleted:**

*Adopted 7/17/2017. Effective 1/1/2018.*

Section 6 R 40 zone

**Added:**

*Adopted 7/17/2017. Effective 1/1/2018.*

Appendix A Zone District map

**Amended:**

*Adopted 3/19/2018. Effective 4/3/2018.*

Section 12

Section 24.3

**Added:**

*Adopted 3/19/2018. Effective 4/3/2018.*

Section 4.17

Section 26

**Added:**

*Adopted 6/24/2019. Effective 7/15/2019.*

Section 4.18

Section 4.19

Section 4.20

Section 4.21

Section 6

**Amended:**

*Adopted 6/24/2019. Effective 7/15/2019.*

Section 4.11

Section 4.12A

Section 20.5

Section 23

Section 24.3

**Added/Amended:**

*Adopted 1/25/2021. Effective 2/25/2021.*

Section 2 – Establishment of Districts

Section 7.6 Andover Lake Watershed Protection in the Andover Lake Watershed Protection Overlay Zones (ALWPOZ) 7.6 to 7.8

**Amended:**

*Adopted 7/18/2022. Effective 10/1/2022*

Section 15 – Signs

Section 17 – Alcohol/Cannabis Establishments

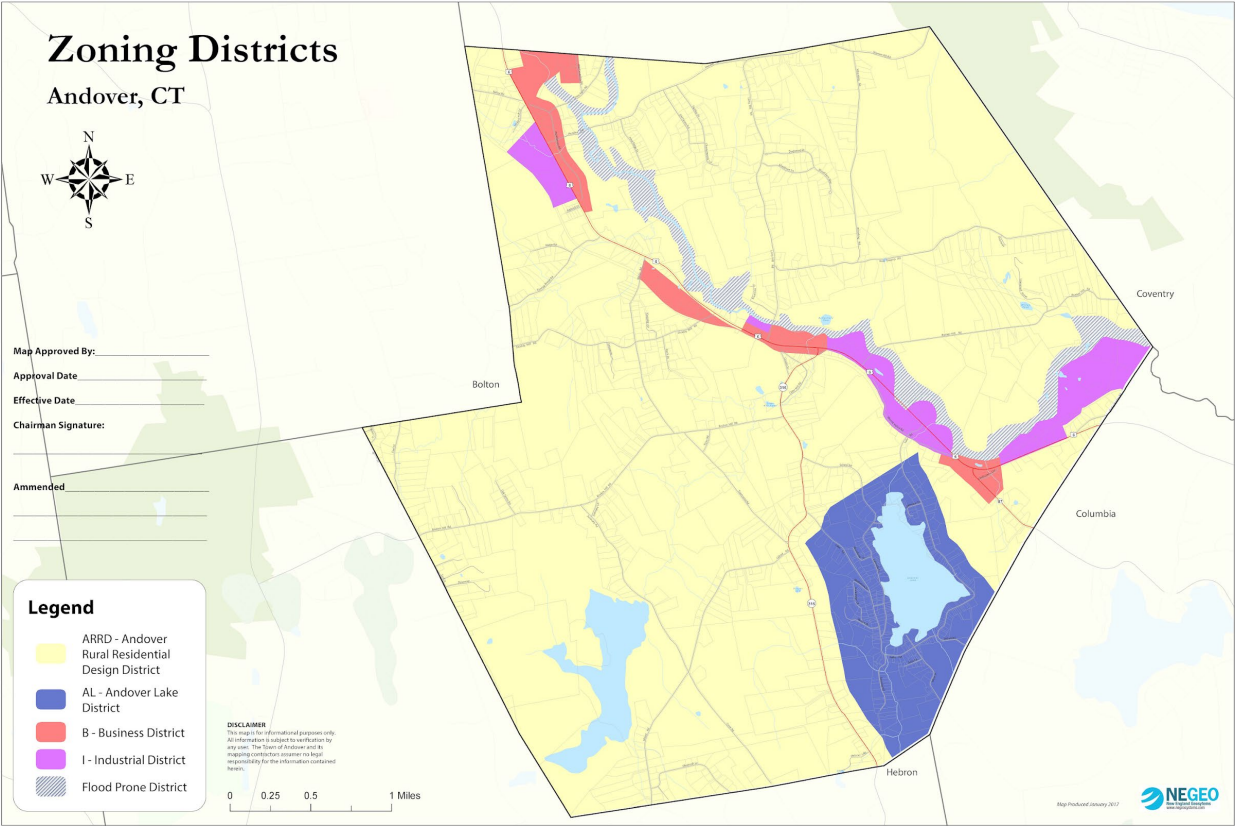
**Added/Amended:**

*Adopted 1/23/23. Effective 1/27/23*

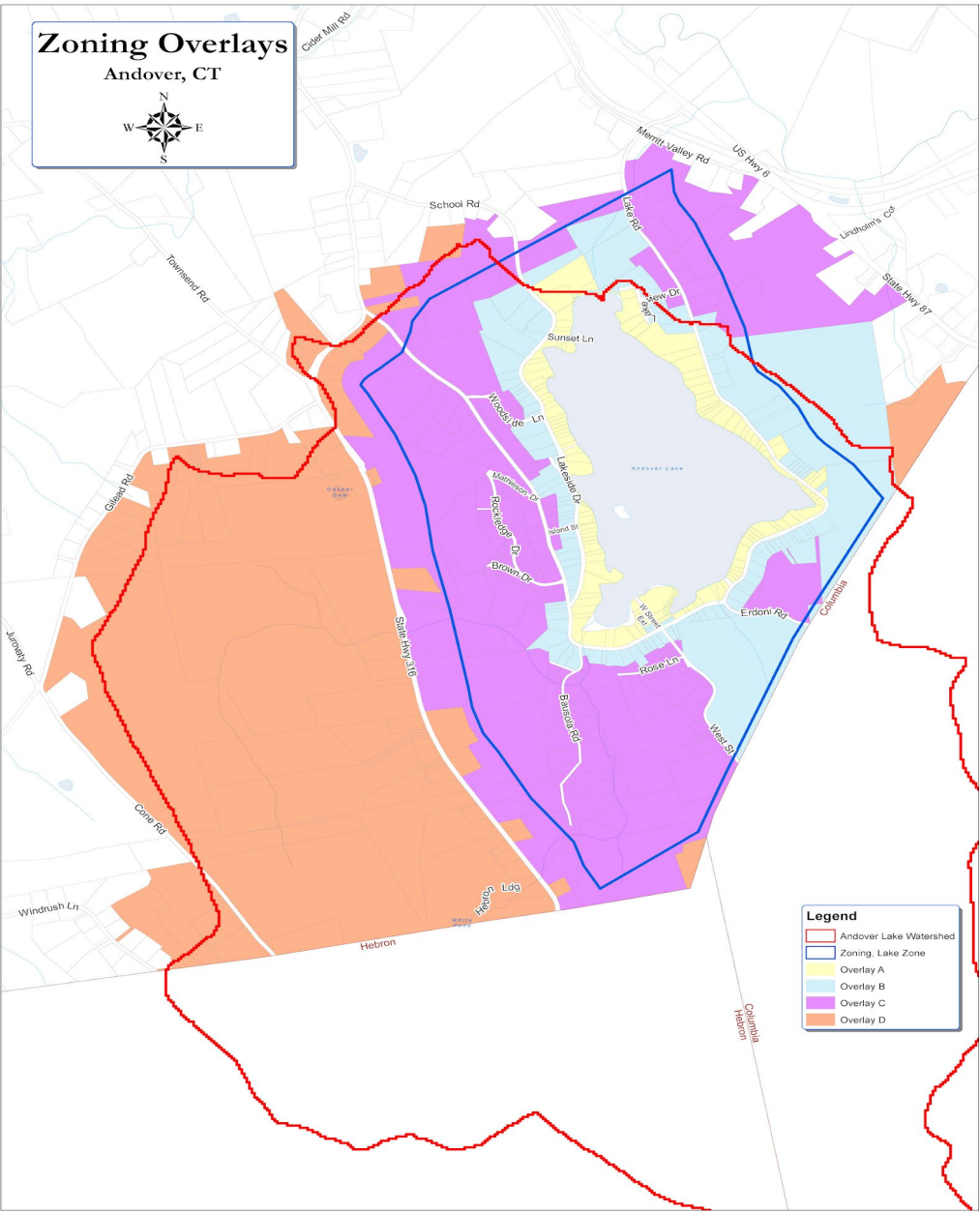
Section 24 (Definitions)- Definitions for "Municipal" and "Public" land use

Section 5- Amended 5A.0.1 to expand special permit uses to include "Municipal" uses and change "churches" to "Houses of Worship" and eliminate "Libraries"

APPENDIX 1: Zone District Map



APPENDIX 2: Andover Lake Watershed Protection Map



**DISCLAIMER**  
This map is for informational purposes only. It is not intended to be used as a legal document. The user assumes all responsibility for the use of this map.

Overlay Zones are Determined as Follows:  
Overlay A: All parcels with Lake Frontage  
Overlay B: All parcels within 100' of Overlay A parcels  
Overlay C: All parcels not included in A or B, but within the Lake Zone  
Overlay D: All parcels not included in A, B, or C, but within the Andover Lake Watershed

0 0.1 0.2 0.4 Miles





## APPENDIX 3: Zoning Checklist

# ANDOVER PLANNING & ZONING COMMISSION CHECKLIST FOR SITE PLAN REVIEW AND SPECIAL PERMIT APPLICATIONS:

THIS CHECKLIST MUST BE COMPLETED BY THE APPLICANT OR AN AUTHORIZED REPRESENTATIVE AND SUBMITTED WITH THE APPLICATION.

The Planning and Zoning Commission will use this checklist in determining the completeness or incompleteness of the application. The applicant is responsible for providing all the applicable information on this checklist. The applicant is encouraged to provide any additional information to clearly present a proposed activity and its potential effects on the community. The Commission may require additional information not included in this checklist to determine compliance with the regulations.

### **AN APPROVAL OF AN APPLICATION COULD BE DENIED IF AN APPLICATION LACKS SUFFICIENT INFORMATION.**

Some of the items below are essential for any application while others may not be applicable for a particular proposal. The applicant is encouraged to ask the town staff to review the completed application with all supporting information and the completed checklist, prior to submitting the application to the Planning and Zoning Commission so that the staff can provide the applicant an opinion on the completeness of the application.

Pursuant to Section 23.2, at time of application submission, the applicant may request in writing that the Commission determine that all or a part of the information required under Section 23.2.b through g. is NOT necessary in order to decide on an application.

Applicants may be subject to supplemental review fees to defray the costs of professional review services such as engineering or legal reviews.

Name of Development \_\_\_\_\_

Applicant

Number	Application Checklist	Included		Staff Approval	
		YES	NO	Yes	NO/ NA
1	Completed, signed application by applicant and owner				
2	Payment of required application fees				
3	Evidence of approval by Eastern Highlands Health District for review				
4	Evidence of approval of application to the Inland Wetlands Commission OR approval by wetlands agent				
5	Copy of a request for review and approval by the Fire Marshal water approval supply for fire protection				
6	Copies of any required applications to other local, state or federal regulatory approvals				
7	All draft deeds for any roads, road widenings and easements for drainage, conservation, driveways, utilities				
8	Existing and proposed Covenants or Restrictions				
9	For zoning text or map amendments, a list of mailing address of all current property owners within 500 feet of the subject property, from Assessor records; and abutters for special permit				
10	List of all hazardous or potentially hazardous materials which will be present on the property with a full description of procedures that will be used to assure safety with the material safety data sheets				
11	Copies of all reports including hydrology, hydraulic and drainage computations				
12	Architectural elevation drawings of proposed buildings				
13	Landscaping plan including the locations, numbers, installed sizes, anticipated mature sizes, species and common names of proposed plants				
14	Architectural floor plans of existing and proposed buildings				
15	Existing trees of 10" diameter at breast height or greater				
16	Lighting plan including the location, size, height, light intensity coverage areas and manufacturer's product descriptions for each light type				
17	Erosion and Sedimentation Control Plan, complying with section 4.10				
18	Stormwater Management complying with section 4.17 including construction details, calculations, maps drainage paths and narrative descriptions				
19	Sanitary Waste Disposal Plan				
20	Engineer's itemized cost estimate for the installation of all erosion and sediment controls based on published Connecticut DOT unit prices				

21	Traffic Impact Report (Special permit application)				
	<b>Items 22 through 57 shall be incorporated in plans Items 12-18 may be incorporated into plans</b>				
22	10 sets of complete stamped and signed site plans measuring 24" x 36				
23	A-2 boundary survey of the subject property showing all existing and proposed boundary lines and markers, easements, adjoining property lines and the names of all current abutting property owners				
24	Location Map				
25	Plan title block in the extreme lower right corner including ("Town of Andover)				
26	All plan sheets numbered with the format "sheet x of y"				
27	Clear legible plans with all lines, symbols and features readily identifiable				
28	North arrow on each plan including the reference meridian				
29	Graphic bar scale on each plan sheet, not smaller than 1"= 40'				
30	Overall plan of site at a smaller scale, with sheet index, if the site does not fit on one sheet at a scale of 1"=40' Key				
31	map at a scale of 1"= 500' showing the relation of the site to abutting properties and streets, shown on plan and zoning district boundaries within 500' of site				
32	Original and revision plan dates and revision explanations shown on the affected plan sheets				
33	Existing and proposed grading with two foot contours to T-2 standards, for all ground surfaces, shown on plan				
34	Existing and proposed structures and features, their uses and those to be removed, shown on the plan				
35	Exterior HVAC equipment placement ), including on the roof				
36	Existing and proposed driveway entrances to street, parking, loading areas, fire lanes, sidewalks and construction detail drawings, shown on plan				
37	Sight distances from property entrances along public roads shown on plan and on profile if grading is needed				
38	Soil test locations and soil test results shown on plan				
39	Existing and proposed sewage disposal systems and design information, shown on plan				
40	Outside Storage Areas				
41	Underground / overhead utilities, existing and proposed				
42	Existing and proposed water supply shown on plan				
43	Existing wells and sewage disposal systems on other properties that could conflict with proposed site improvements, shown on plan				

44	Existing and proposed footing drains, curtain drains and dry wells, shown on plan				
45	Existing and proposed drainage systems, any affected Floodway or floodplain and construction detail drawings, shown on plan, including base flood elevation and floor elevation data.				
46	Existing and proposed bridges and culverts on or adjacent to the site, shown on plan				
47	Existing and proposed signs with dimensions, method of illumination, and construction detail drawings, shown on plan				
48	Existing and proposed fences and walls with dimensions and construction detail drawings, shown on plan				
49	Zoning district boundaries affecting the site, shown on plan				
50	Table shown on plan of zoning dimensions required and provided for lot area, street frontage, lot width, yard setbacks, impervious area, building coverage and the height and floor area of each building				
51	Table on plan of parking / loading spaces required / provided				
52	Bicycle storage areas				
53	Sidewalks and other pedestrian ways				
54	Fire lanes				
55	Off-site traffic improvements				
56	Limits of wetlands as delineated by a certified soil scientist with the soil scientist's signed certification, shown on plan or a certification signed by a soil scientist that no wetlands are within 100 feet				
57	Natural features including 100 year flood plain areas, ponds, vernal pools, aquifers, slopes steeper than 25% and potential areas of endangered species, shown on plan				