

**Proposed Zoning Regulation Revisions**  
**(Adopted 6-13-11, Effective 7-1-11)**

**ARTICLE I - Zones and Zone boundaries**

**Section 1-2 (170-2). Zones Established; Zoning Map.**

Add: 1-2 A.6. Tolland Village Area TVA (other numbers move down)

Add: 1-2 B.6. Tolland Village Area – The purpose of the Tolland Village Area is to expand economic development and housing opportunities at the Interstate 84 interchange in Tolland with architecture and land use patterns that are reflective of a traditional New England village. (other numbers move down)

**ARTICLE II - Definitions**

**Section 2-2 (170-5). Terms Defined.**

Change “MOTEL” to “HOTEL” here and globally.

Add:

ACCESSWAY, PRIVATE – An accessway that is not owned by the Town and is intended to provide public access.

AREA DEVELOPMENT PLAN – A generalized plan of proposed development within the Tolland Village Area district, which becomes the formally adopted master plan upon approval by Special Permit by the Commission.

DWELLING, TOWN HOUSE – A single-family attached dwelling in a row of at least three such units and each unit has its own direct access to the outside and no unit is located over another unit.

MAIN STREET SETTING – An arrangement of buildings, streets, sidewalks, open spaces, plazas, and other elements of the built environment which emphasizes access to each building and space by foot, creates a focal point for a variety of uses and activities, creates a cohesive business or mixed use neighborhood, and encourages the interaction among activities.

STORY – A part of a building or structure between the finished floor of one level to the finished floor of the next level, or, in the case of the upper floor, the ceiling or roof above. A basement shall be counted as a story if the ceiling is more than three feet above the level from which the height of the building is measured. An attic is a story if the height of the attic is 5 feet or greater

STORY, HALF - A part of a building which is an attic where between 30% and 60% of the ceiling area is less than the minimum ceiling height required for the appropriate use and occupancy code of the building, as required by the current Connecticut State Building Code, as it may be.

WORKFORCE HOUSING UNITS – Dwelling units that are affordable to a household with an annual income that does not exceed 80% of the median income, as adjusted for family size, as published by the United States Census Bureau and periodically updated by the U.S. Department of Housing and Urban Development (HUD). The median income shall be the lesser of the state median income or the area median income for the area in which Tolland is located, as determined by the United States Department of Housing and Urban Development.

## **Article VII – Tolland Village Area**

### **Section 7-1 Tolland Village Area - Use Diagram (see attached map)**

#### **7-2 Preamble.**

The Tolland Village Area (TVA) zone is a gateway to Tolland's historic town center. The development will consist of architecture and land use patterns that are based on a traditional New England village. Accordingly, the development will complement existing land uses surrounding the Tolland Green and Historic District and adjacent residential development. It will also provide for a mix of complementary land uses arranged in compact and attractive districts in order to optimize developability and create walkable neighborhoods while preserving environmentally sensitive areas and protecting natural resources.

The development vision will create and protect development patterns that are compact, walkable and mixed use and to ensure that development enhances the economic base of the Town and the quality of life of residents.

These regulations provide flexibility in lot sizes, coverage, setbacks, parking, and other standards; developers can propose standards that he/she feels will work best for the site and still meet the overall design objectives for this area. In return for this flexibility, the Commission has broader discretion in approvals.

#### **7-3 Purpose and Intent.**

- A. The purpose of the Tolland Village Area is to:
  - 1. implement the Tolland Plan of Conservation and Development.
  - 2. enhance the gateway to the National Historic Register Tolland Green and preserve the character in areas near the Historic District.
  - 3. expand opportunities for economic development and housing within a framework where a mix of uses can coexist for the benefit of stakeholders and the community at large.

4. plan for transitional use and density between Tolland Green and Interstate 84.
5. plan for progressively more intensive development in the Tolland Village Area as it approaches Interstate 84.

B. It is further intended that the TVA zone and approval process will:

1. be consistent with the Tolland Plan of Conservation and Development.
2. encourage property owners to coordinate development.
3. provide flexibility in design, placement and layout of sites.
4. provide buffers to adjacent residential development.
5. protect important natural resources (especially surface and groundwater).
6. provide guidelines so that development is consistent with New England village architecture.
7. provide safe streets for motorists, pedestrians and bicyclists.
8. incorporate open space, parks and/or greenways.
9. promote sustainable design, high performance buildings and “green” technology.

#### **7-4 Reference Documents**

The following documents and materials provide guidance for land uses and design in the TVA:

1. Tolland Plan of Conservation and Development, 2009 and as amended
2. Tolland Village Area Concept Sketches (October 2010 and November 2010)
3. Tolland Village Area 3-D Model
4. Tolland Village Area Design Guidelines, which is an advisory document that cannot be used as denial of an application.

#### **7-5 General**

- A. Except as otherwise provided for in this Section, no new building, structure or use shall be permitted in the TVA until:
1. an Area Development Plan has been approved pursuant to this Section and Section 20-2, Special Permits, and
  2. a Site Plan has been approved in accordance with the standards in the approved Area Development Plan and Site Plan Standards contained in this Section and in Section 20-3, Site Plans.
- B. Once an Area Development Plan has been approved, any development within the Plan area shall be subject to standards contained in the approved Plan.

- C. An Area Development Plan may be modified by submitting a revised Area Development Plan and Special Permit Application for approval, in accordance with this section.

**7-6 Lots and Uses existing as of the effective date of these regulations.**

- A. For the purpose of the TVA zone, an existing use or structure is a use or structure in existence as of the effective date of these regulations (month, day, 2011).
- B. Existing uses and structures in the Tolland Village Area that are conforming as of [day before the effective date of this section (month, day, 2011)] shall be considered conforming uses and structures after the effective date of this Section.
- C. Changes in use or modifications to existing structure shall be subject to Section 3-5 of these regulations.
- D. If the Town Planner or Commission determines, pursuant to Section 3-5, that a Special Permit review is required for a proposed change in use or modification of a building then the following provisions shall apply:
  - 1. expansions equal to or less than 10% of the gross floor area in existence as of the effective date of this regulation shall require a Special Permit.
  - 2. expansions that result in a gross floor area that is 10% greater than the gross floor area in existence as of the effective date of this regulation shall require the submittal of a Area Development Plan and Special Permit application.
  - 3. major site or building exterior renovations to the extent that more than 10% of the site will be modified or where more than 10% of the building exterior will be structurally altered shall require the submittal of a Area Development Plan and Special Permit application.
- E. A reduction in area of a lot in existence as of June 30, 2011 is not permitted unless such a reduction is authorized on an Area Development Plan or otherwise approved by the Commission.

**7-7 Special Permit Uses**

As shown on the Tolland Village Area Use Diagram included as part of these regulations, the following uses shall be permitted in each of the designated use areas subject to the Tolland Village Area regulations and Special Permit and Site Plan approvals in Article XX of the Zoning Regulations:

- A. Mixed Use Areas – The purpose of this area is to allow a mixture of uses, organized in a “mainstreet” and village setting. Permitted uses are:
  - a. Stores or shops for the conduct of retail or personal service business
  - b. banks or financial institutions
  - c. restaurants, including outdoor dining areas

- d. retail food / serving establishments, including outdoor dining areas
- e. offices, including general, medical and professional
- f. hotels, bed and breakfast establishments, in which all guest rooms are accessed through in internal corridor
- g. clubs, community centers, places of worship, municipal or other public and semipublic use
- h. art or music centers, museums, dance studios or other cultural activities
- i. drive through window for pharmacy provided that such facility is in accordance with Section 7-11 of the Zoning Regulations and the Tolland Village Area Design Guidelines
- j. multi-family dwelling units, except that no housing unit shall be located on the first floor on the primary mixed use travel way or street
- k. town-house dwelling units, except that no town house dwelling shall be located on the primary mixed use travel way or street
- l. parking lots or garage including a public parking lot serving off-premise uses

B. Residential Areas – The purpose of this area to provide a range of housing opportunities. Permitted uses are:

- a. single-family dwellings, attached and detached
- b. two-family dwellings
- c. multi-family town house dwellings
- d. other multi-family dwellings located on upper floors of a mixed use building
- e. accessory dwelling units in a single-family detached dwelling

C. Open Space Areas – The purpose of this area is to preserve natural resources and enhance the TVA by providing enjoyment of open space. Permitted uses are:

- a. open space
- b. recreation amenities such as trails, picnic area, and wildlife viewing area
- c. Low Impact Development facilities providing storm water management for the Tolland Village Area.

## 7-8 Workforce Housing Required

These regulations are enacted in part under the authority of Section 8-2i of the Connecticut General Statutes. The purpose is to promote the development of housing at prices that are affordable to the region's workforce, to meet local housing needs and to increase the diversity of housing in Tolland by creating mixed-income neighborhoods

### A. Requirements:

1. At least 20% of all dwelling units shall be workforce housing units except that the Commission may reduce the required percentage to no lower than 12% if the applicant demonstrates that they are providing additional amenities that provide a community-wide benefit and are not required as part of these Tolland Village Area regulations. The provisions for open space, trails and sidewalks shall not be considered an additional benefit that allows a reduction in the percentage.
2. The workforce housing units shall be subject to a deed restriction or other mechanism acceptable to the Commission containing covenants or restrictions which shall require that, for at least 40 years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as affordable to the workforce.
3. An Affordability Plan, prepared in accordance with CGS 8-30g and RCSA (Regulations of CT State Agencies) 8-30g-7 of the State regulations, rules and guidelines shall be submitted. The Plan shall provide all of the necessary information and documentation to ensure the construction and continued operation of workforce housing, including the following:
  - a. the person or organization responsible for administering the plan, including administration of the application procedures and screening criteria to determine the income eligibility of applicants, and reporting and enforcement mechanisms;
  - b. affirmative fair marketing procedures governing the sale or rental of the workforce housing units in accordance with CGS 8-30ee and regulations promulgated thereunder.
  - c. proposed sale or rental prices of the workforce housing units and the basis for determination;
  - d. identification and timetable for the completion and even distribution of the workforce housing units among the market-rate units in the development; and
  - e. other information as may be required by the Commission.
4. Workforce housing units shall meeting the following standards:
  - a. units shall be sited in no less desirable locations than the other units located on the same site;

- b. the exterior appearance of the units shall be comparable with the other units on the same site;
- c. the materials used and the quality of construction for the units, including heating, ventilation, and air conditioning systems, shall be comparable to those of the other units in the development;
- d. basic features of a housing unit, including but not limited to flooring, plumbing fixtures, and appliances, shall be provided in the workforce housing units, but amenities or optional upgrades, such as designer or high end appliances and fixtures, need not be provided for workforce housing units; and,
- e. units shall be provided pro rata so that the percentage of affordable units for each phase does not fall below percentage required for the full project.

**B. Post Approval Procedures:**

- 1. A binding deed restriction or other mechanism acceptable to the Commission containing covenants and restrictions in conformance with Connecticut General Statutes 8-30g shall be recorded in the Tolland Land Records and said covenants and restrictions shall be subject to review and approval by the Commission's attorney.
- 2. The developer or his or her successors shall certify to the Town on an annual basis that rental units developed as workforce housing units are being leased or have been sold to eligible persons or families at prices or rents consistent with the regulations of the General Statutes.

**7-9 Consolidated Parcels**

The provisions of Section 10-7, Consolidated Parcels, in the GDD shall apply in the TVA zone.

**7-10 Standards for Area Development Plans**

The purpose of an Area Development Plan is for the applicant to present a conceptual plan for the development of the site and to determine whether the proposed uses and layout conform to the Plan of Conservation and Development and to applicable requirements in these regulations.

- A. In addition to standards contained in the Tolland Zoning Regulations which are not in conflict with the specific standards and review criteria set forth in this Section, all Area Development Plans must meet the following standards:
  - 1. Open space shall be provided in Residential and Mixed Use areas:
    - a. In Mixed Use areas, preferred types of open space include pocket parks, greens, gardens or small vegetated areas, public plazas or other outdoor public gathering areas. Open space shall also be designed to accommodate LID stormwater treatment systems.

- b. In residential areas, preferred types of open space include parks and playgrounds intended to serve the residents of the neighborhood, greens, community gardens, and walking trails.
    - c. For privately owned open space, provisions shall be made for the maintenance and upkeep of such open space and amenities.
2. At a minimum, vegetated buffers shall be provided in areas depicted on the Conceptual Use Diagram for the Tolland Village Area in the Plan of Conservation and Development.
3. Sidewalks and pathways shall be provided to connect uses within the TVA and to existing or planned sidewalks and pathways that abut the TVA.
4. Applicants must demonstrate vehicular connectivity within the TVA and to adjacent areas. Cul-de-sac streets are strongly discouraged.
5. Off-premise private accessways may be used to access development in the TVA, provided:
  - a. the applicant has submitted a letter from the owner of the private accessway agreeing to its use for access and egress from the proposed development,
  - b. a draft legal agreement for use of the private accessway has been submitted for Commission review and approval, and,
  - c. the private accessway can accommodate expected traffic and emergency vehicles.
6. New private accessways proposed in an Area Development Plan shall be located and designed to facilitate future use by adjacent properties in the TVA. The Commission encourages shared access and the construction of internal links between the parking lots of adjacent properties to promote access management and lessen traffic and congestion on the public street. As part of the application process, the Commission may require an owner or applicant to file easements on the land records providing access to abutting property owners.
7. Developments shall comply with Article XVII , Parking, Loading, Driveways and Access except that the Commission may reduce the number of required parking and loading spaces.
8. Mixed use and commercial buildings shall meet the following setbacks and other dimensional requirements unless specifically approved by the commission as part of an Area Development Plan:
  - a. setbacks: Buildings with frontage along a new public way should be no more than 10 feet from the edge of a sidewalk along that public way closest to the building . The commission may approve up to a 20 foot setback if part of an approved Area Development Plan.

b. Building height :

- i. Mixed use and commercial buildings One story buildings are not permitted, 1.5 or 2 stories are permitted, 2.5 stories are preferred, the maximum is three stories, The Commission may approve an additional story in an area where steep grades cause a large differential in building height on sides.
- ii. Hotels not located in a Main Street setting: the façade that is visible from a Main Street shall not exceed 2.5 stories. Up to 30% of the façade may exceed 2.5 stories, but be no greater than four stories.

- c. Building width (excluding hotels): shall not exceed 200 feet spans greater than 75 feet should provide variations through techniques identified in the Design Guidelines.

9. Residential – single-family, two-family and townhouses:

- a. Front yard setback should be a minimum of 10 feet and a maximum of 25 feet.
- b. Garages for single and two-family houses shall be located behind the housing unit. If this is not possible due to site constraints, the garage entry shall be recessed at least 15 feet behind the front façade of the house.

10. Signs

- a. Sign lighting shall be non-glaring and comply with Section 18-C 3 of the Zoning Regulations
- b. Each side of a building may have a total square footage of wall and over- hanging signs that is equal to that side's linear feet. For example, if a building's façade is 50 feet wide, the cumulative square footage of all wall and over-hanging signs on that wall should not exceed 50 square feet.
- c. Temporary signs used to convey specific information, alert the public to special events or announce a new business shall be designed and placed in a manner closely related to existing sign systems, landscape improvements and building design to avoid visual clutter.

d. Wall signs:

- should be located within the frieze of the cornice, on a covered transom or other flat and unadorned surface that is suitable for sign location.
- where there are multiple storefronts in one building, wall signs should be coordinated in terms of size, placement, color and overall design.

e. Overhanging signs:

- should hang perpendicular to the façade wall
  - upper story overhanging signs are not appropriate
- f. Roof-mounted signs are not appropriate, except in limited cases where such a sign is not visible from the main street and is the only means to convey the presence of the business.
- g. Lettering or logos painted onto windows should not exceed more than 25% of the glass area and should not block views.
11. Drive through windows may be permitted as locations noted in these regulations provided the location is consistent with standards contained in Section 20-2 H and is designed to minimize impact on the walkable nature of the village area. Drive through windows shall meet the following standards and requirements:
- c. A traffic study shall be required.
  - d. To the extent required by the Commission, the drive through window(s) and stacking lanes shall be buffered from view from public streets using landscaping, decorative fencing or other attractive screening.
  - e. The stacking lanes shall be effectively separated from the parking field through the use of curbing, raised islands and/or landscape improvements.
  - f. The size of stacking lanes shall be adequate to allow for safe movement of vehicles with a minimum length of 20 feet and width of 10 feet in straight areas and 12 feet along curved segments of the stacking lane.
  - g. Stand alone parking areas in conjunction with facilities having drive through windows are not permitted
  - h. Drive-through lanes shall be clearly defined by pavement markings and directional signage.
  - i. Queue space shall not interfere with:
    - i. The safe use of the required parking spaces and their required drives
    - ii. Interior pedestrian and other circulation
    - iii. The accessway from any public street or public street
  - j. Drive through facilities, including windows and other related facilities shall be architecturally compatible with the building and the existing or planned streetscape.

- k. Outdoor loudspeakers for each drive-in window shall produce noise level no greater than 50-dB at the closest property line, nearest building of a separate use or a public sidewalk offsite.
- l. A program for policing and eliminating outdoor litter must be presented
- 12. Stormwater management shall comply with goals and standards in the Tolland Low Impact Development Design Manual.
- 13. All electrical, cable, telephone and other service utilities shall be placed underground.

## **7-11 Procedures**

### **A. Tolland Area Development Plan and Special Permit.**

- 1. The applicant shall submit an Area Development Plan and Special Permit application, accompanied by an Area Development Plan.
- 2. The application procedure shall be the same as that contained in Special Permits.
- 3. The Area Development Plan shall include the following information:
  - a. A description of the proposed development, including proposed uses, and how the development and uses are consistent with the POCD.
  - b. A map and preliminary plan of the area to be developed, prepared by a licensed professional engineer, a licensed land surveyor, or a licensed landscape architect or architect at a scale of not more than 100 feet to the inch. The preliminary plan shall include the following, unless an item is waived by the Commission:
    - i. existing buildings, structures, open space, watercourses, wetlands, topography and easements
    - ii. proposed site access
    - iii. proposed uses and their proposed locations on the parcel
    - iv. proposed square footage of buildings by use
    - v. location of proposed open space, as required
    - vi. location of parking areas and loading areas

- vii. description of vehicular and pedestrian circulation on the site
  - viii. location and description of how uses, streets and sidewalks in the development are oriented to provide connections to future development on adjacent parcels within the TVA zone.
  - ix. a Signage Plan, showing the locations, sizes, and types of signs proposed. If sandwich board signs are proposed, the Signage Plan shall provide for separating distances, a limit on the total that may be displayed at one time, and a process for allocating space and amount among tenants.
  - x. a report prepared by a professional engineer demonstrating the feasibility of proper management of stormwater and compliance with the Tolland LID Regulations and Design Manual. A description of ownership and maintenance of stormwater facilities shall be provided.
  - xi. a report prepared by a professional traffic engineer describing the feasibility of proper management of the traffic anticipated from the proposed development, including the adequacy of streets, private accessways, and traffic controls, and a description of proposed improvements to accommodate projected traffic.
  - xii. a description of ownership and maintenance for private accessways, parking areas, sidewalks and other common areas.
  - xiii. a report by a professional engineer demonstrating the feasibility of sewerage disposal to be generated by the proposed development.
  - xiv. a report prepared by a professional engineer demonstrating the feasibility of providing sufficient water to the proposed development for daily and emergency needs.
  - xv. street perspective renderings of streetscapes, schematic architectural elevations of all sides of proposed buildings, and descriptions of building material, colors and other design-related aspects.
  - xvi. a discussion of proposed mitigation actions, such as buffering, traffic improvements and other actions.
- c. Where the Area Development Plan is for only a portion of a parcel, the applicant shall submit a conceptual plan showing the future intention for the remainder of the parcel. Such conceptual plan shall include general location of future roads, driveways, buildings and uses. Such a conceptual plan shall provide sufficient

information for the Commission to determine that approval of the Area Development Plan shall not preclude the ability of future development on the remainder of the parcel to comply with these TVA regulations.

4. Upon receipt of the application, the Commission may require additional information deemed necessary to assist it in evaluating the application and performing its duties.
5. Based on evidence in the record, in addition to the Standards for Approval for Special Permits contained in Section 20-2 H, the Commission shall determine the following:
  - a. whether the Area Development Plan is consistent with the Plan of Conservation and Development.
  - b. whether the Area Development Plan is compatible with future village development on adjacent properties in the TVA.
  - c. whether the design elements of the proposed development will be attractive and suitable in relation to the vision for the village area, site characteristics, the style of other buildings in the zone and the probable future character of the neighborhood in which the use is located.
  - d. whether the site design is in harmony with the neighborhood and accomplishes a transition in character between areas of unlike character.
  - e. whether the proposed use or activity will have impacts upon the neighboring area resulting from the use of signs, lighting or noise.
  - f. whether streets, private accessways and other rights-of-way shall be of such size, condition and capacity to adequately accommodate the traffic to be generated by the particular land use, while still meeting the pedestrian-friendly goals for the TVA.
6. Changes in an Approved Area Development Plan.
  - a. Minor changes to an approved Area Development Plan may be approved by the Town Planner provided such changes shall not substantially affect the overall architecture and site design. Such minor changes may include, but are not limited to:
    - i. locations of drainage infrastructure or other utilities

- ii. slight alterations of streets, accessways, sidewalks, structures or buildings due to unforeseen topographic or geologic features
  - iii. minor rearrangement of lighting, benches or other site amenities
- b. Any change not determined to be minor in addition to the following changes to an approved Area Development Plan shall require the submittal of a new Area Development Plan and Special Permit Application:
  - i. a change in use, if the Commission determines that such change in use might affect the nature of the original approved Area Development Plan
  - ii. an increase in the approved gross floor area of any building
  - iii. an increase in the number of approved housing units
  - iv. a change in the type of housing units
  - v. a change in the affordability component of Workforce Housing units
  - vi. a change in any approved area or dimensional requirement
  - vii. a change in layout, building orientation, or other change that deviates from the approved Area Development Plan

B. Site Plan Approval for Buildings, Structures and Improvements approved as part of a Area Development Plan. The purpose of the Site Plan is to determine compliance with the approved Area Development Plan, with applicable requirements in these regulations, and with the Design Guidelines.

1. The applicant shall submit a Site Plan application, accompanied by a Site Plan.
2. The application procedure shall be the same as that contained in Section 20-3 through 20-7, Site Plans.
3. In addition to those Site Plan requirements in Sections 20-3 through 20-7, the application shall also include:
  - a. a copy of the approved Area Development Plan and description of how the Site Plan complies with the approved Area Development Plan.
  - b. a phasing schedule for construction.

- c. Architectural elevations of all sides of buildings including information on materials, colors and other design-related information
- 4. In addition to the decision considerations for Site Plans contained in Section 20-7, the Commission shall consider the following:
  - a. compliance with the design principles that were approved in the Area Development Plan.
- C. Design Review Required. Any new construction, modeling of or addition to the exterior of an existing structure, or exterior modification to a structure, development or use within the Tolland Village Area shall be subject to review by the Design Advisory Board.

**7-12 Conflicting regulations**

Where any provision of these regulations for the TVA imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by provisions found elsewhere in these regulations, the provision of the TVA regulations shall apply and govern.

**7-13 LID Stormwater Treatment** - Designs shall comply with the Low Impact Design Manual. See Section 4.13 for specific requirements for the Tolland Village Area.

**Other proposed Zoning Regulation Revisions**

**Section 10-9 A 1. (formerly 170-62 A.1). Adult-Oriented Establishments:** revise as follows

“Such establishments shall be a minimum of one thousand (1,000) feet from existing schools, churches.....”.

**Section 14-3 A. (formerly 170-80 A.) Motor Vehicle Uses.** - revise as follows

“No building on a lot or premises used for motor vehicle limited or general repair shall ... fifty (50) feet of any existing off-site building.”

**Section 20-9 (formerly 170-136.) Landscaping, Screening & Buffering Requirements.**

Modify to read:

- A. Purpose. The landscaping requirements in this section are intended to maximize the natural areas retained in any parking lot in order to optimize natural infiltration of rainwater, intercept and manage stormwater runoff, and provide an aesthetic setting for development. All disturbed portions of multifamily and nonresidential developments not otherwise used for buildings, structures, parking areas, loading areas, walkways or similar purposes shall be suitably landscaped and permanently maintained with trees, shrubs and other landscape materials, as approved by the Commission as part of the site plan. Landscape Plans shall be prepared by a

Licensed Landscape Architect or other landscape professional. All Landscape Architects and Landscape Designers shall be accredited Nurserymen or licensed by the State of Connecticut. These landscaping and screening requirements are intended to accomplish the following purposes:

1. To provide natural visual screening of parking and loading areas.
2. Planting plans shall be in compliance with the specifications of Low Impact Development to reduce surface water runoff and minimize soil erosion through the natural filtering capability of landscaped areas.
3. To minimize environmental nuisances such as glare and noise.
4. To moderate the microclimate of parking areas by providing shade, by absorbing reflected heat from paved surfaces and by creating natural windbreaks.
5. To ensure public safety by using landscaping materials to define parking and loading areas and to manage internal vehicular and pedestrian circulation.
6. To enhance the overall appearance of new development by providing a variety of landscaping materials that are consistent and compatible with the existing natural vegetation in the area.

B. Modifications of landscaping. The Commission may modify the landscaping requirements of this section where existing topography and/or existing vegetation provide adequate landscaping, ground cover, screening and/or buffers or to address specific site goals and needs.

C. General Requirements.

1. The development of the site shall conserve as much of the natural terrain and existing vegetation as possible, shall preserve sensitive environmental land features such as steep slopes, wetlands and large rock outcroppings and shall preserve public scenic views and historically significant features such as stone walls.
2. No plants listed on the Connecticut Invasive Plants List (as amended from time to time) shall be used. The Planning Staff may also strongly recommend against using other species to account for recent findings that may not be reflected in the Invasive Plant List.
3. Landscaped areas that are designed to intercept and manage stormwater runoff and provide natural infiltration of rainwater in accordance with the Low Impact Development Regulations are encouraged and these landscape areas will be included as part of the overall landscape requirements.
4. Existing trees over 12 inches in caliper shall be preserved during the construction period unless approved for removal by the Zoning Enforcement Officer or designated agent and shall be protected by the following recommended measures:
  - a. There should be no operation of heavy equipment or storage of materials under the tree within the drip line.
  - b. A fence or other barrier shall be erected to protect the tree within the drip line
  - c. No more than 6 inches of fill may be added within the drip line unless a tree well or other arrangement designed to maintain the long-term health of the tree has been approved by the Zoning Enforcement Officer or designated agent.
5. Approximately 50% of all plantings should be native plants. All others should be proven zone hardy (*good to zone 5*) and “deer resistant” if possible, especially for residential plantings. All approved plantings should be of #1 quality grade. Consider maturity size at the time of installation of all trees and shrubs, especially street, sidewalk or boulevard trees.

6. All plant material shall be nursery grown and conform to the standards of the American Association of Nurserymen.
7. At the time of planting, trees shall be balled and burlapped and guyed as needed. Plantings should be of a mixture of Ornamentals, Flowering, Broadleaved Evergreen, Deciduous & Conifers and shall be of the following minimum size [caliper measurements to be taken four and one-half (4.5) feet above ground level]:
  - a. Trees: Shade Trees shall be two and one half to three inches in caliper and approximately 14' to 18' in height; Ornamental or Flowering Trees shall be maximum of 8' to 10' in height.
  - b. Evergreen trees: six-foot height.
  - c. Flowering trees: single stem; two and one half to three inch caliper and 8' to 10' in height; clump forms should be at least eight-feet in height.
  - d. All shrubs shall be a minimum of 3 to 5 gallon size, Juniper and other Ground Cover shrubs shall be a minimum of 2 gallon size
8. Trees and shrubs within five (5) feet of any paved areas shall be of such varieties capable of withstanding damage from salt and snow.
9. Mulched planting beds of an appropriate size shall be placed around all trees and shrubs to retain moisture. Mulching should consist of a premium type #1 grade mulch, such as Pine Bark, Cedar or Hemlock, at least four (4) inches in depth; dyed or industrial type mulch are not natural in appearance and are unacceptable. Acceptable mulching material shall be shredded bark, wood chips or other organic substitute, 8. All new plantings should include a minimum of 6" to 8" of composted soil mix and starter fertilizer. All new beds should include an application of pre-emergent herbicide.
10. Suitable ground cover shall be placed on all disturbed site areas not covered by paving, buildings or mulching for trees, shrubs and perennials. Suitable ground cover shall be grass, turf, or other approved vegetation.
11. No black top paving shall be located under existing evergreen trees and no more than 20% of the area under any deciduous trees natural drip line may be paved.
12. Street trees at a minimum of one tree for each 50' or part thereof street frontage shall be provided in all yard areas abutting public streets. The Commission may require street trees on private drives.
13. All residential and commercial foundation plantings should require a slightly bermed planting bed and slope away from the existing foundation, leaving not less than 4" to 5" of exposed foundation.

D. Parking Lot Landscaping. (no proposed revisions)

E. Screening. (no proposed revisions)

F. Buffers. (no proposed revisions)

G. A Landscaping Plan, demonstrating compliance with the standards contained in section for landscaping, transition areas, buffers and screening shall be submitted with each application for Site Plan review including: (no proposed revisions)

H. Certificate of Occupancy. (no proposed revisions)

I. Maintenance of Landscaping.

1. All landscaping shall be maintained in a healthy growing condition in accordance with acceptable horticultural practices. Landscaping which dies or becomes unhealthy because of accidents, drainage problems, disease or other causes shall be replaced with appropriate new landscaping during the following planting season.
2. A Watering Plan shall be put in place for the new plantings and use of LID practices encouraged to meet watering needs.
3. All landscaping shall be controlled by pruning, trimming or other suitable methods so as not to interfere with public utilities, restrict vehicular or pedestrian access or otherwise constitute a traffic hazard.
4. All landscaped areas shall be maintained in a relatively weed-free condition and kept clear of undergrowth.
5. Required fences or walls shall be maintained in good condition.
6. The Commission may require a Maintenance Bond for an amount up to 50% of total landscaping costs for a period of three years to ensure replacement of dead or unhealthy specimens. Any replacement plants shall be of equal or larger size and #1 grade.

**Zoning Regulations Numbering:**

The Zoning Regulations numbering will be revised so that the sections may be revised from time to time independently without renumbering the entire document. Each article (unchanged from current regulations) will be numbered from #1 -. See attached Table of Contents.