



TOWN of LYME
ZONING
AND
SUB-DIVISION REGULATIONS

LYME, CONNECTICUT
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**Lyme Connecticut
Zoning and Subdivision Regulations**

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Amended December 14, 1964
Effective December 19, 1964

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Effective July 3, 1965

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Effective June 7, 1966

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Effective July 15, 1989

Amended May 1, 1990
Effective May 1, 1990
Section 3.2

Amended and Approved September 10, 1990
Effective November 1, 1990
Addition of Section 3.24

Amended and Approved March 25, 1991
Effective April 10, 1991
Complete Revision of Section 10 – Regulations of Earth Material Operations

Amended and Approved July 22, 1991
Effective August 12, 1991
Changes in Sections 3.17.4.9 (Subdivision)
Add Section 5.1.6.12, modify 10.4, 10.5, and 10.9 of the Zoning Regulations

Amended and Approved June 22, 1992
Effective July 1, 1992
Changes in Sections 1.4, 1.12, 1.48, 1.62, 3.1, 3.2, 3.3, 3.20, 4.4, 5.1.6, 5.1.7, 10.1, 10.2.3, 10.4, 10.5, 10.5.2, 10.5.5, 10.5.7, 10.5.10, 10.6.1, 10.6.2, 10.6.7, 10.6.14, 10.6.14.1, 10.6.14.2, 10.6.14.3, 10.9, 10.12, 16.1, 17 and Section 4.2 and Section 8 of the Subdivision Regulations

Amended October 13, 1992
Effective October 21, 1992
Add 1.3 (Attic), 1.28 (Grade), 1.33 (Human Occupancy), 1.64 (Story above Grade), 3.25 (Commercial Cutting of Timber), 8.0 (Conservation Zone)
Change 1.30 (height), 1.34 (Lot), 3.2 (Building Height)

Amended May 19, 1993
Effective June 30, 1993
Change 1.4 (Base Flood), 1.22 (Flood Insurance Rate Map), 1.27, (Flood Boundary & Floodway Map), 1.65 (Street), 1.68 (Substantial Improvement), 3.13 (Trailer Camps, Coaches, Manufactured Homes and Recreational Vehicles), 4.1 (Delineation of Areas), 4.2.1(b) and (c), 4.2.2.2, 4.2.2.3, 4.2.3.3, 4.2.4, 4.2.8(a), (b) and (c), 4.2.9(b)i, ii, iii, 5.1.7, 11.2 (Existing Non-conforming Lots), SUBDIVISION 2.1.7 (Flood Insurance Rate Map), 2.1.10 (Flood Boundary & Floodway Map), 3.3 (New Developments of Five (5) Acres or Fifty (50) Lots)
Add 1.4(a) Basement, 1.22(a) Flood Insurance Study, 1.42(a) Manufactured Home, 1.46(a) New Construction, 1.53(a) Recreational Vehicle, 4.4 paragraph to Uses Prohibited
Delete 4.2.5 Final Elevation for Town of Lyme

Amended August 9, 1993
Effective September 20, 1993
Change Definition 1.46(2), Change 3.5, 3.14, 3.22, 5.2, 8.1.3

Amended February 14, 1994
Effective April 15, 1994
Change Definition 1.63, Change 3.2, 11.1.6, 12.1, 12.4, and 13.6.
Add 3.26, 2.26.1, 3.26.2, 3.26.3, 3.26.4, 3.26.5, 3.26.6, 3.26.7, 3.26.8, 12.5, 13.6
Subdivision Regulations: Change 3.9, 4.9, 4.10. Add 2.1.12, 2.1.13, 2.1.17, 3.2(t)

Effective October 1, 1994
Add Section 3.27, 3.27.1 through 3.27.7, 3.28, Appendix B and Appendix C
Amend Section 6.1.6, 7.1.11, 17.2, 17.3(e), 17.4, 17.5, 17.7, 17.8, 17.9, 17.10, 17.12, 17.3, and 17.14

Effective December 31, 1996
Amend Subdivision regulations Section 4.5

Effective December 31, 1998
Delete Section 4.11 and add 4.11 Fire Protection

Effective January 17, 2000
Section 3.2 – Add Wireless Telecommunication Facilities
Section 5.1, 6.8 – Delete radio and telephone towers
Add Appendix D – Wireless Telecommunication Towers, Antennae and Facilities

Amended June 23, 2005
Effective July 7, 2005
Complete rewrite of the Zoning Regulations

Amended September 10, 2007
Effective September 25, 2007
Add Sections 10.6, 10.7 and 20.2
Amend Sections 6.2.1, 6.209, 6.3, 8.2.2, 10.3.1, 11.6.7, 14.3.1.f, 14.5c, 18.8, 20, Appendix A, Appendix D and Appendix E
Added Section 19 as a place holder for the Watershed Overlay District
Renumbered Sections 19 through 24
Complete Rewrite of the Subdivision Regulations

Amended July 19, 2008

Effective July 19, 2008

Add Section 19 Eightmile Watershed Overlay District, 2.13a, 2.14a, 2.24a, 2.28a, 2.28b, 2.40a, 2.71, Appendix G

Amend Section 11.5.2.b.5

Amended April 11, 2011

Effective May 18 2011

Revised; Table of Contents, Section 2.24 (Height), Section 7.5 (Required Lot Width and Frontage), Section 15 (Flood Plain District) in its entirety, Section 19.3.3.h (Restorative Activities), Section 19.4.1.b.6, List of Appendices

Added; Sections 7.19 (Deer Fences), 7.20 (Stream Crossings), 7.21 (Water Quality), Appendix H (Backyard Stream Buffers), Appendix I (Design Elements for Stormwater Management and Low Impact Development)

Amended December 15, 2015

Effective March 18, 2016

Revised; Table of Contents, Section 2.24 (Height), Section 4.2.5 (Agriculture), Section 6.2 (Uses Permitted in Commercial Districts), Section 6.2.8 (Signs), Section 7.17 (Other Uses), Section 8.1.3.e (Customary Home Occupation), Section 12.1 (Special Permits Purpose), Section 22.4.g (Prohibited Signs), Section 23.2.3 (Non-conforming Buildings), Subdivision Section 3.12 (Endorsement and Delivery of Plans), Subdivision Section 9.1 (Effective Date)

Added; Section 2.21.1 (Farm and Agriculture), Section 2.21.2 (Farm Winery), Section 7.22 (Setback Surveys), Section 8.5 (Farm Wineries)

Contents: Lyme Zoning Regulations

Section 1	.....	Purpose and Authority
Section 2	.....	Definitions
Section 3	.....	Zoning Districts
		3.1 Classes of Districts
		3.2 Zoning Map
		3.3 Interpretation
Section 4	.....	Rural Districts
		4.1 Purpose of Rural Districts
		4.2 Uses Permitted in Rural Districts
		4.3 Special Permit Uses
		4.4 Signs
		4.5 Required Lot Area, Width, Yards, Coverage
		4.6 Special Flood Hazard Areas
		4.7 Tidal Area Frontage
Section 5	.....	Waterfront Business District
		5.1 Purpose of Waterfront Districts
		5.2 Uses Permitted in Waterfront Business Districts
		5.3 Signs
		5.4 Required Lot Area, Width, Yards, Coverage
		5.5 Special Flood Hazard Areas
Section 6	.....	Commercial Districts
		6.1 Purpose of Commercial Districts
		6.2 Uses Permitted in Commercial Districts
		6.3 Required Lot Area, Width, Yards, Coverage
		6.4 Front Yards
		6.5 Approval of Layout
		6.6 Special Flood Hazard Areas
Section 7	.....	General Requirements
		7.1 Compliance with Regulations
		7.2 Building and Structure Height
		7.3 Accessory Buildings or Structures in Required Lot Areas
		7.4 Reduction of Lot Area or Dimensions
		7.5 Required Lot Width and Frontage
		7.6 Projection in Front, Side or Rear Yards
		7.7 Obstructions at Street Intersections

	7.8 Lots on Narrow Streets
	7.9 Indefinite Rights-of-way
	7.10 Use of Land for Access or Parking
	7.11 Number of Family Dwelling Units
	7.12 Trailer Camps and coaches, and recreational vehicles
	7.13 More than one family dwelling unit on a lot
	7.14 Conversion of existing dwelling to two family dwelling
	7.15 Dumping and Storage of Refuse
	7.16 Offensive Uses
	7.17 Other Uses
	7.18 Commercial Cutting of Timber
	7.19 Deer Fences
	7.20 Stream Crossings
	7.21 Water Quality
	7.22 Setback Surveys
Section 8	Additional Requirements for Certain Uses
	8.1 Customary Home Occupations
	8.2 Accessory Apartments
	8.3 Bed and Breakfast Establishments
	8.4 Telecommunications Towers
	8.5 Farm Wineries
Section 9	Alternative Standards (Reserved for Future Use)
Section 10	Administration and Enforcement
	10.1 Interpretation
	10.2 Enforcement and Penalties
	10.3 Zoning Permit and Certificate of Zoning Compliance Required
	10.4 Fee
	10.5 House Numbering Required
	10.6 Planning and Zoning Commission Review of First Lot Division
	10.7 Exemption of Free Split for Lots Created for Affordable Housing Use
Section 11	Site Plan Requirements
	11.1 Purpose
	11.2 Requirements for a Site Plan
	11.3 Optional Informal Discussion of Site Plan with Commission
	11.4 Application for Site Plan Approval

- 11.5 Contents of a Site Plan Application
- 11.6 Site Plan Objectives
- 11.7 Approval of Plan
- 11.8 Surety
- 11.9 Amendments to an Approved Site Plan
- 11.10 Commencement of Construction
- 11.11 Certificate of Occupancy

- Section 12 Special Permits
 - 12.1 Purpose
 - 12.2 Authority
 - 12.3 Application for Special Permit
 - 12.4 Referrals
 - 12.5 Findings
 - 12.6 Permitted Stipulations with Special Permit
 - 12.7 Commission Action
 - 12.8 Revocation
 - 12.9 Amendments or Modifications
 - 12.10 Time Period and Expiration
 - 12.11 Inspection

- Section 13 Coastal Management
 - 13.1 Purpose
 - 13.2 Coastal Site Plan
 - 13.3 Exempt Uses
 - 13.4 Long Island Sound Waters

- Section 14 Conservation District
 - 14.1 Purpose
 - 14.2 Setback From Water Bodies
 - 14.3 Restrictions on the Use of Land Adjoining Tidal Wetlands
 - 14.4 Additional Requirements for Residential Structures Over Four Thousand Square Feet in Total Area
 - 14.5 Removal of Soil and Earth Materials
 - 14.6 Dumping and Storing of Refuse
 - 14.7 Burning of Undergrowth
 - 14.8 Commercial Cutting of Timber

- Section 15 Floodplain Districts
 - 15.1 Purpose
 - 15.2 Delineation of Floodplain Areas
 - 15.3 Definitions Specific to Section 15

	15.4 Enforcement of Floodplain District Regulations
	15.5 Variances
	15.6 Uses Permitted in Floodplain Districts
	15.7 Uses Prohibited
	15.8 Minimum Area and Lot Width
	15.9 Above Ground Storage Tanks
	15.10 Portion of Structure in Flood Zone
	15.11 Structures in Two Flood Zones
	15.12 Structures Entirely or Partially Over Water
Section 16	Sedimentation and Erosion Control
	16.1 Requirement for Sedimentation and Erosion Control Plan for Zoning Permits
	16.2 Soil Erosion and Sediment Control Plan
	16.3 Minimum Acceptable Standards
	16.4 Issuance or Denial of Certification
	16.5 Conditions Relating to Soil Erosion and Sediment Control
	16.6 Use of Non-Invasive Species
	16.7 Inspection
Section 17	Cutting and Removal of Forest Species
	17.1 Purpose
	17.2 Permit Required
	17.3 Standards
Section 18	Earth Materials Operations
	18.1 Purpose
	18.2 Uses Allowed without a Permit
	18.3 Waiver of Certain Requirements for Farm Ponds
	18.4 Pre-existing Operations
	18.5 Applicability
	18.6 Plan Requirements
	18.7 Conditions
	18.8 Limitations
	18.9 Waiver
	18.10 Application and Fee
	18.11 Renewals and Expirations
Section 19	Eightmile Watershed Overlay District
Section 20	Determination of Net Buildable Area
	20.1 Buildable Area

	20.2 Exceptions to Net Buildable Area
Section 21	Parking, Access and Circulation
	21.1 Parking Facilities Required
	21.2 Location of Required Parking Facilities
	21.3 Shared Parking
	21.4 Parking Space Requirements
	21.5 Parking Layout
	21.6 Surfacing
Section 22	Signs
	21.1 General
	22.2 Definitions
	22.3 Exempt Signs
	22.4 Prohibited Signs
	22.5 Temporary Signs
	22.6 Signs in Rural Districts
	22.7 Sign Standards for Commercial and Waterfront Business Districts
	22.8 Applications
Section 23	Non-conformities
	23.1 Continuance of nonconforming uses
	23.2 Non-conforming Buildings
	23.3 Existing Non-conforming Lots
	23.4 Change of Plans
Section 24	Zoning Board of Appeals
Section 25	Amendments and Validity

APPENDICES

- A. Lyme Zoning Map
- B. Lyme Road Map
- C. Fee Schedule
- D. Application Materials
- E. Determination of Net Buildable Area: Examples
- F. Guidelines for Tidal Areas in Lyme
- G. Eightmile Watershed Overlay District Map

H. Backyard Stream Buffers

I. Design Elements for Stormwater Management and Low Impact Development

SECTION 1 PURPOSE AND AUTHORITY

1.1 PURPOSE AND AUTHORITY

Pursuant to the power and authority vested in it by Chapter 124 of the Connecticut General Statutes, the Planning and Zoning Commission of the Town of Lyme, Connecticut hereby adopts these Zoning Regulations for the following purposes:

It is the purpose of these Regulations to promote and protect the public health, safety, convenience, general welfare and property values of the community of Lyme,

These Regulations shall encourage the most appropriate use of land in accordance with a comprehensive zoning plan in order to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote public health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public requirements.

Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses with a view to conserving property values and encouraging the most appropriate use of land throughout Lyme

These Regulations should be construed to implement and be consistent with the vision, policies and recommendations of the 2001 Plan of Conservation and Development for Lyme, as it may be amended from time to time. In particular, these regulations are intended to preserve Lyme's rural character and natural resources and enhance its sense of community for present and future generations.

SECTION 2 DEFINITIONS

Interpretation: For the purpose of these Regulations, certain terms or words shall be defined as below: Words in the present tense include the future; the singular number includes the plural and vice versa; the word "person" includes a partnership, corporation or other entity; the word "lot" includes the words "plot" and "parcel"; the word "building" includes the word "structure". Additional definitions are found elsewhere in these Regulations.

2.1 ACCESSORY APARTMENT: A second dwelling unit, within and accessory to an existing single family dwelling, or in a separate accessory structure on the same lot as the principal dwelling, for use by a separate household, with provision for cooking, eating, sleeping and sanitation, meeting the requirements of Section 8.2.

2.2 ACCESSORY BUILDING: Any building which is subordinate to and whose use is incidental and accessory to the use of the principal building on the same lot. A detached accessory building shall be one which is not attached to the principal building by any covered porch, breezeway, or other roofed structure.

2.3 BED AND BREAKFAST ESTABLISHMENT: A building or group of buildings, a portion of which is occupied by the owner thereof as a permanent residence, and which is used for short term rental, and which may, as an accessory use, serve only breakfast and only to persons occupying the facility.

2.4 BUILDING: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, equipment or materials. Any other structure more than 6 feet high shall be considered as a building, including a solid fence or wall, but excluding an electric transmission line or an electric light, telephone or telegraph pole, highway bridge or railroad bridge or flagpole.

2.5 BUILDING AREA: The ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

2.6 BUILDING COVERAGE: The percentage which the aggregate building area of all buildings and structures on a lot bears to the total area of that lot.

2.7 BUILDING SETBACK LINE: A line drawn within lot boundaries, with a length equal to or greater than the required minimum lot width, parallel to a street at a distance equal to or greater than the required front yard setback, or at such distance otherwise required by Town Ordinance, these Regulations, or by a plan of subdivision or resubdivision approved by the Planning and Zoning Commission.

2.8 CAFÉ: A space in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where alcoholic liquor or food is

served for sale at retail for consumption on the premises, but which does not necessarily serve hot meals, and need not have a kitchen or dining room.

2.9 COASTAL AREA: The area subject to the provisions of Chapter 444 of the Connecticut General Statutes, as may from time to time be amended. The Coastal Area is defined and delineated on Coastal Boundary maps on file in the Lyme Town Hall. See Section 13 for requirements within the coastal area.

2.10 COMMERCIAL CUTTING: Any cutting or removal of forest tree species which exceeds one acre in extent and is not covered under the definition of "non-commercial cutting". See Section 17.

2.11 COMMERCIAL CUTTING PLAN: A plan showing the applicant's property and abutting property owners, a description of the activity to be undertaken, and a certification by a public or consulting forester that the plan is consistent with the "Minimum Standards for the Cutting of Timber" set forth in Section 17 of these Regulations.

2.12 COMMERCIAL KENNEL: A kennel maintained for the keeping of dogs for commercial purposes including boarding, grooming, and breeding two (2) or more litters of dogs per year, as provided in Section 4.3.9.

2.13 COMMISSION: The Planning and Zoning Commission of Lyme.

2.13a CONSERVATION ACTIVITIES: Vegetative management or minor land disturbing activities intended to benefit native wildlife, ecological integrity, or biodiversity that do not conflict with the Purposes of the District. Activities may be for the purposes of native wildlife habitat management and augmentation, removal of species with invasive characteristics, restoration, augmentation or regeneration of native plant species. Activities performed as a Conservation Activity must not leave any portion of the District in an un-vegetative state.

2.14 CONSERVATION DISTRICT: As established in accordance with Connecticut General Statutes Section 25-102c, the area of land in the Town of Lyme within the watershed of the Connecticut River, commencing at a point of the Southerly boundary line of the Town of Lyme and the Northerly boundary line of the Town of Old Lyme, a distance of 300 feet to the East of the center line of Connecticut Route #156; thence northerly in a line parallel to and 300 feet Easterly from Route #156 to a point 300 feet Northerly of the intersection of the center lines of Joshuatown Road and Route #156; thence Westerly and Northerly parallel to and always 300 feet Northerly and Easterly from Joshuatown Road to a point, said point being 300 feet Easterly from the intersection of Joshuatown Road and Route #148 and 300 feet Northerly from the intersection of the center line of Route #148 and Joshuatown Road; thence running Westerly parallel to and always 300 feet Northerly of Route #148 to a point, said point being 300 feet Northerly of Route #148 and 300 feet Easterly of River Road, thence Northerly parallel to and always 300 feet Easterly from the center line of River Road to a point on the Northerly boundary line of Lyme and the Southerly boundary line of East Haddam; thence Westerly following the boundary line between said Towns to a point, said point being the center line of the Connecticut River; thence Southerly following the center line of the Connecticut River to a point, said point being a Westerly extension of the boundary line between the Towns of Lyme and Old Lyme; thence Easterly following the extension of the Southerly boundary line of the Town of Lyme and the Northerly boundary line of the Town of Old Lyme to a point, said point being the point or place of beginning. Regulations for the Conservation District are set forth in Section 14.

2.14a CUMULATIVE NEGATIVE EFFECT: Any effect that when considered together with any likely current or future regulated activity within the entire District would have a significant adverse effect on the Purpose of the District.

2.15 DISTRICT: A zoning district established by the provisions of Section 3 of these Regulations.

2.16 DISTURBED AREA: An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion or providing a host site for invasive species caused by a land disturbing activity.

2.17 DWELLING: A building which contains living, sleeping, and sanitary accommodations for human occupancy.

2.18 EARTH MATERIALS REMOVAL: The removal, excavation or mining of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil.

2.19 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, as required in Section 16.

2.20 FAMILY: Any number of individuals related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than five persons keeping house together but not necessarily related by blood or marriage.

2.21 FAMILY DWELLING UNIT: A dwelling or part of a dwelling occupied or intended to be occupied by one family for residential purposes.

2.21.1 FARM AND AGRICULTURE: A farm shall be construed to mean land, with or without buildings which are mainly used for and incidental to farming. Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including but not limited to, horses, bees, poultry, fur bearing animals and wildlife, and raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, ponds, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale of any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits or vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquiculture" means the farming of the waters of the state and tidal wetlands and the production of protein food,

including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands.

2.21.2 FARM WINERY: Any place or premises, located on a farm in which wine is manufactured from grapes or fruit grown on the farm and sold. Such wine may include any alcoholic beverages, including brandy, obtained by the fermentation of the natural sugar of fruits, such as grapes or apples.

2.22 GRADE: The original grade is the ground level of the naturally occurring topography, prior to any site grading. The finished grade is the ground level adjoining the base of all exterior walls of a building or structure and including any related earth retaining structure such as a retaining wall or berm.

2.23 GRADING: Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

2.24 HEIGHT: The vertical distance between a horizontal plane drawn through the highest point of a building or structure, excluding chimneys, cupolas, spires and silos, and the lowest point of a building or structure above natural grade prior to site grading, or which is visible from a new, excavated grade, whichever creates the greater height dimension. Stair wells for the purpose of human ingress and egress of buildings from below grade with a maximum width of four (4) feet clear passage space and opaque doors are exempt from this provision. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height.

2.24a HERBACEOUS: Plants having little or no woody tissue. Leaves and stems usually die back to ground level at the end of the growing season.

2.25 HOME OCCUPATION (CUSTOMARY): An accessory use usually conducted for financial gain within a dwelling or accessory building on the same lot by occupants of the dwelling unit, which use is incidental and subordinate to the dwelling use, and which does not in any manner change the residential character of the building premises or neighborhood. See Section 8.2.

2.26 HUMAN OCCUPANCY: The use of an enclosed space having a means of egress, light, ventilation and access to sanitary facilities to house any person or persons for the purpose of living, working or playing.

2.27 IMPERVIOUS SURFACE: Any manmade area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas (tennis courts, basketball courts, etc.)

2.28 IMPERVIOUS SURFACE COVERAGE: The percentage which the aggregate total of all impervious surfaces on a lot bears to the total area of that lot.

2.28a INDIVIDUAL NEGATIVE EFFECT: Any effect that when taken into consideration on an individual site basis within the District would have an adverse effect on the Purpose of the District.

2.28b INVASIVE CHARACTERISTICS: When used in the context of plants, grasses, forbs, shrubs and trees means: (i) non-native or introduced species of flora exhibiting aggressive

growth characteristics that threaten or exclude native species of flora or fauna, and (ii) native species of flora exhibiting aggressive growth characteristics that threaten or limit natural biological diversity or important natural communities on or abutting the protected property.

2.29 LOT: A plot or parcel of land occupied or eligible under these regulations to be occupied by one or more principal buildings and the accessory buildings or structures, or uses customarily incidental thereto.

2.30 LOT, CORNER: A lot at the intersection of and abutting on two or more streets where the angle of intersection is not more than 135 degrees or where the intersection is rounded by a curve having a radius of less than 100 feet.

2.31 LOT, INTERIOR: A lot other than a corner lot or through lot.

2.32 LOT, THROUGH: A lot other than a corner lot which abuts two or more streets which do not intersect at the lot.

2.33 LOT LINE: The established property division line between lots or between a lot and a street.

2.34 LOT LINE, FRONT: All property dividing lines between any abutting street and the lot shall be considered front lot lines.

2.35 LOT LINE, REAR: The property line or lines bounding a lot at the rear and opposite to and at the maximum distance from the front lot line.

2.36 LOT LINE, SIDE: The property line or lines bounding a lot which extend from the front lot line to the rear lot line. In the case of corner lots or through lots, all lines extending from streets shall be considered side lot lines.

2.37 LOT, MINIMUM WIDTH OF: The distance between side lot lines measured at the building setback line, which line shall be measured parallel to and at the distance from the front property line which establishes the minimum required front yard. In the case of a corner lot, for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line and the lot lines adjacent thereto shall be considered as side lot lines.

2.38 MANUFACTURED HOME (ALSO KNOWN AS A MODULAR HOME): A structure, manufactured and assembled onsite, transportable in one or more sections, designed for use on a permanent foundation and connected to the required utilities.

2.39 MARINE FACILITY: A dock, wharf, slip, basin or similar landing facility for waterborne vessels and/or an open yard for the building, storing, repairing, servicing or refueling of such vessels, together with any accessory buildings or other structures necessary for the operation of the foregoing.

2.40 MULTI-FAMILY PROJECT: Any group of three or more dwelling units in one or more buildings on a single lot.

2.40a NATIVE PLANTS TREES OR SHRUBS: Plants trees or shrubs indigenous to Southern New England and Northern mid-Atlantic regions.

2.41 NET BUILDABLE LOT AREA: The area of contiguous real estate required by these Regulations for the purpose of obtaining permission from the town to build thereon in order to protect the public health and safety, to maintain the quality of surface and ground waters, and maintain the open space character of the town, Regulations for calculating Net Buildable Lot Area are set forth in Section 20.

2.42 NON-COMMERCIAL CUTTING: The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and improvement of a lot.
See Section 17.

2.43 NON-COMMERCIAL CUTTING PLAN: A plan showing the existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken and any other information that may be necessary and reasonably required. See Section 17.

2.44 NONCONFORMING BUILDING: A building or structure, the location and / or dimension of which does not conform to all the applicable provisions of these Regulations, but which was legally existing on the effective date of the governing regulation.

2.45 NONCONFORMING LOT: A lot which does not contain the minimum lot area and/or the minimum required frontage for the district in which it is located, but which was legally existing on the effective date of the governing regulations. To be nonconforming, a lot must have been continuously owned separately from any adjoining lot since the date it became nonconforming. See Section 22.

2.46 NONCONFORMING USE: A use of land or premises which is not now a use permitted by the provisions of these Regulations for the district in which such land or premises is situated, but which was legally existing on the effective date of the governing regulations.

2.47 PREMISES: A lot, as defined in these Regulations.

2.48 RECREATIONAL VEHICLE: (also referred to as park trailers, travel trailers, trailer coaches and similar transportable structures) means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the longest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

2.49 REFUSE: Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.

2.50 RESTAURANT: A space in a permanent building used, maintained and advertised to the public primarily as a place where hot meals are regularly served, and which has a kitchen and dining room. A restaurant may or may not have a license under the Liquor Control Act. For purposes of these Regulations, the term restaurant does not include a tavern, bar, café as defined in the Connecticut State Liquor Control and Regulations, or other establishment primarily for the service of liquor, where meals are an accessory activity.

- 2.51 RIVERINE: Relating to, formed by, or resembling a river (including tributaries), streams, brooks, etc.
- 2.52 SHAPE FACTOR: A rectangle with an aspect ratio no greater than 2 to 1, and with a total area equal to 67% of the required net buildable area divided by the natural resource characteristic percentage allowance. Use an area-weighted-average allowance when the buildable area contains several different natural resource characteristic zones. See Appendix E for example of calculations.
- 2.53 SIGN: Any letter, word, model, pennant, insignia, trade flag, device or representation used as, or which is in the nature of, an advertisement, announcement, attraction or directive. See Section 22.
- 2.54 SITE PLAN: A plan meeting the requirements of Section 11 of these Regulations, which includes, at minimum, the description and location of all existing and/or proposed buildings, structures and uses on a lot; utility lines, vehicular drives and parking areas, access, lighting, drainage, and waste disposal facilities; adjacent ownership, outstanding physical features, watercourses, and wetlands; any proposed modification or alteration of the lot's natural features, including the disturbance of vegetation and soil cover; and such further information as may reasonably be required.
- 2.55 STREET: A public way or a way opened to the public use. "Street" shall be deemed to include the entire width of the right-of-way. See Appendix C for a map of Town approved roads.
- 2.56 STREET LINE: The property line dividing the street and the lot.
- 2.57 STRUCTURE: Anything constructed or which is located on, above or beneath the ground, except driveways, sidewalks, patios, subsurface sewage disposal systems, wells, parking areas, curbing and fences which are less than 6 feet high.
- 2.58 TAVERN: A place where beer and/or liquor is sold under a tavern permit in accordance with the provisions of the Liquor Control Act.
- 2.59 TIDAL AREAS: Any marine or estuary area submerged at mean high water.
- 2.60 TIDAL WETLANDS: Those areas defined as "Tidal Wetlands" in the Connecticut General Statutes 22a-29 (2), as may be amended from time to time.
- 2.61 TOTAL FLOOR AREA. The sum of the gross floor area of all floors in a structure, measured from the exterior faces of exterior walls. Gross floor area includes any area which is capable of being used for human occupancy, including garage or attic space, whether finished or not, provided the area has a structural headroom of at least six feet. A basement or first floor which is located entirely below ground surface shall not be included in total floor area calculations.
- 2.62 TRAILER CAMP: Any premises used or permitted to be used for the parking of more than one trailer coach.
- 2.63 TRAILER COACH: Any motorized vehicle or any vehicle with or without wheels and having no motive power of its own, but which is drawn by, or designed to be drawn by or used in connection with a motor vehicle, and which is so designed and constructed or added to by

means of such accessories as to permit use and occupancy thereof for human habitation, whether resting on wheels, jacks or other foundation, including the type of vehicle known as a mobile home.

2.64 WATERCOURSES: Those areas defined as "Watercourses" in the Connecticut General Statutes 22a-38 (16) as amended from time to time.

2.65 WETLANDS: Those areas defined as "Inland Wetlands" in the Connecticut General Statutes 22a-38 (15) as amended from time to time.

2.66 YARD, FRONT: The space between the building closest to the front lot line and that front lot line, extending the full width of the lot, in which no building or structure or portion thereof shall be located. In the case of a corner lot, the front yard shall extend along all streets.

2.67 YARD, REAR: The space between the building closest to the rear lot line and that rear lot line, extending the full width of the lot, in which no building or structure or portion thereof shall be located.

2.68 YARD, SIDE: The space between a building closest to a side lot line and that side lot line, extending from the front yard to the rear yard, in which no building or structure or portion thereof shall be located. Any yard not a rear yard or a front yard shall be deemed a side yard.

2.69 YARD, DEPTH OR WIDTH OF: The depth of front and rear yards and the width of side yards shall be measured at the shortest distance between the building and the lot line.

2.70 ZONING ENFORCEMENT OFFICER: The person (or persons) designated by the Planning And Zoning Commission under Section 10 to be responsible for the enforcement of these Regulations. The Zoning Enforcement Officer may also be referred to herein as the "Enforcement Officer" or "ZEO".

2.71 LAND DISTURBING ACTIVITY: Any use or activity that causes significant changes in vegetation or soil structure. These activities may include, but are not limited to any activity which involves the alteration of the surface of the earth as it existed on the effective date of these Regulations, including but not limited to; filling, removal, or re-grading of earth; placement, construction, removal, or alteration of building or structures; establishment, removal, or alteration of uses of land; removal of vegetation or planting of invasive plants; but not including those activities listed as exceptions in subsection 19.3.3.b.

SECTION 3 ZONING DISTRICTS

3.1 CLASSES OF DISTRICTS

For purposes of these Regulations, the Town of Lyme is divided into classes of districts listed below. Each district shall be designated by the letter abbreviation listed below, followed by a number indicating the minimum lot area, in thousands of square feet, required in such district.

Rural Districts (RU-40, RU-80, RU-120), as described in Section 4.

Waterfront Business Districts (WF-20), as described in Section 5.

Commercial Districts (C-40), as described in Section 6.

Floodplain Districts (FP), as described in Section 15

Conservation District (CD), as defined in Section 2.14, and described in Section 14, which zone shall include all or parts of such districts to the extent they are located within said Conservation District.

3.2 ZONING MAP

The boundaries of these districts are hereby established as shown on the Zoning Map of the Town of Lyme, dated June, 1964 and filed in the Office of the Town Clerk of Lyme on October 23, 1964, and amendments thereto, which map and amendments are hereby declared to be a part of these Regulations.

3.3 INTERPRETATION

The following general requirements are used in determining district boundaries:

3.3.1 Lots Lying in More than One District

Where a lot lies in more than one district, the regulations governing one of such districts may be applied within such lot for a distance not exceeding 30 feet into the adjacent district, unless such lot lies partially in a Flood Plain District, in which event, the flood management standards as set forth in Section 15 shall apply to that portion of land lying in the Flood Plain District.

3.3.2 Zoning of Streets

When opposite sides of a street lie in different districts, the boundary shall be deemed the center of the street right-of-way.

3.3.3 Land Under Water

The boundary of each district shall include any land under any lake, cove, pond or stream lying therein, and shall also include any land which extends under navigable waters as far as the jurisdiction of the Town extends under other provisions of the law.

3.3.4 Conflict Between Zone Requirements

Any requirement in any zone that is inconsistent with or conflicts with the requirements of flood management standards in Section 15 shall be resolved by using the requirements of the flood management standards so that the inconsistency or conflict is eliminated.

SECTION 4 RURAL DISTRICTS

4.1 PURPOSE OF RURAL DISTRICTS: To insure a sound residential development of the Town in accordance with the aims of the Plan of Conservation and Development and in keeping with the rural character of the community and the natural features of the land.

4.2 USES PERMITTED IN RURAL DISTRICTS

4.2.1 A family dwelling unit, and conversions to two family dwellings only as allowed under Section 7.14. A family dwelling may be located in a manufactured home, but shall not be located in a trailer coach, as defined in these Regulations;

4.2.2 A customary home occupation of the occupant of the premises, located in the dwelling occupied by such person as his residence, or in any accessory building, and meeting the requirements of Section 8.1;

4.2.3 Accessory Apartments meeting the requirements of Section 8.2
Except as provided in Section 8.2 for Accessory Apartments, no detached accessory buildings shall be used for dwelling purposes unless the lot on which the accessory building is located is conforming.

4.2.4 Bed and breakfast establishments of not more than three guest rooms, lodging no more than six people, meeting the requirements of Section 8.3. Bed and breakfast establishments which provide lodging of more than three, but not more than six rooms, and not more than 12 guests, are allowed by Special Permit.

4.2.5 Farms and Agriculture, as defined in section 2.21.1 including farm wineries as defined in section 2.21.2.

4.2.6 Permitted Accessory Uses: Accessory uses customarily incidental to a permitted use on the same lot.

4.3 SPECIAL PERMIT USES: The following uses when specifically approved as a special permit by the Planning and Zoning Commission, in accordance with Section 12, subject to such conditions as said Commission may establish.

4.3.1 Schools for pre-kindergarten through 12th grade, operated by or for the benefit of a governmental unit, including nursery schools, but excluding a camp.
a. The lot shall contain a contiguous area not less than the following:

1. Nursery school - 2 acres, but not less than the minimum lot area required in the district in which it is located.
2. Elementary school - 5 acres plus 1 acre for each one hundred pupils or fraction thereof.
3. Above the sixth grade - 10 acres plus 2 acres for each one hundred pupils or fraction thereof.
4. No building for any school or college, except a nursery school, shall be located within 100 feet from any street line or property line.

- 4.3.2 Churches, parish houses, convents, and similar religious buildings, including cemeteries.
 - 4.3.3 Clubs, lodges and community houses except those of which a chief activity is a gainful service or activity carried on as a business.
 - 4.3.4 Libraries and museums operated by governmental units or nonprofit corporations.
 - 4.3.5 Convalescent homes, homes for the elderly, and adult day care.
 - 4.3.6 Fire or police stations, town office buildings and similar governmental buildings, including a post office.
 - 4.3.7 Utilities, as follows: Electric transformer stations; telephone exchanges for local services; water or natural gas pumping stations or gate houses; antennas and towers. See Section 8.4.
 - 4.3.8 Public parks and public playgrounds operated by a governmental unit or nonprofit corporation.
 - 4.3.9 Commercial kennels, located on not less than 7 acres, for not more than 14 dogs. All buildings, enclosures or runs for dogs shall be located not less than 300 feet from any property line.
 - 4.3.10 Riding or boarding stables, provided that they are on lots of not less than -10 acres and that no buildings or structures used for the housing or containment of animals, including outdoor runs, are located within 300 feet from any property line. No horse shows or exhibitions shall be permitted except as approved by special permit. No exterior loudspeakers shall be used in conjunction with any horse shows or exhibitions.
 - 4.3.11 Boat houses, landings, docks, slips, wharfs, basins, and structures accessory thereto, for the use of the owners, and/or occupants of the premises and their guests in residence provided however, that an applicant shall substantially meet the criteria of the Guidelines for Tidal Areas in Appendix F of these Regulations.
 - 4.3.12 Earth material operations described in Section 18, subject to the additional requirements of Section 18
- 4.4 SIGNS: All signs in Residential Districts shall be in conformance with Section [21]-22 of these Regulations

4.5 REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE: All new lots created within residential districts shall meet the following minimum dimensions and areas. All lots shall have a minimum lot frontage of 50 feet at the front lot line.

Minimum	Minimum		Front		
Gross	Net	Minimum	and	Side	Maximum Maximum

<u>District</u>	<u>Lot Area</u> sq. ft.	<u>Buildable Lot Area</u> sq. ft.**.	<u>Lot Width</u> ft.	<u>Rear Yard</u> ft.	<u>Yards Each</u> ft.	<u>Building Coverage</u> %	<u>Imperv. Surface Coverage</u> %
RU-120	120,000	42,000	200	50	*	8%	12%
RU-80	80,000	28,000	200	50	*	8%	10%
RU-40	40,000	14,000	150	50	*	8%	10%

*4.5.1 Side yard minimums shall be 30 feet each except when the provisions of Section 13 and 14 require additional setbacks.

4.5.2 A rectangle conforming to the shape factor, as defined in Section 2, must totally fit within the limits of the area used to establish the net buildable area.

4.5.3 The building coverage percentage and impervious surface percentage shall be based on the gross lot area.

** 4.5.4 On a lot where the minimum lot width/building setback line is not achieved within 300 feet of the front lot line (also commonly described as a "flag lot" or "rear lot"), the portion of the lot between the front lot line and the building setback line shall not be used as part of the minimum gross lot area requirement. In no case shall the area between the front lot line and the building setback line be less than fifty feet in width. On "flag lots", no vehicles may be parked or material stored on a regular basis between the building setback line and the street.

4.6 SPECIAL FLOOD HAZARD AREAS: All areas of this District which lie within the Area of Special Flood Hazard or within a floodway, as defined in Section 15.3, shall be subject to the flood management standards of Section 15.

4.7 TIDAL AREA FRONTAGE:

The Tidal Area Frontage shall be at least 100 feet in RU-40 districts and at least 200 feet in RU-80 districts and RU-120 districts. Required frontage length is established by the straight line distance between any two points on the Tidal Area frontage of a lot.

**SECTION 5
WATERFRONT BUSINESS DISTRICTS**

5.1 PURPOSE OF WATERFRONT DISTRICTS: To provide for the use of defined areas located on navigable waters for commercial activities related to pleasure boating and commercial sport fishing.

5.2 USES PERMITTED IN WATERFRONT BUSINESS DISTRICTS: All uses in the Waterfront Business District except family dwelling units are subject to the site plan review requirements of Section 11, unless waived by the Commission or it's designated enforcement officer.

- 5.2.1 Family dwelling units and yacht clubs;
- 5.2.2 A dock, wharf, slip, basin, marina or similar landing for pleasure boats or for vessels engaged in sport fishery or shellfishery;
- 5.2.3 A yard for building, storing, repairing, servicing, selling or chartering boats;
- 5.2.4 A sail loft or ship chandlery, including the sale of marine equipment, engines and supplies;
- 5.2.5 Accessory uses customarily incidental to a permitted use, including the dispensing of fuels and lubricants to boats only.

5.3 SIGNS: Signs in this district shall conform to the requirements prescribed in Section 21 of these Regulations.

5.4 REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE

<u>District</u>	<u>Minimum Lot Area</u>	<u>Front Yard</u>	<u>Side Yards Each</u>	<u>Rear Yard</u>	<u>Maximum Building Coverage</u>	<u>Maximum Impervious Surf. Coverage</u>
WF-20	20,000 sq. ft.	*	*	*	40%	50%

*5.4.1 Front Yard minimum setback distance shall be 40 feet, side yards shall be 20 feet each, except that within this District, docks are not required to meet the sideyard setback. The rear yard minimum setback distance shall be 30 feet except when the provisions of Section 14.2 require a greater setback distance.

5.5 SPECIAL FLOOD HAZARD AREAS:

All areas of this District which lie within the Area of Special Flood Hazard or within a floodway, shall be subject to the flood management standards of Section 15.

SECTION 6 COMMERCIAL DISTRICTS

6.1 PURPOSE: COMMERCIAL DISTRICTS: To provide areas suitable for retail, commercial and similar activities, predominantly intended to serve the residents of the community, suitably related to residential areas.

6.2 USES PERMITTED IN COMMERCIAL DISTRICTS: All uses within Commercial Districts except those permitted under Section 6.2.1, shall be subject to the site plan requirements of Section 11, unless waived by the Commission or its designated enforcement officer.

- 6.2.1 Any use permitted in a Rural District as provided in section 4;
- 6.2.2 Business or professional offices and financial institutions;
- 6.2.3 A retail business or retail service occupation including the manufacture or processing of materials only as incidental to a permitted retail occupation and provided that no objectionable noise, smell or unsightly condition is created which is noticeable off the premises. All activities shall be carried on within a building, except for the display of merchandise within 20 feet of a building;
- 6.2.4 Restaurants, but not including taverns and cafes;
- 6.2.5 Automobile service stations, public garages, automobile sales rooms, outdoor automobile sales areas and public parking areas.
- 6.2.6 Accessory uses customary with, and incidental to, a permitted use.
- 6.2.7 A family dwelling unit, either attached or detached from other buildings, is allowable on the same lot as a commercial use. If a commercial use or uses occur on a lot, only one family dwelling unit is permitted on the lot; no commercial uses are permitted if there are two single family dwelling units on a lot.
- 6.2.8 SIGNS, in conformance with Section 22 of these Regulations.
- 6.2.9 Marine service facilities, marine sales rooms, outdoor marine sales areas and public parking areas coincident with a primary facility use only; provided however, the display of boats and trailers for sale shall not be allowed within 5 feet of a property boundary with existing residential use or within the 6 foot buffer area required by section 6.4 unless otherwise approved by the Planning and Zoning Commission.

6.3 REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE

<u>District</u>	Minimum <u>Lot Area</u>	Minimum <u>Lot Width</u>	Front <u>Yard</u>	Side <u>Yards Each</u>	Rear* <u>Yard</u>	Maximum*** <u>Land Coverage</u>
C-40	40,000 sq.ft.	200 ft.	30 ft.	**	50 ft.	50%

* measured from the high tide line, where applicable

**6.3.1 Side yard minimums shall be 30 feet each except when the provisions of Sections 13 and 14 require additional setbacks.

***Total coverage by buildings and impervious surface shall not exceed 50% combined

6.4 FRONT YARDS

A continuous strip not less than 6 feet wide shall be maintained between the street line and the balance of the lot in all Commercial Districts, which strip shall be suitably landscaped and maintained in good appearance. This strip may be traversed by not more than two driveways, except that there may be one additional driveway for each additional 200 feet of frontage in excess of 300 feet. Unless otherwise approved by the Planning and Zoning Commission, driveways shall not be less than 20 nor more than 30 feet in width, measured at and parallel to the street line.

6.5 APPROVAL OF LAYOUT

For any development of a lot in any Commercial District, a Site Plan, as specified in Section 11, shall be submitted to the Planning and Zoning Commission for approval unless waived by the Zoning Enforcement Officer.

6.6 SPECIAL FLOOD HAZARD AREAS:

All areas of this District which lie within the Area of Special Flood Hazard or within a floodway, as defined in Section 15.3, shall be subject to the flood management standards of Section 15.

SECTION 7 GENERAL REQUIREMENTS

7.1 COMPLIANCE WITH REGULATIONS

No land, building or premises, or part thereof, shall hereafter be used and no building, or part thereof, or other structure, shall be constructed, extended, enlarged, moved or altered except in conformity with these Regulations. No lot shall have an area, width, or a front, side or rear yard less than that set forth in the applicable paragraph hereof, except as otherwise specifically provided in these Regulations. No building, buildings or structures, shall occupy in the aggregate a greater percentage of lot area, nor be greater in height, than as set forth in the applicable paragraph hereof, except as otherwise specifically provided in these Regulations. Except as otherwise specifically provided by these Regulations, any permitted building or permitted use may be located in that portion of the lot not contained in any required front, side or rear yard.

7.2 BUILDING AND STRUCTURE HEIGHT

No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed a height of thirty-five feet. Spires, cupolas, towers, flagpoles, silos, tanks and other similar structural features, including, wireless telecommunication facilities, that occupy no more than ten percent of the building area and is not designed for human occupancy, may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a Special Permit by the Lyme Planning & Zoning Commission.

7.3 ACCESSORY BUILDINGS OR STRUCTURES IN REQUIRED YARD AREAS

Detached accessory buildings, or structures, not more than 15 feet in height and not used for human habitation or for the housing of animals may be located in the required rear yard, and in that portion of the required side yard that lies not less than 75 feet from any street line, provided that they are not less than 20 feet from any side or rear line and provided further that they occupy in the aggregate not more than 20 percent of the area of the required rear yard.

7.4 REDUCTION OF LOT AREA OR DIMENSIONS

No lot shall be diminished in lot area or frontage, nor shall any required front, side or rear yard be reduced unless the resulting lot or lots conform to the provisions of these Regulations.

7.5 REQUIRED LOT WIDTH AND FRONTAGE

No building shall be built on any lot unless such lot has the minimum lot width at the building setback line required for the district in which it has been located and has a frontage of at least 50 feet on an approved town road or state highway. If frontage is on a state highway, the highway must lie within the boundaries of the Town of Lyme. Frontage on abandoned impassable, private or any other roads, paths, etc., is not acceptable. For the list of approved town roads and state highways, see Appendix Map entitled "Town Roads", Lyme, CT. Department of Transportation, with the exclusion of the road designated S1, which serves as an access road from Grassy Hill Road to Stone Ranch Military Reservation which map is a part of these Regulations. Minor structures, including those required for solar energy use, not meeting the definition of "building" in Section 2.4 may be constructed on lots that do not meet the requirements of this Regulation upon the granting of a special permit pursuant to Section 12.

7.6 PROJECTION INTO FRONT, SIDE OR REAR YARDS

Nothing in these regulations shall prohibit the projection of not more than 1 foot into required front, side or rear yards of bay windows, pilasters, columns, belt courses, sills, cornices, or other similar architectural features, nor the planting or landscaping of such required yards, except as provided in Paragraph 7.7.

7.7 OBSTRUCTIONS AT STREET INTERSECTIONS

No fence, wall, hedge, shrubbery or other obstruction to vision may be placed or allowed to grow at street intersections within the area formed by a line joining points on each front lot line 20 feet from the intersection of the tangents of such streets, nor shall landscaping or other obstruction to vision be placed so interfere with sight lines of the street at driveway entrances.

7.8 LOTS ON NARROW STREETS

In the case of lots fronting on streets less than 50 feet in width, the required front yard shall be increased by one half the difference between 50 feet and the actual width of the street.

7.9 INDEFINITE RIGHTS-OF-WAY

If the right-of-way of a street has not been surveyed and is not otherwise established by walls, fences, or other ancient monumentation, the right-of-way shall be deemed to be 60 feet wide, extending 30 feet on each side from the center of the traveled way.

7.10 USE OF LAND FOR ACCESS OR PARKING

The use of land for access to or for parking in connection with a use shall be accessory to and part of such use.

7.11 NUMBER OF FAMILY DWELLING UNITS

No more than two family dwelling units may be built on one lot.

7.12 TRAILER CAMPS AND COACHES, AND RECREATIONAL VEHICLES

No trailer camp or recreational vehicle park may be established, maintained, conducted or operated in any district. No trailer coach or recreational vehicle shall be occupied for human habitation in any district, except as provided in this Section. The Zoning Enforcement Officer may grant a permit, except in flood hazard areas as depicted on the Flood Insurance Rate Map, for the temporary occupancy, not to exceed a period of one year, of a trailer coach on a lot by the owner thereof during the construction of his dwelling under a valid permit. The Zoning Enforcement Officer may renew the permit for such temporary occupancy for an additional period not to exceed one year. Except in a Flood Hazard Area, the owner of any lot may permit a nonpaying guest to occupy one trailer coach or recreational vehicle belonging to such guest on such lot for a period not to exceed thirty (30) cumulative days in a calendar year.

7.13 MORE THAN ONE FAMILY DWELLING UNIT ON A LOT

Except as provided for in Section 7.14, Conversion of Existing Dwelling, and Section 8.2 Accessory Apartments, if more than one family dwelling unit shall be located on any one lot, all units shall be located so that each such dwelling and any buildings accessory to it could be set off as a separate lot conforming to all of the applicable provisions of these regulations.

7.14 CONVERSION OF EXISTING DWELLING TO TWO FAMILY DWELLING

Except as provided in Section 8.2, a dwelling, the construction of which shall have been completed for a period of not less than 20 years, may be converted to contain two one-family dwelling units, provided that the lot area is equivalent to twice the minimum lot area required for a one-family dwelling in the district in which it is located.

7.15 DUMPING AND STORING OF REFUSE

- 7.15.1 No dumping or storing of refuse shall be permitted other than the temporary dumping or storage within a building or screened from view from off the premises of small amounts of such material for brief periods pending final lawful disposition;
- 7.15.2 No inoperable motor vehicle or motor vehicle which is incapable of being registered may be stored on any lot except within a building;
- 7.15.3 No refuse not originating on the premises may be disposed of on any lot except at a facility for that purpose operated by the Town of Lyme.

7.16 OFFENSIVE USES

No land, building, structure or part thereof, in any district shall be used in any manner injurious or offensive to a neighborhood because of the emission of odor, fumes, dust, smoke, vibration, noise, unsightliness, light pollution or other cause, or in any manner which will result in the discharge of waste or refuse into any stream or river.

7.17 OTHER USES;

Intentionally left blank.

7.18 COMMERCIAL CUTTING OF TIMBER

No commercial cutting of timber shall occur without a permit issued by the Lyme Zoning Enforcement Officer. After submission of a commercial cutting plan to said Zoning Enforcement Officer, a permit shall be granted if it is found to be consistent with the minimum standards set forth in Section 17.

7.19 DEER FENCES

Fences commonly referred to as "deer fences" of up to 8 feet in height shall be permitted within property line setbacks provided that the fence is dark in color, of an open mesh design and that zoning permit is issued by the Zoning Enforcement Officer.

7.20 STREAM CROSSING

For applications that include activities involving stream crossings, the applicant shall incorporate, to the maximum feasible extent, standards and practices recommended in the Connecticut Stream Crossing Guidelines as published by the Connecticut Department of Environmental Protection and the Massachusetts Department of Environmental Protection. Copies are available for review in the Lyme Town Hall or can be found on the Connecticut and Massachusetts Department of Environmental Protection websites.

7.21 WATER QUALITY

The Commission, or its duly authorized agent, may require that the applicant design a storm water management plan which conforms, to the maximum feasible extent, to the Connecticut Stormwater Quality Manual, as amended, and published by the Connecticut Department of Environmental Protection. All stormwater management plans shall include measures to capture and treat stormwater runoff and to incorporate low impact development design elements to the extent that is practical. Such design plan shall detail how the stormwater runoff and associated water quality impacts resulting from the development will be controlled and managed during and

after construction, including long term maintenance. The plan must be prepared by an appropriate design professional. Further, the Commission may restrict the use of and/or require substitution of certain Best Management Practices based on maintenance requirements.

The following documents provide further guidance on the purpose, specifications and design elements for stormwater management and low impact development:

- a. Office of Long Island Sound Programs, Fact Sheet for Stormwater Management
- b. Connecticut Department of Environmental Protection, Inland Water Resources Division, Fact Sheet Considering Low Impact Development Principles in Site Design
- c. Rainfall as a Resource, A Resident's Guide to Low Impact Development in Connecticut
- d. Stormwater/LID Review Checklist

These documents are located in Appendix I.

7.22 Setback Surveys: For uses on properties that either contain conservation restrictions or are adjacent to properties that have conservation restrictions an A-2 survey may be required for the purposes of confirming setback requirements in accordance with these regulations.

SECTION 8
ADDITIONAL REQUIREMENTS FOR CERTAIN USES

8.1 CUSTOMARY HOME OCCUPATIONS

8.1.1 Purpose: The purpose of this section is to regulate any use customarily conducted entirely within a dwelling, within the principal building on a lot, or within an accessory building, and carried on by the residents thereof, which is clearly incidental and secondary to the uses of the dwelling for residential purpose. The customary home occupation shall conform to the following standards of these Regulations and is an additional use for which an application for a zoning permit and certificate of zoning compliance are required. "Customary Home Occupation" shall include the following activities:

a. Preparation and sale of those items produced in the home, garden, farm or nursery, provided that such items are created entirely on the premises, such as home baking, needlework, dressmaking, tailoring, fruits and produce and home preserves.

b. Preparation and sale of items of arts and crafts based on individual talent, provided such items are created entirely on the premises, such as painting and illustrating, wood carving, cabinet making, ceramics, writing, sculpture, ornamental glass and metal working.

c. Instructional classes and lessons for not more than six students at a time, which are customarily associated with home occupations, such as music, arts and crafts.

d. The conduct of a professional office, where the principal resides on the premises, such as offices for real estate, insurance, accounting, building contractors, architect, lawyer, musician, doctor, physical therapist, engineer and surveyor.

e. A private workshop necessary to the skilled trade of a resident of the premises, provided that there is no manufacture or sale of goods on the premises, such as a workshop for a plumber, electrician, carpenter, heating contractor, painter, paper-hanger, or appliance/electronics repairperson.

8.1.2 A customary home occupation shall not include barber shops, beauty shops, dancing schools, karate schools, restaurants, printing shops, employment agencies, radio stations, dentist offices, or other such uses where traffic, water usage, disposal of waste products, noise, lighting or odors shall significantly exceed that of a typical single family dwelling.

8.1.3 No customary home occupation shall be permitted unless all of the following requirements are met:

a. Such use shall be clearly subordinate to the use of the premises as a residence.

b. No additional on-street parking shall be permitted. Sufficient off-street parking shall be provided at least twenty-five feet from street and lot lines, and it shall be screened from adjoining residential properties.

c. Not more than 25% of the floor area of the residential building shall be so used, nor more than 750 square feet of an accessory building.

d. Not more than three non-residents shall be employed by the home occupation.

e. No finished goods shall be acquired from elsewhere for sale in connection with the home occupation except that internet resale of items not produced in the home are permitted provided that the items for sale can be shipped by normal United States Postal Service methods and don't result in any additional traffic beyond normal mail delivery.

f. No home occupation shall create interference with radio and television reception in the vicinity, nor create a health or safety hazard, nor be disruptive to adjacent property or the neighborhood. There shall be no discharges of a hazardous or toxic substance to the air, surface water, ground water or ground.

8.1.4 Application: An application for a home occupation shall be submitted on a form provided by the Town, signed by the applicant, who shall be a resident of the property in which the home occupation is proposed. The application shall include, at minimum, a detailed description of the proposed home occupation and any required machinery, equipment or materials to be used, the number of employees that will be employed, and the written consent of the landowner. A plan shall be submitted showing the floor area of any structures and any outdoor areas to be used by the home occupation. A description of the frequency and type of commercial and customer vehicles associated with the occupation shall also be submitted. When issued, the permit is personal to the applicant and shall not be used by any other person or persons to perpetuate the home occupation. An expansion or alteration of a home occupation shall require a new permit.

8.2 ACCESSORY APARTMENTS

8.2.1 Purpose: The purpose of Section 8.2, Accessory Apartments, is to allow the use of a room or set of rooms within or accessory to a principal residence, as a separate living facility, in order to provide a separate living arrangement which allows privacy within the dwelling unit, permits homeowners a means of obtaining supplemental income, creates housing units for moderate income individuals, and creates housing for small household units within the Town of Lyme.

8.2.2. Eligibility: Accessory apartments may be considered and may be approved in Rural Districts, except Flood Plain Districts. . A permit from the Zoning Enforcement Officer is required for all accessory apartments. An accessory apartment may be permitted in the R-40 District by Special Permit only. In addition, accessory apartments not attached to a principal structure on lots which share a common driveway or private road serving two or more building lots, shall only be allowed by special permit regardless of the zone in which the lots are located.

8.2.3 Standards: The following standards shall apply to all accessory apartments:

- a. An accessory apartment may be located only on a lot meeting the minimum gross lot area for the district in which it is located.
- b. No more than one accessory apartment may be located on any lot.
- c. An accessory apartment may be located within the principal structure, or in an attached or detached accessory building, provided that the apartment is clearly secondary to the principal use and structure on the property. The property's appearance should be that of a single family dwelling, with or without customary outbuildings such as garages, sheds or barns.
- d. Every accessory apartment shall have its own means of egress separate from the egress to the principal dwelling. The separate means of egress shall blend with the architectural style of the building in which it is located. A dwelling containing an accessory apartment shall retain substantially the character and appearance of a single family residence.
- e. The floor area of living space, excluding exterior access and utility areas, for an accessory apartment located in a principal structure, shall not exceed 25% of the gross floor area of the building in which it is located or 1200 square feet, whichever is less. The minimum required floor area of an accessory apartment shall be not less than 400 square feet. An accessory apartment located in an accessory building shall not exceed 1200 square feet nor be less than 400 square feet.
- f. Each accessory apartment shall have its own independent bathroom and kitchen facilities. All dwelling units on the property shall conform to the State of Connecticut Public Health Code, including provisions for potable water supply and subsurface sewage disposal.
- g. Parking: Two off-street parking spaces shall be provided for every accessory apartment.

8.2.4 Application: An application for an accessory apartment shall be submitted on a form provided by the Town. The application shall include, at minimum, a plan showing the floor area of the principal structure and of the accessory apartment. The plan shall also show egress and parking for the apartment. A property layout plan showing provisions for water and sewage disposal shall be provided, along with approval of the local Health Director or designated health agent, prior to issuance of a zoning permit for an accessory apartment.

8.3 BED AND BREAKFAST ESTABLISHMENTS

8.3.1 Purpose: The purpose of Section 8.3, Bed and Breakfast Establishments, is to preserve existing housing stock and neighborhood character, provide for efficient use of larger homes, and allow flexibility to respond to changing household sizes and needs.

8.3.2 Eligibility and Applications: Bed and Breakfast Establishments are permitted in residential districts and commercial districts, subject to the standards in Section 8.3.3. Establishments of no more than three guest rooms or not more than six guests are permitted uses, after receipt of a permit by the Zoning Enforcement Officer. Establishments containing more than three, but not more than six guest rooms, serving not more than 12 guests, are allowed by special permit.

8.3.3 Standards:

- a. There shall be suitable access directly from a public road.
- b. The on-site septic system shall conform to code for the total number bedrooms available for use of both guests and residents of the property.
- c. Prior to issuance of a certificate of zoning compliance, the applicant shall demonstrate that all necessary state and local licenses have been obtained.
- d. One morning meal may be prepared and served to overnight guests only.
- e. The maximum length of stay for any individual guest shall be 30 consecutive days.
- f. There shall be no retail sale of goods or services other than lodging and meals.
- g. The bed and breakfast establishment shall not be used by paying guests for hosting receptions or private parties
- h. The following standards are intended to ensure that a bed and breakfast establishment will not significantly change the general appearance and character of the neighborhood:
 1. One off-street parking space shall be provided for each guest room, and two additional spaces shall be provided for permanent residents;
 2. Signage shall comply with the requirements for the district in which the establishment is located, except that identification signs for bed and breakfast establishments in commercial districts shall not exceed five square feet;
 3. There shall be no exterior floodlighting. Parking and sidewalks may be lit for safety using only light bollards or other low level lighting standards with shielded light sources, low shielded lighting with cutoffs preventing light beyond property boundaries.
 4. Rooms used by guests shall be part of the primary dwelling or existing accessory structures, and not specifically constructed for rental purposes;
 5. No alteration shall be made to the exterior of the residence or to any accessory building used as part of the bed and breakfast establishment, other than modifications required by law to ensure safety and accessibility of structures and of guests.
 6. The addition of parking and sidewalks for the use of guests shall be consistent with the residential character of the neighborhood.

8.4 WIRELESS TELECOMMUNICATION TOWERS, ANTENNAE AND FACILITIES

8.4.1 Purpose : The purpose of this Section is to establish criteria for local review of telecommunication towers, antennae and facilities where such review is authorized under the Connecticut General Statutes or is provided for under State and Federal regulations. It is further intended to express the land use preferences of the Town of Lyme regarding such structures in order to assist developers in determining community preferences

- 8.4.2 Siting Preferences: Persons or organizations seeking to locate such structures within the Town of Lyme should use the following guidelines for site selection:
- a. Use nonresidential buildings and structures, such as silos, and power line structures for new towers and facilities;
 - b. Jointly use new or existing towers and facilities, where feasible;
 - c. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers;
 - d. Protect historic and residential areas from potential adverse impacts of wireless communication facilities;
 - e. Use careful siting and suitable design measures in order to minimize adverse visual impacts of wireless communication facilities.
 - f. Site initial towers to reduce the number of towers and/or antennae needed in the future;
 - g. The order of preference for alternative facility locations shall be as follows (in descending order) with the least relative adverse visual impact being the most preferred.
 1. Antennae on existing structures such as nonresidential buildings / facades, utility poles, steeples, chimneys, silos, windmills and existing approved towers.
 2. On new towers located on property occupied by one or more existing towers.
 3. On new towers located in rural and commercial districts, excluding the conservation zone.
 4. On new towers located in waterfront districts, and the Conservation District.

8.4.3 Design Guidelines: The Commission will be guided by the following preferences when reviewing applications for activities under Section 8.4.

- 8.4.3.1 Wireless telecommunication facilities where the antennae are mounted on the rooftop or façade of a nonresidential building:
- a. Equipment cabinets and sheds shall meet the requirements of these regulations. Facilities shall be of a material or color matching the exterior of the building and shall blend into the existing architecture.
 - b. Façade mounted antennae shall not protrude above the building structure and shall not project more than three feet beyond the wall or façade.
 - c. Roof mounted antennae shall be set back from the front or side roof edge a minimum of ten feet or ten percent of the roof width, whichever is greater. The Commission may consider an architectural treatment of the antennae that is more in harmony with the basic structure and neighborhood.
- 8.4.3.2 Wireless telecommunication facilities where the antennae are mounted on existing utility poles, chimneys, silos and windmills:
Equipment cabinets and sheds shall meet the requirements of these regulations. Facilities shall be of a material or color which matches the exterior of the structure and shall blend into the existing architecture of the structure.
- 8.4.3.3 Wireless telecommunication facilities where a tower is located on property occupied by one or more towers:
New equipment cabinets and buildings shall meet the requirements of these regulations. The applicant shall demonstrate that the antennae can not be co-located on an existing tower or other structure. The Commission may request

outside technical assistance to make such a determination, the cost of which will be borne by the applicant.

- 8.4.3.4 Monopole towers are the preferred design, unless it can be demonstrated that another type such as a guyed narrow lattice structure will better achieve the desired visual goals. The Commission may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part or other suitable art form / sculpture as determined by the Commission.
- 8.4.3.5 Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray or other neutral non-obtrusive color.
- 8.4.3.6 No lights or illumination shall be permitted unless required by the FAA.
- 8.4.3.7 The proposed support structure, building and electrical utilities shall be required to accommodate multiple users to the extent practical. These users shall include other wireless communication companies, business, municipal public safety and emergency services. If co-users are not known at the time of application, applicants may base design for consumer equipment requirements similar to their own.
- 8.4.3.8 A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
- 8.4.3.9 All towers shall meet the minimum setback requirements for the underlying zone. In addition, the following standards shall be met: a) a new tower shall not be located within a distance of three times the tower height of an existing residence or proposed residence with a valid building permit as of the date of the submittal of the proposed tower application; b) no new tower shall be located within a distance of three times the tower height of a playground, school, day care, or outdoor recreational facility; and c) no new tower shall be located within a distance of three times the tower height, or be within a historic district.
- 8.4.3.10 The tower structure and any guy-wire anchors shall each be surrounded by a chain link fence and landscaped with a visual screening border of evergreen trees at least six feet in height, that are drought and deer resistant; and which shall be properly maintained by the facility owner for the life of the facility. Anchors shall meet setback requirements for that zone.
- 8.4.3.11 A special permit will not be granted for a tower built on speculation. The applicant must provide written evidence that at least one licensed carrier has agreed to lease space on the proposed tower.
- 8.4.4 Zoning Interpretation: In addition to all other standards set forth in these Regulations, the following requirements are applicable to towers, antennae and related facilities:
- 8.4.4.1 A tower must comply with the setback requirements of the district in which it is located. Unless otherwise permitted in these Regulations, a tower shall be

placed a distance from all property lines at least equal to the height of the tower. In non-residential zones, where it can be demonstrated by the applicant, that it is unlikely that any building will be constructed on adjacent property within the tower fall circle and that adjacent property is not zoned for or currently used for residential purposes, the Commission may approve a lesser distance, reduced by no more than one-half, or in the case where the design and installation of the structure limits the collapse distance to less than the height, the distance may be reduced by no more than one-third.

8.4.4.2 A telecommunications facility may be considered as either a principal or accessory use. The minimum lot area for the construction of a new tower shall be that of the zone in which it is located. More than one tower on a lot may be permitted if all setbacks, design and landscape requirements are met for each tower. A telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles and such access is documented in a deed easement presented to the Commission.

8.4.5 Applications

When a tower, antenna or related facility is subject to the jurisdiction of the Lyme Planning and Zoning Commission, the structure will be allowed only by a special permit approved by the Commission.

8.4.5.1 Information requirements: For towers over sixty-five feet in height, the Commission may require independent engineering or technical review of submitted materials at the applicant's expense. In addition to the requirements of Section 11 and 12, the following additional information may be required where applicable:

a. A map indicating the service area of the proposed telecommunications site, showing the provider's plan or model for the coverage of all areas in the Town of Lyme and the locations of all existing and proposed towers that would provide that coverage.

b. Where a new tower is proposed, the applicant shall demonstrate that co-location on an existing or proposed tower is not feasible. All existing and/or proposed wireless service facilities within one-half mile of the proposed tower shall be shown on the site plan. The applicant shall demonstrate, in a written report that the service proposed cannot be provided by adding equipment to these existing or proposed towers or that the owners of these other towers have denied the applicant's request for co-location. The applicant shall also show tall structures (over sixty-five feet in height) located one-half mile from the proposed tower. The applicant must demonstrate that placing antennae on these tall structures is either not technically feasible or that the owner of the tall structure has denied the applicant's request to locate on the structure.

c. A report from the applicant indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system. For new towers, the applicant shall provide a written report of the process by which other possible sites were considered and eliminated. At least one higher preference site shall be included in the report.

- d. A scaled plan and elevation drawing showing where and how the proposed antenna and mounting supports will be affixed to a particular building or structure.
- e. A detailed list of all antennae and mounting supports indicating size and color.
- f. Elevations of all proposed visual screening and fencing and details of material including color.
- g. Elevations of all proposed equipment buildings, enclosures and cabinets.
- h. Design plans and tower base elevation showing the height and fall circles of all towers.
- i. A description of the tower capacity, including the number and type of antennae it can accommodate as well as the proposed location of all mounting positions for co-located antennae and minimum separating distances.
- j. A signed statement from the radio-frequency engineer indicating that the proposed wireless telecommunication facility will comply with current FCC radio frequency emission standards and will be operated in accordance with the owner's FCC license and FAA requirements.
- k. Proposed access to the site.
- l. Proximity of the tower to residential structures.
- m. Nature of uses on adjacent and nearby properties within 1,000 feet.
- n. Surrounding topography within 1,000 feet at contour intervals not exceeding ten feet per USGS Quad map of the area.
- o. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- p. A visual analysis showing all areas from which the tower would be visible, and a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal. This visual analysis should include a simulation (using a balloon, facsimile antennae with crane or computer generated landscape view from each octant of the compass) of the tower's appearance from the furthest extent of the tower's visibility from the public roadway at the five foot height station, and from a distance of 1,000 feet. The applicant shall provide at least 3 such simulations.
- q. Propagation modeling results to facilitate the Commission's review of tower height and proposed coverage. The applicant shall submit a propagation study for the lowest and highest antenna height on the tower to ensure adequate coverage of Lyme while minimizing visual impacts. The Commission also may request propagation modeling for elevations higher than the highest proposed antenna height or lower than the lowest proposed antenna height.

8.4.5.2 No signs or advertising shall be permitted on any tower or antenna except no trespassing, warning and ownership signs are permitted at ground level.

8.4.5.3 Application Review Standards

In addition to other appropriate review standards found in these Regulations, the Commission, in reviewing applications for wireless telecommunication facilities, shall consider:

- a. Detailed analysis of alternative sites, structures, antennae and access as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 8.4.2 of these Regulations.
- b. Detailed propagation and antenna separation analysis relative to tower height.
- c. Tower sharing or co-location to facilitate the telecommunication needs of municipalities, emergency services and other entities in order to reduce the need to construct additional towers.
- d. Assessment of tower structure type.
- e. Achievement of design characteristics / architectural treatments that mitigate, reduce or eliminate adverse visual obtrusiveness on adjacent areas.
- f. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

8.4.6 Accessory buildings and cabinets

All accessory buildings and cabinets associated with wireless telecommunication facilities shall comply with the following:

- a. Within residential zones, the accessory building shall not exceed 450 square feet gross floor area for the initial telecommunication facility, minimal increased floor area is permitted for sharing purposes; and the building shall have a roof line characteristic of other buildings in the vicinity. Only one building per facility is allowed in rural zones.
- b. Each building shall comply with the setback requirements for accessory buildings for the zoning district in which it is located.
- c. If located on the roof of a building, it shall be designed to blend with the color and design of the building to the extent possible, and including any feasible screening considerations.
- d. All ground level buildings, boxes or cabinets shall be surrounded by a chain link or comparable fence and landscaped with a visual screening border of evergreen trees at least six feet in height that are drought and deer resistant; and shall be properly maintained by the facility owner.
- e. All utilities shall be underground.

8.4.7 Abandonment of telecommunications facilities:

A wireless telecommunication facility not in use for 12 consecutive months shall be removed by the facility owner at their expense. This removal shall occur within 90 days of the end of such 12-month period. The Commission shall require a bond or other surety satisfactory to the Town of Lyme to guarantee removal of the facility, and which shall be reviewed every two years. The bond or surety must remain effective for the life of the permit. If there are two or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.

8.5 Farm Wineries

- 8.5.1 Farm wineries as defined in section 2.21.2 shall only be permitted on a farm. Nothing in these regulations shall prohibit a farm winery from being created, maintained and operated on a farm at the same time and on which other permitted activities exist or might come into existence, including without limitation, farming or related agricultural activities which are a use by right on the farm.

- 8.5.2 Farm wineries shall be operated pursuant to Section 30-16 of the Connecticut General Statutes subject to these zoning regulations and such conditions and limitations as may be placed on a farm winery by the Commission as part of a special permit.
- 8.5.3 A farm winery shall have a minimum of two (2) acres dedicated to the growing of grapes, apples or other fruit for the purpose of producing wine on the site.
- 8.5.4 The farm winery permittee shall grow on the premises of the farm winery an average crop of fruit equal to not less than twenty-five percent of the fruit used in the manufacture of wine on the premises by the farm winery.
- 8.5.5 No more than 75% of fruit that is to be used in the manufacture of wine at a farm winery may be imported from alternate sources.
- 8.5.6 A farm winery may only sell or offer for sale or offer samples of tastings of wine manufactured on site by the farm winery in compliance with the requirements of these regulations and the special permit.
- 8.5.7 Neither a farm winery nor any uses accessory thereto may be conducted unless the Commission approves an application for a farm winery special permit, under which the Commission may authorize a person granted the special permit to:
- a. Produce wine on site;
 - b. By appointment only, offer samples of wine produced on site to visitors and prospective retail customers for tasting and consumption on the site. The tastings shall be limited to one half ounce per vintage with a limit of four vintages served per customer and an additional four ounce glass of a single vintage per customer;
 - c. Sell sealed bottles of wine not to be opened or consumed on site and;
 - d. During wine tastings conduct activities secondary and accessory to the principal use as a farm winery, including but not limited to:
 - (i) The on-site sale of wine related merchandise e.g. corkscrews, hats, tee shirts, wine glasses and other wine related merchandise; and
 - (ii) Such other uses and activities as are clearly secondary and subordinate to a farm winery and customarily associated therewith that the Commission determines may be conducted safely and without undue disturbance to persons and property off the site.
- 8.5.8 Additional Information Requirements. Every application for a special permit for a farm winery and/or for any accessory uses associated therewith shall comply with all procedural and informational requirements of these regulations for special permits, and contain plans and narratives describing and depicting in detail all aspects of the proposed use(s), including without limitation:
- a. A precise description of each proposed use and activity;

- b. Plans prepared and sealed by relevant professionals, e.g., architects and/or engineers, depicting all buildings and structures to be used to conduct any proposed activity, all on-site parking areas and proposed means of vehicular ingress and egress;
- c. Descriptions (including the proposed locations on the site), plans and specifications for all personal property, equipment, and machinery to be used to conduct any proposed activity;
- d. The days on which the applicant proposes to conduct activities and the hours of operation proposed for each day; and
- e. The proposed occupancy for each proposed use. The maximum occupancy for any particular category of events at the site shall be based in part on the size of the space and/or facility within which the activities are proposed to be conducted, and on other factors related to the safety of the participants and the harmony of the use(s) with the neighborhood.

8.5.9 Farm Winery Parking:

8.5.9.1 Parking: An applicant shall demonstrate to the Commission's satisfaction that adequate parking is available for the farm winery and accessory uses or activities proposed in the application.

8.5.9.2 The applicant shall provide off-street parking sufficient in size and type to accommodate the largest number of vehicles anticipated to be at the site during any permitted activity.

8.5.10 Single family residential structures may be permitted on site subject to all other applicable regulations.

**SECTION 9
ALTERNATIVE STANDARDS**

(RESERVED FOR FUTURE USE)

SECTION 10 ADMINISTRATION AND ENFORCEMENT

10.1 INTERPRETATION

The provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of public health, safety, convenience and general welfare. When these Regulations impose greater restrictions upon the use and development of buildings or land than are imposed or required by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of these Regulations shall control. Nothing in this section shall require any change of the plans, construction or designated use of a building, the construction or use of which shall have been commenced prior to the effective date of these Regulations or of any pertinent amendment thereto, and which shall be completed within one year thereafter.

10.2 ENFORCEMENT AND PENALTIES

10.2.1 These Regulations shall be enforced by the Planning and Zoning Commission through its Zoning Enforcement Officer ("ZEO"), who shall be empowered to cause any building or land to be inspected, and to order in writing the remedying of any conditions found to exist in violation of these Regulations or any permit or approval issued hereunder.

10.2.2 Violations of these Regulations shall be penalized in accordance with the provisions of Connecticut General Statutes. The owner or agent of a building, structure or property where such violation shall have been committed or shall exist, or the lessee or tenant of an entire lot where such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in such violation or who shall maintain any building or premises in which such violation exists shall be punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission may, at its sole discretion, direct its attorney to commence criminal or civil action in the State or Federal Court for the purpose of enforcing the provisions of these Regulations.

10.3 ZONING PERMIT AND CERTIFICATE OF ZONING COMPLIANCE REQUIRED

No building shall be constructed, moved, altered, or used, nor shall any land be used until a zoning permit and Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer (ZEO). Such Certificate shall be evidence that such use, building or structure conforms to all applicable provisions of these Regulations. The ZEO shall require the applicant for the permit to provide such information as is necessary to determine compliance with these Regulations. The ZEO shall deny any permit for buildings or use which is in violation of the provisions of these Regulations.

10.3.1 At a minimum, an application for a zoning permit shall include the application form, obtainable from the ZEO, indicating the name and address of the applicant and owner of the property, written consent by the land owner where applicable, a plot plan, drawn to scale, showing the existing conditions on the property, any existing easements on the property, and the location of any proposed structure or activity, and a written description of the proposed structure or activity for which a zoning permit is requested. The ZEO may require such additional information as is necessary to determine compliance with these Regulations. A Site Plan, as described in Section 11, and a Special Permit, in accordance with Section 12, may

also be required, as noted elsewhere in these Regulations. Specific information requirements for certain activities are also set forth elsewhere in these Zoning Regulations.

10.3.2 No Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the Lyme Subdivision Regulations, or the Lyme Inland Wetlands and Watercourses Regulations, other ordinances of the Town of Lyme or any permit issued thereunder, is proposed or 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 from the Zoning Enforcement Officer.

10.4 FEE

Each application requiring a zoning permit, site plan, development plan, coastal site plan, commercial cutting plan, special permit, or any renewal or extension thereof, shall be accompanied by a fee payable to the Town of Lyme in accordance with the schedule adopted by the Planning and Zoning Commission. The fee schedule is attached as Appendix A of these Regulations.

10.5 HOUSE NUMBERING REQUIRED

Whenever a zoning permit is required for any construction or activity within the Town of Lyme, the applicant shall post permanent house numbers at the access point of the property on which the proposed construction or activity is located. The house numbers shall be those assigned by the town assessor, and shall be visible from the public street. When the property is served by a shared driveway, permanent house numbers shall be posted at the point where the driveway branches to serve the subject property. To enhance public health and safety, the house numbers shall be maintained in legible condition by the property owner for the duration of the structure or activity. House numbers must be permanently in place before a certificate of occupancy will be issued.

10.6 PLANNING AND ZONING COMMISSION REVIEW OF FIRST LOT DIVISION

A plan for any new lot created by the division into not more than two parts of a tract or parcel of land in existence prior to the date of adoption of the Lyme subdivision regulations, adopted November 6, 1964, shall be submitted to the Planning and Zoning Commission for review and approval of the division as to consistency with zoning and subdivision requirements. No lot shall be created unless both lots resulting from such division are in conformance with these zoning regulations.

10.7 EXEMPTION OF FREE SPLIT FOR LOTS CREATED FOR AFFORDABLE HOUSING USE

In accordance with Public Act 06-97 and Town Ordinance 2006-1, any lot which existed prior to November 6, 1964 and would otherwise be eligible for division without approval of a subdivision plan shall not forfeit eligibility for division by reason of division for the creation of one lot conforming with these Regulations, provided that such lot is created for affordable housing to be developed by the municipality or a non-profit organization. This option is a single use option only and once used cannot be used again.

SECTION 11 SITE PLANS

11.1 PURPOSE

A Site Plan is required for certain uses in order to determine the conformity of a proposed activity with these Regulations. The Site Plan shall be prepared with due consideration for the purpose and intent of these Regulations, including protection of public health, safety, comfort and convenience, coordination with and improvement of vehicular and pedestrian access, provision of adequate drainage and utilities, appropriate lighting and landscaping, protection of natural resources, conservation of the natural terrain, provision for vegetation on the site to the maximum extent practical, and maintenance of architectural harmony with the surrounding area. Section 11 establishes procedural and informational requirements for Site Plans.

11.2 REQUIREMENTS FOR A SITE PLAN

When a Site Plan is required by these Regulations, no zoning permit shall be issued by the Zoning Enforcement Officer (ZEO) until a Site Plan meeting all applicable requirements of this Section has been approved by the Planning and Zoning Commission, or by its ZEO, if so delegated. Generally, the responsibility for site plan review and approval is delegated to the ZEO, unless the ZEO requests the Commission review and act on a specific application. The Commission may also direct the ZEO to forward the site plan to the Commission for its action. In addition, an applicant may request that the Commission serve as the reviewing authority for a specific application, which request the Commission may grant at its discretion. In all cases, the final decision as to who is the reviewing authority shall be made by the Commission.

11.2.1 Unless otherwise specified in these Regulations, a Site Plan is required for all proposed uses or changes of use, except the following:

- (a) A family dwelling unit, except as subject to Special Permit review under Section 14, Conservation District, or where the proposed use is within 100 feet of tidal wetlands, coastal bluffs and escarpments. Applications for family dwellings must include the information required in Section 10.3.1. In addition, a Site Plan may be required by the Commission or its representative (ZEO) when topography, soils, existing development, mixed uses or other factors make it infeasible to properly determine conformance with the Zoning Regulations without a Site Plan.
- (b) Within all Districts, when an existing permitted use located within a structure is changed to another permitted use located within the same structure, provided that the ZEO determines that the new use will not result in either the alteration of the exterior of the structure or an intensification of the use of the structure. Intensification shall be defined as additional residential units, additional employment, additional clients or customers, additional floor space for sales or services, or additional required parking than existed prior to the change of use. A plot plan and statement of use are required for the change of use.
- (c) Any use for which the Commission/ZEO approves a waiver of Site Plan requirements under Section 11.2.1.

11.2.2 Waiver of Site Plan Requirements. In addition to uses and activities specifically exempted elsewhere in these Regulations, the ZEO may waive requirements for a

Site Plan if the ZEO determines that a proposed activity will not affect existing traffic circulation, nor result in an increase in the need for parking, nor shall there be any significant exterior change to a building or site, nor shall such new activity have an impact on surrounding properties and the neighborhood substantially different from the existing use from which the change is requested. The Site Plan may not be waived for coastal site plans or for special permit uses.

- 11.2.3 Waiver of Site Plan Information Requirements. In order to avoid unnecessary delay and expense for an applicant whose proposed activity is minor in nature and limited in its impact on the surrounding area, the ZEO may exempt any application from specific information requirements as set forth in this Section. Such exemption may be approved if the ZEO finds that such information would not aid in determining the application's compliance with these Regulations.

11.3 OPTIONAL INFORMAL DISCUSSION OF SITE PLAN WITH COMMISSION

Any applicant for a use requiring Site Plan approval may request the placement of such a proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts, and for receiving preliminary comments, observations and questions, and identifying areas of concern. Neither the applicant nor the Commission shall be bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the applicant, the public, and the Commission upon further receipt, if any, of a formal submission of the Site Plan. At this informal discussion, the applicant may request a full or partial waiver of Site Plan requirements under Section 11.2.2 and 11.2.3. Following 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 site plan approval.

11.4 APPLICATION FOR SITE PLAN APPROVAL

- 11.4.1 Formal Submission of Application. All applications for Site Plan review, including all maps, reports, legal documents, fee and other information required under Section 11.5, shall be submitted to the ZEO or other designated agent of the Commission. An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of Section 11.5 have been received. Failure to submit a complete application may be cause for disapproval of the application.

- 11.4.2 Official Date of Receipt. When a Site Plan is not waived in its entirety, the official date of receipt of the site plan application shall be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete application to the Zoning Enforcement Officer, or 35 days, whichever is sooner. At its discretion, the Commission may hold a public hearing on any site plan.

- 11.4.3 Statutory Requirements. Site Plan applications shall be acted upon by the Commission or its delegated agent under the provisions of Section 8-7d (b) of the Connecticut General Statutes. Maps and information which accompany a Special Permit application shall be considered part of the Special Permit application and action on such plan shall be taken in accordance with Section 12 of these Regulations.

11.4.4 Inland Wetland Report and Permit Required. If any part of the site is within the jurisdiction of the Lyme Conservation and Inland Wetlands Commission in accordance with the Inland Wetlands and Watercourses Act, the report of said Commission together with any permit issued for regulated activities shall be submitted with the site plan. In accordance with State Statutes, the Planning and Zoning Commission shall take no action on a Site Plan application until the report of the Conservation and Inland Wetlands Commission has been received and considered.

11.4.5 Referrals. The Commission may transmit copies of Site Plan materials to other officials and agencies for advisory reports and consultation and/or for approval as may be required by law

11.5 CONTENTS OF A SITE PLAN APPLICATION. Unless waived by the Commission under Section 11.2.2, each application for Site Plan review shall include all the information required in Section 11.5.

11.5.1 Statement of Use. A written statement, signed by the applicant, and by the owner if different from the applicant, describing the nature and extent of the proposed use or occupancy in sufficient detail to determine compliance with the use provisions of these Regulations.

11.5.2 Maps. All maps shall be on sheets measuring 24" x 36", and shall be neatly prepared from existing plans, surveys and maps.

a. Location Map. An accurate map at a scale of one inch equals one thousand (1,000) feet showing the subject property and all property and streets within one thousand (1,000) feet of the subject property, including all lots and lot lines, all zoning district boundaries, and all existing streets and roads. The location map may be included as an insert on the Site Plan Map.

b. Site Plan Map. Site plans shall be prepared at a scale of not more than fifty (50) feet to one inch and shall indicate the following information, where appropriate:

1. General Information.

(a) Name and address of the applicant and owner of record and all adjoining property owners as listed on the Town's tax roles; (b) date, north arrow, and numerical and graphical scale on each map; (c) brief written description of the proposed use or uses; (d) table or chart indicating existing zoning and the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, and open spaces as they relate to the requirements of the zoning regulations; (e) the words, "Approved by the Town of Lyme Planning and Zoning Commission /ZEO", with designated places for the title and signature of the Commission Chairman/ZEO and the date.

2. The Property.

(a) Boundaries of the property; (b) location, width, and purpose of all existing and proposed easements and rights-of-way on the property; (c) existing and proposed contours or spot grades at intervals of five (5) feet or less, referred to a datum satisfactory to the Commission; (d) Location of existing wooded areas,

watercourses, wetlands, rock outcrops, and other significant physical features; and where appropriate, (e) mean high water line, high tide line, wetlands boundary and flood hazard areas, and channel encroachment line.

3. Buildings and Uses.

(a) Location, design, and height of all existing and proposed buildings, signs, fences and walls; (b) preliminary architectural elevations and floor plans for all buildings; (c) location of all existing and proposed uses and facilities not requiring a building, such as tennis courts, light standards, tanks, fences, transformers, dumpsters, and the like; (d) location and design of all existing and proposed uses not requiring a structure; (e) location and percentage of the total lot area of all impervious surfaces on the lot, including those in subsection 4 below.

4. Parking, Loading and Circulation.

(a) Location, arrangement, and dimensions of all existing and proposed paved areas, including automobile parking spaces, aisles, vehicular drives, fire lanes, entrances and exits; (b) location, arrangement and dimensions of loading and unloading areas; (c) location and dimensions of pedestrian walkways, entrances and exits.

5. Open Space and Landscaping.

(a) Percentage, size, arrangement, uses, and dimensions of open space on the site; (b) Location and design of all required buffer strips and screening, including riparian buffers, interior landscaped areas; plant materials, fencing, screening devices, decorative paving, or other materials proposed; (c) Location of existing trees with a trunk caliper of more than six (6) inches, except in densely wooded areas where the foliage line shall be indicated;

6. Signs and Lighting.

Location, size, height, orientation and plans of all existing and proposed sign and outdoor lighting.

7. Utilities.

Location and design of all existing and proposed sanitary subsurface sewage disposal systems, storm water drainage, water supply facilities, and refuse collection areas including provisions for recycling, as well as other underground and above ground utilities.

8. Sedimentation and Erosion Control Measures.

Location and design of all proposed sedimentation control measures in accordance with Section 16.

9. Other information.

(a) A non-commercial cutting plan, if the proposed development is located within the Conservation Zone. (b) Such additional flood hazard information as may be required by these Regulations, if the site or any portion thereof is located within an identified Flood Plain District.

11.5.3 Additional Requirements: Additional information may be required when such information is necessary in determining conformance with these Regulations. The

Commission, or the ZEO acting as the Commission's delegate, may require the following additional information:

- a. An accurate Class A-2 level survey of the property and all improvements, prepared by a land surveyor registered in the State of Connecticut.
- b. That all plans be prepared, signed and sealed by a professional engineer, architect or landscape architect as appropriate, licensed to practice in the State of Connecticut, who is responsible for the information and design. All plans which include the design of roads, detailed drainage systems, sanitary sewer systems and water systems shall be prepared, signed and sealed by a licensed professional engineer.
- c. Storm water drainage system details, including location, size and elevations of all catch basins, dry wells, culverts, drainage swales, detention or retention basins and other features.
- d. The following written reports may be requested by the Commission/ZEO where appropriate:
 1. Sewage Disposal. The site plan shall show provisions for sewage disposal. A written report prepared by a licensed professional engineer on suitability of the site for on-site sewage disposal shall be submitted to and approved by the Town Sanitarian prior to submission to the Commission. The report shall contain a review of results of any test pits and percolation tests dug on the site, and recommendations for design of on-site sewage disposal
 2. Potable Water Supply. The Commission may require that the applicant retain the services of a licensed water analyst who shall perform such chemical, bacteriological or other analyses or tests as may be required by the Public Health Code of the State of Connecticut. Results of all tests shall be submitted to the Town Sanitarian for review and written approval.
 3. Fire Protection. The applicant shall identify the source of water for fire protection, and shall where necessary, after consultation with the fire marshal, provide a fire well, fire pond, water tank or other source of adequate water for fire fighting purposes. The design, location and construction of any water supply for fire fighting purposes must be approved by the Commission. The written report shall include evidence that the comments of the fire marshal have been solicited and received.
 4. Traffic Generation. For all new commercial and industrial development, a report on the estimated amount and type of vehicular traffic to be generated on a daily basis and at peak hours; the estimated number of persons to occupy or visit the premises on a daily basis, including parking and loading requirements for the proposed use or uses. For site plans involving fifty (50) or more parking spaces, a traffic impact analysis, prepared by a recognized traffic engineer, shall be submitted as part of the application.
 5. Hazardous Materials and Wastes. The applicant shall identify any hazardous materials and wastes to be associated with the proposed occupancy and use of the property. For the purposes of this subsection, hazardous materials and wastes are

included in Section 3001 of the Federal Resource Conservation and Recovery Act, Connecticut Hazardous Waste Regulations, the Federal Hazardous Substance Act, the Toxic Substance Control Act, and other applicable regulations. If these materials or wastes are to be present, then the applicant shall present evidence that all applicable permits and approvals from Federal, State or local authorities have been or are in the process of being obtained. The applicant shall demonstrate that the hazardous materials or wastes shall be contained or managed in such a manner that the substances will not specifically pollute or degrade natural resources or the surrounding environment.

6. Staging Plan. In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating the ultimate development shall be submitted.

7. Protection of Significant Historical and Archaeological Sites. When a site or portion of a site has been identified by the State Archaeologist as historically or architecturally significant, the applicant shall identify on the plans the nature and location of the archaeological resource and shall indicate what measures are being taken to protect such resource.

8. Other Information: Any other information deemed by the Commission to be necessary to determine conformity with the intent of these regulations.

11.5.4 Other Site Plan Requirements cited elsewhere in these Regulations.

In addition to the requirements of Section 11, other plans and reports may be required under these regulations, including but not limited to the following:

- (a) coastal site plan, under Section 13;
- (b) special requirements for flood hazard areas, under Section 15.
- (c) erosion and sediment control plan, when the disturbed areas of such development is cumulatively more than one-half acre, under Section 16;
- (d) Residential Structures over four thousand square feet in total area, when located in the Conservation District, under Section 14.
- (d) Any permits required from any state and/or federal agencies.

11.6 SITE PLAN OBJECTIVES: In reviewing a site plan application, the Commission/ZEO shall take into consideration the public health, safety and welfare of the public in general and the immediate neighborhood in particular, and may approve such modifications as are necessary to assure that the site plan complies with the requirements of these regulations. In particular, the Commission shall assure that the site plan meets the following objectives:

11.6.1 Complete Application. That the application is complete and includes all materials and information required by the Commission under these Regulations in order to reach the findings contained herein.

11.6.2 Conformance with Zoning Regulations. That the application conforms to all relevant provisions of these Regulations.

11.6.3 Town Plan of Conservation and Development. That the proposed site plan is in general conformance with the intent of the Town Plan of Conservation and

Development; however the Plan of Development shall not take precedence over the specific provisions of these Zoning Regulations.

- 11.6.4 Emergency Services. That all buildings, structures, uses, equipment, or material are readily accessible for fire, police and emergency medical services, and are protected against hazards from fire and flood and other hazards to public safety.
- 11.6.5 Traffic Access. That all proposed traffic access ways to and from the property do not create traffic hazards and are adequate in width, grade, alignment, and visibility; and that the capacity of adjacent and feeder streets is adequate to accommodate peak and average traffic volume and any special traffic characteristics of the proposed use.
- 11.6.6 Circulation and Parking. That adequate off-street parking and loading spaces are provided to prevent on-street congestion, that the interior circulation system is adequately designed and marked to provide safe and convenient movement for both vehicles and pedestrians to and through the parking area and to all uses, structures, and parking spaces.
- 11.6.7 Landscaping and Screening. That the landscaping of the site complies with the intent and purpose of these regulations, that existing trees are preserved to the maximum extent possible, and that parking and service areas are suitably screened and buffered during all seasons of the year from the view of adjacent residential districts and public streets. That plant material used shall be appropriate to the location and in healthy growing condition and shall be properly maintained over the time of the approved use of the site. Additional landscaping may be required at the discretion of the Commission
- 11.6.8 Lighting. That glare and illumination from the installation of outdoor lighting and illuminated signs is properly shielded from the view of adjacent property and public streets. Lighting standards shall not exceed 12 feet in height.
- 11.6.9 Public Health. That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the town.
- 11.6.10 Natural and Historical Resources. That the development of the site will preserve sensitive environmental land features and natural resources such as steep slopes, wetlands, and large rock outcroppings, species identified as rare and endangered and species of special concern, and preserve scenic views or historically and archaeologically significant features.

11.6.11 Neighborhood Character. That the location and size and overall architectural character of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood, and will not be detrimental to the appropriate and orderly development or use of any adjacent land, building or structure.

11.7 APPROVAL OF A SITE PLAN

A decision to approve, modify or deny a site plan application shall be made within the time period specified by State Statute. The reason for the Commission's decision shall be stated on its records. Notice of the decision shall be published in accordance with state statutes. Once approval has been granted by the Commission, one (1) mylar and four (4) copies of the approved plan, on which all modifications approved by the Commission as part of its approval have been clearly indicated, shall be forwarded to the Commission for its endorsements.

11.8 SURETY. The Commission may require, as a condition of Site Plan approval, that the applicant post surety in a form and amount satisfactory to the Commission in order to assure conformance with all proposed improvements (excluding buildings) shown on the approved site plan

11.9 AMENDMENTS TO AN APPROVED SITE PLAN.

11.9.1 Minor Amendments. Minor amendments to a previously approved site plan may be approved by the Commission or its agent, provided said amendments do not materially alter the overall character, quality, density or intensity, uses, amenities, parking or other major features of a site plan as approved. Minor changes shall include, but are not limited to slight relocation of paved areas, utilities, landscaped areas, lighting and other site features because of unforeseen topographic or other field conditions.

11.9.2 Major Amendments. Major amendments shall be treated as new applications for site plan approval in accordance with these regulations. Major amendments shall include but are not limited to any significant alteration in the square footage or location of landscaped areas; any alteration in residential density; any increase in building floor area or height, and any other alteration which significantly affects the overall character, quality, density or intensity, uses, amenities, parking or other major features of a site plan. The Commission shall decide, on cases of question, whether a change shall be designated major or minor.

11.10 COMMENCEMENT OF CONSTRUCTION. Construction shall commence on any site plan in accordance with the approved plan within one year of the date of the approval. Any plan not commenced shall become null and void unless an extension is granted by the Commission, and no building permit shall be issued until a new site plan is approved. Any site not completed within five (5) years of the date of the Commission's approval shall likewise become null and void, and no Certificate of Occupancy shall be issued except upon the approval of a new site plan. The notice of approval of a site plan shall include a statement of the date on which such five (5) year period expires.

11.11 CERTIFICATE OF OCCUPANCY. No Certificate of Occupancy shall be issued by the Building Official until the Commission/ZEO has determined that the site has been completed in accordance with the approved site plan and has been issued a final Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be issued until the Commission/ZEO has received written certification from the project architect, engineer, or land surveyor, if one has participated in the preparation of application materials, to the effect that the project has been completed in accordance with the approved plan. If amendments have been approved, "as built" drawings shall be submitted as well. The Commission/ZEO shall consider written certification and "as built" drawings, along with any inspections of the site. If the Commission/ZEO finds that the project is complete in accordance with the approved plan, a Certificate of Occupancy shall be issued. If the Commission/ZEO finds that the project is incomplete, a Certificate of Occupancy shall not be issued.

SECTION 12 SPECIAL PERMITS

12.1 PURPOSE

Comprehensive zoning regulations are based on the division of the community into separate districts in which the use of land and buildings are substantially uniform. It is recognized that there are certain uses which, because of their nature, cannot be distinctly classified or regulated so as to be uniformly permitted in a particular zoning district without careful consideration in each case of the impact of such uses upon neighboring uses and the surrounding area, and without careful evaluation of the public need for such uses in the particular locations proposed. Such uses, as defined in Section 4, therefore, shall be treated individually through the use of Special Permits.

12.2 AUTHORITY

In all cases where these regulations require approval by special permit, no zoning permit shall be issued by the ZEO except after public notice and hearing in accordance with the General Statutes of the State of Connecticut and upon authorization of the Planning and Zoning Commission.

12.3 APPLICATION FOR SPECIAL PERMIT

12.3.1 Submission of application: Each application for a Special Permit shall be filed with the Zoning Enforcement Officer on a form provided by the Commission at least fourteen days prior to the next regular meeting of the Commission, and shall be accompanied by a fee as established by the Commission. An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of Section 11 has been received. The information submitted for the Special Permit shall be voted on as part of the Special Permit Application. Failure to submit a complete application shall be grounds for denial of the application.

12.3.2 Official Date of Receipt. The date of official receipt of a Special Permit application shall be the date of the next regularly scheduled meeting of the Commission following the date of submission of a completed application to the ZEO

12.3.3 Public Hearing: The Commission shall hold a public hearing on all applications for a special permit in accordance with the requirements of Section 8-3c of the Connecticut General Statutes

a. Mailing of Hearing Notice: At the beginning of a public hearing held on any application for a Special Permit, the applicant shall present proof that notice of the hearing has been mailed at least 10 days, but not more than 30 days, in advance of the date of the scheduled hearing by certified mail, return receipt requested, directed to each of the owners of records of lots located within 150 feet from the boundaries of the subject properties, as such owners and addresses appear on the last completed Grand List of the Town of Lyme.

b. Affidavit of Compliance: The petitioner requesting the special permit shall, on or before the date of the public hearing, file with the Commission proof of mailing documenting compliance with Section 12.3.3.

12.4 REFERRALS

Upon receipt of a Special Permit application, the Commission may refer the application to the Zoning Enforcement Officer and any other agency or department affected by the application for review and recommendations to be submitted prior to or at the public hearing,

12.5 FINDINGS

A Special Permit shall not be granted until the Commission has determined that all of the following conditions have been satisfied:

- 12.5.1 Complete Application: That the application contains all information required by these Regulations, that the information has been prepared by persons having the necessary expertise to prepare it, that the information is submitted so as to permit the Commission to understand it and determine compliance with these Regulations. Failure to meet these criteria shall be grounds for denial without prejudice to future complete applications.
- 12.5.2 Compliance with Zoning Regulations: That, in addition to meeting all other conditions, the proposed use and the arrangement of all proposed buildings, structure, facilities and other site improvements shall comply with all applicable provisions of these Zoning Regulations, unless a certified copy of a variance is submitted with the application, or the Zoning Enforcement Officer determines that there is a legal preexisting non-conformity. Further, the application shall conform to all provisions of the Lyme Subdivision Regulations, the Lyme Wetlands Regulations, the Public Health Code, and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.
- 12.5.3 Harmony with Development: That the proposed use is of such location, size, scale, density, character and intensity that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated, in relation to existing land uses; and that the use will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties; and that the use is in harmony with the Lyme Plan of Conservation and Development.
- 12.5.4 Public Safety: That the nature and location of the proposed use of any building or other structure in connection with the Special Permit is such that there is adequate access to it for the purpose of fire protection, police protection, and other emergency equipment, including fire lanes, access drives to remote portions of building or site, and adequate lighting; that there is adequate utility capacity for the use, including water supply for fire fighting; that all appropriate flood proofing measures have been met; and that existing provisions for fire and police, water, sewerage and other public requirements are adequate.
- 12.5.5 Impact on Environment: That the location and size of such use, the nature and intensity of operations involved in connection therewith, and the site layout and development will not have a significant adverse impact on any environmental and natural resource areas on or adjacent to the site or within the neighborhood; that the use can be conducted without undue destruction of and or pollution of lakes, streams and other water bodies, natural topography, habitat and other natural resources.

- 12.5.6 Property Values and Character: That the proposed use will not depreciate adjacent property values; that the size and height of all proposed buildings and the extent of all proposed site improvements shall harmonize with the existing character of the neighborhood in which the use is to be established; that the site design is the **best possible** design of structures and land uses compatible with the shape, size, topography and natural character of the area; that scenic vistas and public access are preserved; that materials used, rooflines, doors and windows, site and building lighting, paving materials, landscaping, signs, colors and other features of the site and buildings which are visible from the exterior of any building or from adjoining properties or streets are appropriate for the site's location; and that light, noise and odors are controlled so as to not be detrimental to the surrounding area.
- 12.5.7 Traffic Considerations: That the streets serving the proposed use are adequate to carry all prospective traffic; that adequate provision is made for entering and leaving the subject site in such a manner that no undue hazard to traffic or undue traffic congestion shall be created; that adequate off-street parking and loading facilities are provided; that the development of the subject site provides for the continuation and appropriate improvement of streets terminating at or proposed to be constructed through the lot on which the proposed use is to be located; that the use is within the capacity of adjacent and feeder streets to accommodate peak and non-residential traffic through resident streets, that all driveways, parking areas, paths and sidewalks on the site for non-residential uses are interconnected and/or combined with adjacent parking areas, driveways, paths and sidewalks to minimize curb cuts and maximize pedestrian and vehicular movement; and that there is adequate and safe circulation within the property for vehicles and pedestrians.
- 12.5.8 Landscaping and Buffers: That the site on which the proposed use is to be located will be suitably landscaped to protect the neighborhood and adjacent property; that the grading, improvements and landscaping of the site are designed to protect and enhance the historic and rural character of the town; and that the proposed use of the property will maintain sufficient buffering between the subject site and adjacent single family residentially zoned properties. When adequate buffering does not exist, sufficient buffers between the proposed use and adjacent properties, satisfactory to the Commission, shall be provided through use of grade separation, landscaped buffer areas, and/or natural open spaces.
- 12.5.9 Relationship to Utility Systems, Drainage Systems and Impact on Community Facilities: That the subject site shall have adequate water and sewerage systems for the proposed use; that the use will not place undue burden on utilities; that adequate provision for storm water runoff has been made so that quantity and quality of runoff from the property is maintained or improved; that adequate provision is made for the solid and hazardous waste disposal, and for recycling; and the proposed use will not adversely impact other existing community facilities.

12.6 PERMITTED STIPULATIONS WITH SPECIAL PERMIT

The Commission, in approving a Special Permit, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values, and the environment in the area as a whole, the public health, safety or welfare, sound planning

and zoning principles, improved land use, site planning and land development, and better overall neighborhood compatibility. Such restrictions may concern, without limitation, the actual operation of the proposed use and/or components of the Special Permit, including but not limited to the following: hours and scope of operation, building location, size and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping and screening, signs and lighting, and the design and architectural treatment of all structures.

12.7 COMMISSION ACTION

The Commission will conduct a public hearing and act on the application within the time frame set out by the Connecticut General Statutes.

12.8 REVOCATION

12.8.1 Violation of Conditions: Whenever the Commission shall find that any terms, conditions or restrictions upon which a Special Permit was granted are not being complied with, the Commission may rescind and revoke such approval after giving due notice to the owner of record of the property involved and to the applicant for the Special Permit.

12.8.2 Abandonment: Whenever a use permitted by Special Permit is abandoned, the approval of such Special Permit shall be rescinded and revoked. Resumption of a use for which a Special Permit approval has been rescinded shall constitute a violation of these Regulations.

12.9 AMENDMENTS OR MODIFICATIONS

Once a Special Permit has been granted under these Regulations, no subsequent change in the operations or conditions of the approved use or approved plan shall be permitted unless a new application for a Special Permit is submitted to and approved by the Commission. Minor modifications which do not materially alter the Special Permit, as determined by the Commission, may be approved by the Commission without a public hearing.

12.10 TIME PERIOD AND EXPIRATION

12.10.1 In approving a Special Permit, the Commission may set or impose time periods or limits on a Special Permit use, or require periodic renewal with or without a public hearing. In the event an appeal is taken from the Commission's approval of a Special Permit, then the time period shall commence on the date of final resolution or disposition of such litigation. Expired special permits shall be considered null and void and of no effect.

12.10.2 Substantial construction within one year: If within one year of the date of approval of a Special Permit, substantial construction has not begun on a building or structure, or no use authorized by the Special Permit has been established, the Special Permit shall become null and void. Substantial construction shall include the erection of all foundation structures and at-grade slabs. At the Commission's discretion and for good cause, upon request of the applicant, the Commission may

extend for an addition one year period the time allotted for the beginning of substantial construction or establishment of a use.

12.11 INSPECTION

Inspections may be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. The cost of the inspections and consultants shall be paid by the applicant in accordance with the fee schedule.

**SECTION 13
COASTAL MANAGEMENT**

13.1 PURPOSE: Under Chapter 444 of the Connecticut General Statutes, these Regulations are intended to insure that the development, preservation or use of land and water resources of the coastal area proceeds in a balanced manner consistent with the capability of the land and water resources. These Regulations are further intended to preserve and enhance coastal resources, especially the unique resources of the lower Connecticut River and its tributaries, and to give high priority and preferences to uses and facilities that are dependent on proximity to the water or the shoreline.

13.2 COASTAL SITE PLAN: As provided under Connecticut General Statutes Section 22a-105, a coastal site plan application must accompany all site plans, special permits, and variances within the Lyme coastal boundary, as delineated on the coastal boundary map on file in the Lyme Town Hall, except as noted in Section 13.3 below.

13.2.1 Contents of a coastal site plan: A coastal site plan shall include, at minimum, the location and special relationship of coastal resources on and contiguous to the site; an assessment of the capability of the resources to accommodate the proposed use; a description of the entire project with appropriate plans indicating project location, design, timing and methods of construction; an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project and a description of the proposed methods to mitigate adverse impacts on coastal resources.

13.2.2. Commission action: The Commission may approve, modify, condition or deny the activity proposed in a coastal site plan to ensure that the potential adverse impacts of the proposed activity on both coastal resources and future water development activities are acceptable. In making its determination, the Commission shall (a) consider the characteristics of the site, including the location and condition of any of the coastal resources, (b) consider the potential effects, both beneficial and adverse of the proposed activity on coastal resources and future water dependent development opportunities and (c) follow all applicable goals and policies stated in Section 22a-92 of the Connecticut General Statutes and identify conflicts between the proposed activity and any goal or policy.

13.3 EXEMPT USES: The following uses, if and where permitted by these regulations in the coastal area, are exempt from the coastal site plan review requirements (such uses are not exempt from other Zoning permits and requirements):

- (1) Interior modifications or minor additions to or modification of existing buildings or detached accessory buildings, such as garages and utility sheds.

- (2) Construction of new or modifications of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to

walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings. See Appendix F.

- (3) Construction of new or modification of existing on-premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public waterfront.
- (4) Construction of an individual conforming single family residential structure except in or within one hundred feet of the following coastal resource areas: tidal wetlands, coastal bluffs and escarpments and beaches and dunes.
- (5) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal water and land resources.
- (6) Gardening, grazing and the harvesting of crops.
- (7) Minor changes in use of a building, structure or property, except those changes occurring on property adjacent to or abutting coastal waters.

13.4 LONG ISLAND SOUND WATERS. In any review of a proposal where the development of a property may adversely affect the waters of Long Island Sound with respect to hypoxia, pathogens, toxic contaminants and floatable debris, then reasonable design considerations shall be made for the restoration and protection of the ecosystem and habitat of Long Island Sound in conformance with Connecticut General Statutes Section 8-2b as may be amended

**SECTION 14
CONSERVATION DISTRICT**

14.1 PURPOSE:

Under Section 25-102d of the Connecticut General Statutes, the Conservation District is established for the enjoyment of present and future generations of Connecticut citizens, to preserve the unique scenic, ecological, scientific and historic values which the Lower Connecticut River contributes for public enjoyment, inspiration, and scientific study, and to prevent deterioration of the natural or traditional river scene.

14.1.1 No activity regulated under Section 14 shall commence prior to the issuance of a permit and no such permit shall be granted unless the Commission finds that the proposed activity is compatible with the preservation of the natural or traditional river scene, and consistent with the purposes of Chapter 477a of the Connecticut General Statutes.

14.2 SETBACK FROM WATER BODIES

No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered nor shall any land be filled within a distance of one hundred feet of the high tide line (as defined in the Connecticut General Statutes) of the Connecticut River or any of its tributaries or associated wetlands. At its discretion, upon determination of functional need, the Commission may issue a special permit to reduce the setback for structures that require direct access to the water as an operational necessity such as piers, docks, boathouses and boatsheds

14.3 RESTRICTIONS ON THE USE OF LAND ADJOINING TIDAL WETLANDS

In addition to the requirements of Section 15, Flood Plain District, no grading, excavation, deposition, construction, non-commercial cutting or alternation is permitted within a land buffer zone 100 feet wide adjoining tidal wetlands until there is first submitted to the Zoning Enforcement Officer a site plan showing the details of the proposed development and including: soil erosion and sedimentation control measures; and a non-commercial cutting plan; with other information as may reasonably be required. No permit for such operations shall be granted unless the plan shall clearly show that the proposed development will not cause any filling in of the tidal wetlands.

14.3.1 Required Vegetative Buffer

There shall be no cutting of vegetation within a strip of land extending 50 feet in horizontal distance inland from the high tide line, as defined in the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands, except as provided in this Section.

a. There shall be no clear cut openings, and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. Existing vegetation less than three feet in height and other ground cover shall not be removed except to provide for a footpath or other permitted uses. Pruning of tree branches on the bottom third of trees is permitted. Fields which have reverted primarily to shrubs, trees or other woody vegetation shall be regulated under the provisions of this section. Cleared openings legally in existence on the effective date of these regulations may be maintained but shall not be enlarged.

b. There shall be no timber harvesting within the buffer area except to remove safety hazards. When removal of storm-damaged, diseased, unsafe or dead tree results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present. Prior to cutting of diseased or damaged trees, a determination about the conditions of such trees shall be made by the zoning enforcement officer upon review of a letter stating the necessity of such action submitted to the zoning officer by a public or consulting forester.

c. In no event shall an opening be cleared for development, including but not limited to surface regrading, storm water drainage structures, construction of retention walls, construction of principal or accessory structures, driveway construction, sewage disposal areas, and lawns and gardens.

d. A footpath not to exceed five feet in width is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

e. Stairs or similar structures may be allowed with a permit from the zoning enforcement officer to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of five feet in width and does not extend below or over the high tide line of the Connecticut River or its tributaries or the upland edge of a wetland, and the applicant demonstrates that no reasonable access alternative exists on the property.

f. A vegetated buffer shall not be required for areas within the Conservation District which have been mapped and designated by the Planning and Zoning Commission as "developed areas". In such developed areas, property owners are encouraged, where feasible, to maintain a vegetated area of trees and shrubs immediately adjacent to the water to avoid erosion and enhance the scenic quality of the river scene. For purposes of this Section, a developed area is an area adjacent to the Connecticut River or its tributaries and associated wetlands within the 50 foot area immediately landward of the high tide line, as defined in Connecticut General Statute 22a-359(c), which has been developed in the sense of being armored through the use of bulkheads, rip-rap or other structural stabilization methods or materials. The 50 foot buffer area may also be considered as "developed" if clearing or construction activities such as paving have occurred in such a manner so as to make the retention or replacement of vegetation within said 50 foot area impractical, infeasible or undesirable. Every portion of the buffer area shall be considered on its own merits, even within the confines of a single lot or parcel. If only a part of the buffer has been developed, the vegetated buffer shall be required for the remaining undeveloped part. For purposes of this definition, an existing lawn shall be considered as a developed area.

14.4 ADDITIONAL REQUIREMENTS FOR RESIDENTIAL STRUCTURES OVER FOUR THOUSAND SQUARE FEET IN TOTAL AREA: A special permit is required for all construction, reconstruction, enlargement, or structural alterations of principal and accessory residential structures which result in one or more buildings or structures having a combined total floor area in excess of four thousand square feet (all floors). The purpose of this requirement is to assure that large scale residential structures and significant site modifications located within the Conservation District will not cause deterioration of the natural and traditional river scene.

- 14.4.1 Exception: A special permit shall not be required for residential structures over four thousand (4000) square feet in total floor area under this Section if it can be demonstrated by the applicant that the proposed structure or structures will not be visible from the Connecticut River, Lords Cove, Whalebone Creek, Selden Creek, Selden Cove, and Hamburg Cove. Demonstration that a structure will not be visible from the Connecticut River shall consist of an area topographic map showing that there is intervening ground between the house and the water at an elevation at least thirty-five (35) feet above ground elevation of the proposed structure.
- 14.4.2 Submission: In addition to other town requirements for special permit applications, the applicant will provide site plans and building elevations prepared by an architect and/or landscape architect which show information on existing and proposed topography, building design and height measurements, proposed grading including cuts, fills and retaining walls, any required buffer area, proposed landscaping and plans for access to the waterfront, if applicable.
- 14.4.3 Special Permit Criteria:
- a. Proposed site development shall maintain the essential natural characteristics of the site, such as major landforms, natural vegetative and wildlife communities, hydrologic features, scenic qualities and open space that contributes to a sense of place.
 - b. Structures shall be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.
 - c. Structures located above the crest of hillsides facing the River shall be held back from the crest of the hill to maintain a clear sense of the hillside brow in its natural condition.
 - d. Vertical architecture elements shall not be over emphasized in a manner which disrupts the natural silhouette of the hillside. Structures shall be designed so that the slope angle of the roof pitch is generally at or below the angle of the natural hillside or manufactured slope.
 - e. Building forms shall be scaled to the particular environmental setting to avoid excessively massive forms that fail to enhance the hillside character. Massing of structural elements such as large roof areas shall be broken up to approximate natural slopes.
 - f. Roof lines shall relate to the slope and topography. Rooftop treatment shall be designed to avoid monotony of materials, forms and colors. Dark colored roof treatments, which reduce visual impact of the structure on the landscape, are preferred.
 - g. Site design shall preserve the existing natural landscape where possible and include new landscaping which is compatible with existing natural vegetation, the scenic character of the area, and increases visual buffering between the building and the River or its tributaries within the Gateway Conservation District.
 - h. Development shall be located so as to minimize disturbance of sensitive areas. The smallest practical area of land should be exposed at any one time during

development and the length of exposure should be kept to the shortest practical time. Disturbed areas shall be replanted with trees, shrubs and ground cover which are compatible with existing vegetation.

i. Site grading shall avoid straight and unnatural slope faces. Cut and fill slopes shall have curved configurations to reflect as closely as possible the forms and shapes of surrounding topography. At intersections of manufactured and natural slopes, abrupt angular intersections should be avoided and contours should be curved to blend with the natural slope.

14.4.4 Findings: A special permit shall not be granted until the Commission has determined that all of the following conditions have been satisfied:

a. Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.

b. Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.

c. The proposed development retains or enhances the visual character of the site and the area by utilizing proper structural scale and character, varied architectural treatments and appropriate plant material to buffer the mass of the building from the River or its tributaries in the Gateway Conservation District.

d. The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the River scene.

14.5 REMOVAL OF SOIL AND EARTH MATERIALS

Within the Conservation Zone the removal of soil and earth materials is prohibited except for the following activities:

a. Valid non-conforming uses in existence as of May 14, 1974;

b. Foundation, trench and related site excavation performed after the issuance of a building permit;

c. Filling, removal of excavation in connection with the landscaping and grading of land for a purpose for which a building permit, site plan or special permit is not required, provided that such filling, removal, or excavation shall not exceed 300 cubic yards of material.

14.6 DUMPING AND STORING OF REFUSE

Within the Conservation Zone no new public solid waste facility shall be established or an existing facility be expanded in area.

14.7 BURNING OF UNDERGROWTH

Within the Conservation Zone the burning of undergrowth shall be in accordance with those regulations of the Connecticut Department of Environmental Protection which are in effect from time to time to control and abate air pollution and in accordance with all other applicable provisions of law.

14.8 COMMERCIAL CUTTING OF TIMBER

Within the Conservation Zone no commercial cutting of timber shall occur without a permit issued by the Lyme Zoning Enforcement Officer. After submission of a commercial cutting plan to the Zoning Enforcement Officer, a permit shall be granted if it is found to be consistent with the minimum standards set forth in Section 17.

SECTION 15 FLOOD PLAIN DISTRICT

15.1 PURPOSE

Together with the other classes of Districts referred to in these Regulations, there shall be a Flood Plain District which includes all or parts of such other districts to the extent that they are located in the Flood Plain Area as shown on the Flood Insurance Rate Map (FIRM). The purposes of this District are as follows:

(i) To regulate development of marshes and land which are subject to tidal or other flooding, in order to reduce hazards to public health and safety which would be present if such land were to be used for human occupancy; (ii) to preserve ecological values; (iii) to restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or to flood heights or velocities; to require that uses vulnerable to floods be protected against flood damage at time of initial construction; (v) To control alteration of natural flood plains, streams, channels, and natural barriers, which are involved in the accommodation of flood waters; and to qualify property within the Town of Lyme for eligibility under the Federal Flood Insurance Program.

(ii) The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Lyme or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Lyme, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Lyme.

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this regulation and other ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.2 DELINEATION OF FLOOD PLAIN AREAS

The areas of special flood hazard identified by Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, Dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011 and other supporting data applicable to the Town of Lyme, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area show on the FIRM as Zones A and AE including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

15.2.a Equal Conveyance: Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map for the community,

encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

15.2.b Compensatory Storage: The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

15.3 DEFINITIONS SPECIFIC TO SECTION 15

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

15.3.2 Base Flood Elevation (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by waters of the base flood at pertinent points in the floodplans of coastal and riverine areas.

15.3.3 Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

15.3.4 Cost: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to, the cost of materials (interior finishing elements, structural elements, utility and service equipment), sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters, labor; built-in appliances, demolition and site preparation, repairs made to damaged parts of the building worked on at the same time, contractor's overhead, contractor's profit, and grand total. Items to be excluded include; cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds and gazebos.

- 15.3.5 Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of material; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- 15.3.6 Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).
- 15.3.7 Flood Insurance Rate Map (FIRM): The official map prepared for the Town of Lyme by the Federal Emergency Management Agency on which both special hazard areas and risk premium zones applicable to the Town of Lyme have been designated and is dated July 18, 2011 and as it may be amended.
- a. Zone A: means the Special Flood Hazard Area shown on the FIRM which is subject to inundation by the 100 year flood. Because detailed hydraulic analyses have not been performed, no Base Flood Elevation is shown. Mandatory flood insurance purchase requirements apply.
- b. Zone AE: or "numbered A Zones", means the Special Flood Hazard Areas shown on the FIRM which are subject to inundation by the 100 year flood determined in a Flood Insurance Study (FIS) by detailed methods. Base Flood Elevations are shown with these zones. Insurance risk level is indicated by the number. Mandatory flood insurance purchase requirements apply.
- 15.3.8 Flood Insurance Study (FIS): means the official report from the Federal Emergency Management Agency (FEMA) which contains examination, evaluation, and determination of flood hazards and if appropriate, corresponding water elevations.
- 15.3.9 Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or unusual and rapid accumulation and accumulation/runoff of surface waters from any source.
- 15.3.10 Flood Prone Area or Area of Special Flood Hazard: The land in the flood plains within the Town of Lyme that is subject to a one percent (1%) or greater chance of flooding in any given year and designated as A and AE zones on FIRM.
- 15.3.11 Floodproofed: Watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- 15.3.12 Floodproofing: Any combination of structural or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property or sanitary facilities, structures or their contents.

- 15.3.13 Floodway: The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- 15.3.14 Functionally Dependent Use or Facility: A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
- 15.3.15 Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
- 15.3.16 Lowest Floor: The lowest floor of the lowest enclosed area (including basement).
- 15.3.17 Market Value: As related to substantial improvement and substantial damage, the value of the structure shall be determined by the cost approach to value method prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.
- 15.3.18 Mean Sea Level: For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- 15.3.19 New Construction: Structures for which the "start of construction" commenced on or after the effective date of the initial FIRM, (January 3, 1979), and includes any subsequent improvements to such structures
- 15.3.20 Start of Construction: Including "substantial improvement", means date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the 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 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- 15.3.21 Structure: For floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
- 15.3.22 Substantial Damage: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- 15.3.23 Substantial Improvement: Any repair, reconstruction, addition, or other improvement of a structure, taking place during a five year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure using the cost approach to value method (i.e. market value determination is based on the depreciated replacement cost of the structure using current rates for materials, equipment, and labor), before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For purposes 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 term does not, however, include either (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (ii) any alteration of a "historic structure", provide that the alteration will not preclude the structure's continued designation as a "historic structure".
- 15.3.24 Variance: A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
- 15.3.25 Violation: A failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.
- 15.3.26 Water Surface Elevation: The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

15.4 ENFORCEMENT OF FLOOD PLAN DISTRICT REGULATIONS

- 15.4.1 The Enforcement Officer for this Section shall be the Zoning Enforcement Officer or other such person as the Commission may designate. The Enforcement Officer shall have the following responsibilities:
- a. Require permits for all proposed construction or other development in any Special Flood Hazard Area.
 - b. Review permits for proposed development to assure that all other necessary permits have been received from those governmental agencies from which approval is required by Federal, State or Municipal Law.
 - c. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements (including the placement of prefabricated buildings) shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure; (ii) be constructed with materials resistant to flood damage; (iii) be constructed by methods and practices that minimize flood damage and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating with the components during conditions of flooding
 - d. Review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage and (iii) adequate drainage is provided to reduce exposure to flood hazards.
 - e. Require that all subdivision proposals and other proposed new developments, greater than fifty, (50) lots or five (5) acres, whichever is less, include base flood elevation data.
 - f. Require that new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - g. Require that (i) new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters and (ii) on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

15.4.2 In addition to the above requirements, the ZEO shall have the following responsibilities:

a. In unnumbered A zones, obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that: (i) all new construction and substantial improvements to residential structures have the lowest floor (including basement) elevated to or above base flood elevation and (ii) all new construction and substantial improvements to non-residential structures have the lowest floor, (including basement) elevated or flood-proofed to or above the base flood elevation. Non-residential flood proofing standards are provided in 15.4.2.c and d below.

b. In AE zones, as shown on FIRM, require that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation.

c. In AE zones, require that new construction and substantial improvement of non-residential construction (i) have the lowest floor (including basement) elevated to or above the base flood elevation or (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

d. Provide that where flood proofing is utilized for a particular structure, (i) a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and (ii) shall maintain a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained.

e. In the floodway, as shown on the Flood Insurance Rate Map:

1. Any encroachment, including fill, new construction, substantial improvement and other developments shall be prohibited if such activity would result in any (0.00 feet) increase in flood levels within the Town of Lyme; and compliance thereto may be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, certified by a licensed professional engineer, with supporting technical data. Fences in the floodway must be aligned with the flow and be of an open design.

2. In 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 (1) foot at any point in the community when all anticipated development is considered cumulatively with the proposed development.

3. The Town 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 principle that the floodway must be able to convey the waters of the base flood without

increasing the water surface elevation more than one (1) foot at any point along the watercourse.

f. The ZEO shall notify, in riverine situations, adjacent communities and the Department of Environmental Protection, prior to approving any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency.

g. The ZEO shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

h. The ZEO shall:

1. Obtain the "as built" elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not such structures contain basements.
2. Obtain, if the structure has been flood proofed, the elevation (in relation to mean sea level) to which the structure was flood proofed.
3. Maintain a record of all such information.

i. Recreational vehicles placed on sites within zones A and AE, as shown on FIRM, shall be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

15.5 VARIANCES. The ZEO shall maintain a record of all flood protection variance actions, including justification for their issuance, and report such variances issued in the required biennial report submitted to the administrator.

15.5.1 An applicant for a variance to this Section shall be notified by the ZEO that the issuance of a variance to construct a structure below the base flood level will result in increased rates for insurance coverage commensurate with the increased risk, up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction shall be maintained with a record of all flood protection variance actions.

15.5.2 A variance shall not be granted if the Lyme Zoning Board of Appeals determines that: The variance would result in any increase in flood levels of the designated floodway during the base flood discharge; Granting of the variance would result in increased flood heights, additional threats to public safety, extraordinary public expenses, or create a nuisance; No exceptional hardship would result from the failure to grant the variance.

15.6 USES PERMITTED IN FLOOD PLAIN DISTRICTS (FP-40)

- a. Parks, boat landings, playgrounds and wildlife sanctuaries operated by governmental units or nonprofit corporations.
- b. Game farm, wildlife propagation and similar conservation activities
- c. Farming, truck or nursery gardening.

- d. Private boat landings and private swimming facilities.
- e. Hunting and fishing in accordance with applicable state and local regulations.

15.7 USES PROHIBITED

- a. No land in any such district shall be filled or paved, nor shall any natural grades be changed nor any watercourses altered or obstructed, except with the approval of the Planning and Zoning Commission, provided that such Commission shall have found that the proposed fill or paving will not increase the hazards from flood conditions, including tidal flooding, is not inconsistent with the purposes of the Conservation Zone as stated in Section 14 of these Regulations, and will not adversely affect drainage or ground water conditions nor substantially reduce the economic value of such land as a source of food supply for fish and shellfish, and will not otherwise be detrimental to the public health, safety and welfare.
- b. No building or structure shall be constructed, altered, enlarged, or moved in any Flood Plain District except a building which is accessory to a use permitted under Subsection 15.6.
- c. Manufactured homes are prohibited within the special flood hazard areas.

15.8 MINIMUM LOT AREA AND WIDTH

No parcel of land in any Flood Plain District shall be divided so that any lot or any portion thereof shall be less in area than 40,000 square feet or less in width than 100 feet.

15.9 ABOVE GROUND STORAGE TANKS

Above ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and screw fill cap that does not allow for the infiltration of flood water.

15.10 PORTION OF STRUCTURE IN FLOOD ZONE

If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

15.11 STRUCTURES IN TWO FLOOD ZONES

If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.

15.12 STRUCTURES ENTIRELY OR PARTIALLY OVER WATER

New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

SECTION 16
SEDIMENTATION AND EROSION CONTROL

16.1 REQUIREMENT FOR SEDIMENTATION AND EROSION CONTROL PLAN FOR ZONING PERMITS

No permit shall be issued for new construction unless a site plan, together with a non-commercial cutting plan (when applicable, as determined by the Zoning Enforcement Officer), containing all the information necessary to meet the requirements of these Regulations shall have been submitted to and approved by the Zoning Enforcement Officer or the Planning and Zoning Commission. Where the development is for a multifamily project, or permitted non-residential use in any District, approval shall be by the Planning and Zoning Commission.

16.2 SOIL AND EROSION AND SEDIMENT CONTROL PLAN

16.2.1 A soil erosion and sediment control plan shall be submitted with any application for development if:

a. The disturbed area of such development will be cumulatively more than one-half acre (or)

b. The Zoning Enforcement Officer determines that a proposal has the potential to create an erosion problem. The Zoning Enforcement Officer will refer the proposal to the Planning and Zoning Commission (or)

c. Any non-residential use, multi-family use, or family dwelling unit in excess of 4000 square feet is proposed within the Conservation District.

16.2.2 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control erosion and sedimentation and reduce the danger from the storm water runoff on the proposed site based on the best available technology.

16.2.3. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines of Soil Erosion and Sediment Control (2002), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

16.2.4 The soil erosion and sediment control plan shall include a narrative describing the following:

a. The development.

b. The schedule for grading and construction activities including: start and completion dates; sequence for grading and construction activities; sequence for installation and/or application of soil erosion and sediment control measures; sequence for final stabilization of the project site.

- c. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 - d. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 - f. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 16.2.5 The Commission may require a Soil Erosion and Sedimentation Control Plan for any activity if it determines that the activity has significant erosion potential. The plan shall include the following:
- a. The existing and proposed topography including soil types.
 - b. The proposed area alterations including cleared, excavated, filled, or graded areas
 - c. The location of and design details for all proposed soil erosion sediment control measures and storm water management facilities.
 - d. The sequence of grading and construction activities.
 - e. The sequence for installation and/or application of soil erosion and sediment control measures.
 - f. The sequence for final stabilization of the development site.

16.3 MINIMUM ACCEPTABLE STANDARDS

- a. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- b. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment control (2002), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- c. The appropriate method from the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

16.4 ISSUANCE OR DENIAL OF CERTIFICATION

- a. The Lyme Planning and Zoning Commission 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.
- b. Nothing in these regulations shall be construed as extending the time limits for the approval of any applications under Chapters 124, 124A or 126 of the General Statutes.
- c. Any soil erosion and sediment control plan may be submitted to the Soil and Water Conservation District for review and advisory opinion.
- d. The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

16.5 CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL.

- 16.5.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond. The bond shall be posted with the Treasurer of the Town of Lyme in an amount approved by the Planning and Zoning Commission as sufficient to guarantee conformity with the provisions of the plan issued hereunder.
- 16.5.2 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.
- 16.5.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- 16.5.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

16.6 USE OF NON-INVASIVE SPECIES

In preparing sedimentation and erosion control plans, the applicant shall select vegetation that is native to the area. Invasive plant species shall not be used for stabilization. Where invasive species are present, the applicant shall show plans to remove the invasive species and replace with native, non-invasive vegetation.

16.7 INSPECTION

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

maintained. The cost of the inspections and consultants shall be paid by the applicant in accordance with the fee schedule.

SECTION 17 CUTTING AND REMOVAL OF FOREST SPECIES

17.1 PURPOSE:

Harvesting of forest trees species is an integral part of forest management by which wood for human use is obtained and by which forests are established and tended. It is recognized that during harvesting operation, there will be temporary change in the forest environment. It is the purpose of these guidelines to establish harvesting standards which will maintain the productivity of land for continuous forest crops, improve wildlife habitat, and minimize negative environmental impact.

It is further recognized that a diverse ecosystem includes woodlands, fields and meadows. This Regulation is not intended to prevent the creation or maintenance of such diversity. When a woodland is being cleared to create or maintain a pasture or meadow, a permit will be required under this section to ensure that the clearing is done in an environmentally responsible manner.

17.2 PERMIT REQUIRED:

It is unlawful for a person to harvest forest tree species without a permit, except as follows: (1) Land used for agricultural purposes and cultivation of crops other than forest products, (2) Land used or being developed for residential, recreational or other non-woodland commercial purposes, (3) Thinning and clearing in connection with public improvements, (4) Land used for access to abutting land, and (5) Cultured Christmas tree area.

The application for a permit shall consist of a plot plan showing the applicant's property and the abutting property owners, a cutting plan indicating the nature of the operation, and a certification of the cutting plan by a public or consulting forester indicating the plan's conformance with the minimum standards set forth herein.

17.3 STANDARDS

17.3.1 Stream Protection

- a. All possible care will be taken to protect continuously flowing streams and other water bodies from siltation and other damage during harvest operation.
- b. Streams are defined as perennial streams indicated on U.S.G.S. Topographic maps, scale 1:24,000.
- c. Partial cuttings, designed to create uneven-aged stands, will normally be used within 50 to 100 feet of these water courses. No more than fifty percent of the merchantable volume will be removed, taking care in the selection of leave trees to minimize water temperature increases and visual impact.
- d. Care should be taken not to fell trees into or across streams. Logging debris accidentally dropped into streams and ponds shall be promptly removed.

- e. All stream crossings will be as close to a right angle as possible. Stream channels shall not be altered unless necessary to stabilize a stream crossing. Except for planned crossings, harvesting equipment should avoid entering or crossing streams.
- f. After the completion of a harvest operation, banks at stream crossings will be graded and restored to approximately their original condition. Reseeding with an appropriate grass mixture may be required.
- g. Any and all temporary structures in or across streams will be removed upon completion of operations.

17.3.2 Logging Roads and Trails

- a. Careful consideration should be given to the planning and location of main haul or skid roads. All road locations, including alternate routes where advisable, will be planned prior to harvesting operations. Logging shall be timed to occur during the dry part of the year, or when the ground is frozen. If unusual rainfall occurs after the start of logging, all operations shall cease for such period of time as is necessary for the ground to dry out. The use of log forwarders is encouraged as opposed to skidders. Forwarders are in general less damaging to the environment and remaining trees along the logging trails. Outstanding considerations are as follows:
 1. Location so as to minimize construction or use impact on the land.
 2. Grades in excess of 10% (steep slopes) or 0% (flat) gradients will be avoided except for short distances.
 3. For each road, landing or skid trail, drainage control systems or stabilization shall be provided and maintained to control water flow.
 4. Unless otherwise stipulated, all roads, main skid trails, landings and sawmill sites will be stabilized. Temporary culverts will be removed, water bars installed where necessary, ruts filled or graded out and gutters cleaned.
 5. Where required for erosion control or where desirable from a wildlife standpoint, major skid roads, landings and/or sawmill sites will be limed, fertilized and seeded with an appropriate mixture of native grass and legumes.

17.3.3 Aesthetic Considerations

- a. Border Strips
 1. Within approximately 100 feet of any automobile road, recreation trail or other recreation area on public land, or boundary line in proximity to any dwelling, harvesting of trees will be partial cuttings. Not more than 50% of the merchantable volume should be removed except in salvage operations, to open up scenic vistas, or in forestry demonstration areas. In high-visibility areas, it will be desirable to create uneven-age stands to provide change and variety in scenery.
 2. Special attention will be given to leaving unique tree specimens, flowering shrubs and trees, or those species that have value as food producers or den sites for birds and wildlife.
 3. Brush Control: Undesirable sprout growth or brush, including non-native invasive species, should be controlled using approved herbicide treatments. Chemicals used

in performing this practice must carry a Federal registration and be applied strictly in accordance with authorized uses, label directions, and Federal and State regulations.

4. Special consideration shall be given to those border strips in the following situations:

(a) Screen clear-cuts, shelterwood cuttings or other heavy cuts that would be deleterious to the landscape aesthetics.

(b) Screen yards and loading areas. Debris removal or control is especially important in these locations.

5. Management of Slash

(a) No slash will be left within 25 feet of any automobile road, established recreation trail, pond, lake or stream.

(b) Within the remaining width of a border strip, all slash will be chipped or lopped and scattered so that it does not exceed four feet in height.

(c) On all other harvest areas, slash, severely bent, or broken trees shall be dropped and/or lopped to a height not to exceed six feet.

17.3.4 Harvest Methods

Because of the wide variation in forest types, stand size classes, stocking levels and timber volumes which exist in Connecticut woodlands, there are a variety of methods that can be used either singly or in combination in harvesting and re-forestation to meet the stated purpose. These methods include clear-cutting with natural reproductions, direct seeding or planting, seed-tree cutting, selection cutting, including diameter limit harvesting, shelterwood cutting, and such other methods as shall be consistent with good forestry practice.

Although even-age management is an accepted silvicultural practice, particularly with hardwood species, its use should be practiced judiciously. A clear-cut area presents a severe visual impact to those unfamiliar with this harvest method. Therefore, clear-cutting will have the following restrictions:

1. Maximum of 5 acres in size.
2. Irregular in shape – avoid linear cutting bounds.
3. Soften edges by partial cutting within 50-100 feet of clear-cut boundaries.
4. Screen clear-cut areas with border strips along roads, trails or other areas of heavy public use.
5. Leave ridge tops uncut, as identified by the ZEO – these areas are the most visible.
6. In most cases, even-aged management may be accomplished through shelterwood cuttings rather than clear-cutting.

17.3.5 Wildlife Considerations

Virtually any cutting in forested areas will provide wildlife benefits. Emphasis will be placed on creating the maximum edge effect, and maintaining as much browse and cover as possible, consistent with over-all management goals.

17.3.6 Regeneration

Harvest procedures, properly applied and executed should provide for adequate tree reproduction. However, there will be instances where regeneration may be deficient

or result in undesirable tree species. In these cases, steps should be taken to provide the desired stocking.

17.3.7 Fire Control Considerations

Access roads and fire lanes will be left clear of slash when a cutting job is completed. Designated roads will be graded so as to be passable by fire suppression equipment. Where access road construction is included in a harvest operation, considerations should be given to construction of loading docks and fire water-holes at strategic locations.

**SECTION 18
EARTH MATERIALS OPERATIONS**

18.1 PURPOSE:

The purpose of this Section is to permit the extraction of earth materials resources in such a manner as to protect the natural environment of the Town of Lyme, limiting potential adverse impacts in the form of environmental degradation, traffic, noise, dust and aesthetic considerations. These Regulations are intended to protect sensitive areas from damage, minimize adverse impacts during operations, and restore the site to a safe and attractive condition following termination or completion of the operation. This Section is intended to control any earth material operations that may create a safety or health hazard to the public or the adjacent property owners, or be detrimental to the immediate neighborhood or the Town, and to provide for restoration of the operation site in keeping with the character of the Town.

18.2 USES ALLOWED WITHOUT PERMIT: The following filling, removal or excavation activities are permitted in all zones, including the Conservation District, without a permit; except as noted in Section 14.

18.2.1 Foundation, trench, septic and related site excavation and/or filling performed after the issuance of a building and/or septic permit.

18.2.2 Filling, removal or excavation in connection with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such filling, removal, or excavation shall not exceed 1000 cubic yards of material.

18.3 WAIVER OF CERTAIN REQUIREMENTS FOR FARM PONDS: The Commission may waive any of the requirements of Section 18 (Earth Materials Operations) and Section 12 (Special Permits) with regard to excavation activities in connection with a farm pond. The Commission shall consider, but is not limited to, the following information in determining whether a waiver is appropriate:

18.3.1 If a permit for the pond activity has been approved by the Lyme Inland Wetlands and Watercourses Agency in accordance with that Agency's Regulations.

18.3.2 The aggregate quantity of material to be moved and its disposition, whether within the property or off-site, shall be the minimum necessary for the farming operation.

18.3.3 If the pond and related activities are in compliance with Section 22a-40 of the Connecticut General Statutes, as amended, wherein: a farm pond of three acres or less is essential to the farming operation; and shall not include the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.

18.3.4 The nature and details of the existing or proposed farming operation.

18.3.5 The time frame for the proposed activity including: the rate of excavation and removal of material.

18.3.6 The health, safety, welfare and property values of residents of the Town of Lyme.

18.3.7 The applicant for any consideration of a waiver hereunder shall notify each adjacent and abutting property owner, by certified mail, return receipt requested, of his proposal including the date and place at which the Commission will review the application. Such notice shall be given at least ten days prior to the scheduled meeting.

18.4 PRE-EXISTING OPERATIONS

Operations involving earth material removal in existence on or before April 10, 1991 ("Pre-existing Operations") may continue without a permit, but subject to the provisions of Zoning Regulations and provided there is no enlargement or extension of the earth material removal operation except as allowed by law. A permit in accordance with the provisions of this Regulation shall be obtained by any preexisting operation prior to any enlargement or extension of its earth material removal operation.

18.5 APPLICABILITY

Subject to the provisions of Section 12 regarding issuance of the Special Permit, and subject to the conditions stated below, the Commission may grant a Special Permit in any district other than the Conservation District for the removal or excavation of sand, gravel, clay, peat, loam or topsoil after receipt by the applicant of any permits required by the Lyme Inland Wetlands Commission, or any driveway permits required by the Town of Lyme, the State of Connecticut or any other applicable governmental agency, and subject to the requirements of Sections 18 and all its subparts.

18.6 PLAN REQUIREMENTS

As part of the application for a Special Permit from the Commission, the applicant shall submit a site plan in accordance with Section 11 and below, which plan shall also meet the requirements for a Special Permit set forth in Section 12 and below:

18.6.1 Location of the premises, the names and address of the applicant, the names and address of abutting landowners.

18.6.2 Grading plan showing existing contours in the area to be excavated and proposed contours for the area after operation. Such plans shall include the area to be excavated as well as the surrounding area within 50 feet of the excavation, or within 100 feet of abutting properties, whichever is greater, and shall be drawn at a scale not to exceed 100' to the inch and with contours shown at intervals of not more than two (2) feet. No finished slopes or banks should exceed one (1) foot of vertical rise to three (3) feet of horizontal run.

18.6.3 Existing and proposed drainage of the site and details of plans for sedimentation control and for the prevention of soil erosion during and at the completion of the operation.

18.6.4 Proposed truck access from the excavation to government or public roads or highways and all other roadways within the site.

18.6.5 The location and type of any buildings or machinery to be installed.

18.6.6 Details of the final grading and planting of the site to prevent erosion of the site at the conclusion of the operations.

- 18.6.7 An estimate of the number and types of trucks and equipment on site, together with their maximum loading capacity, and other machinery to be used on the site
- 18.6.8 An estimate of the amount of yards of material to be removed from the site, the rate of removal and an estimate of traffic volume, including a description of number and type of truck that will be leaving the site.
- 18.6.9 The plan shall provide for a fence or embankment for the protection and safety of vehicular and pedestrian traffic and a reasonable means of screening the excavation from the view of highway traffic and surrounding homeowners.
- 18.6.10 The hours and days of the week proposed for operations at the site, and the estimated starting and completion dates for the excavation.

18.7 CONDITIONS

In addition to all Special Permit requirements in Section 12, the following conditions must be met for all earth removal operations.

- 18.7.1 Insurance: No permit shall be issued until the applicant has filed with the commission a certificate evidencing that the applicant has obtained a policy of liability insurance, in which the Town of Lyme shall be named insured, with a limit of not less than one million (\$1,000,000.00.) Dollars as to personal injury, including death, and two hundred fifty thousand (\$250,000.) Dollars as to property damage, covering all operations to be conducted pursuant to the permit. In the event of cancellation of such insurance, the permit shall terminate.
- 18.7.2 If the Planning and Zoning Commission determines that the permittee has deviated from the plans in such a way as to cause a substantial material violation of the permit, the Planning and Zoning Commission shall have the right, upon notice and hearing, to revoke the permit. Upon revocation of the permit, all operations shall cease.
- 18.7.3 The applicant shall post a letter of credit or a bond with the Town Treasurer sufficient to cover the costs of any required access, drainage, or safety improvements, the cost of regrading disturbed areas, covering with topsoil and seeding, and generally to conform with the provisions of the permit issued herein. The Applicant shall present an estimate of such costs prepared by a registered professional engineer, and the Commission shall determine the amount of the bond or the letter of credit. The bond or the letter of credit shall be in a form approved by the Planning and Zoning Commission and from an institution acceptable to the Planning and Zoning Commission. The bond or letter of credit shall remain in effect through the period of the permit and any subsequent renewal, plus one year. The town may require, at reasonable times throughout the life of the permit, proof of a continued validity and enforceability as well as amount, of said letter of credit or bond. Failure of the permittee to produce evidence that the bond or letter of credit is in effect for the amount required shall be grounds for revocation of the permit. The Commission may reduce the letter of credit or bond requirements as portions of the work are completed.

- 18.7.4 The amount of the letter of credit shall be determined based upon the particular facts of each application.
- 18.7.5 No earth material removal operation, nor any component thereof, shall take place within 500 feet of any property line of a lot situated outside the applicant's property containing a dwelling which is occupied or fit for occupancy unless the landowner shall have consented to such excavation or removal of material by instrument recorded in the Office of the Town Clerk. No such operation shall take place within 200 feet of any state highway or town road. No earth material operations shall take place within any wetlands regulated area unless a permit from the Lyme Inland Wetlands Commission has been obtained.
- 18.7.6 No building except a field office or temporary shelter for machinery shall be erected on the premises.
- 18.7.7 At all stages of the operation proper drainage shall be provided to prevent the collection and stagnation of water and to prevent erosion or siltation into wetlands regulated areas.
- 18.7.8 During the period of filling, removal, or excavation barricades or fences shall be erected as are deemed necessary by the Commission for the protection of the public. At no time shall an overhang be permitted.
- 18.7.9 Truck access to earth material operations shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. Safety of truck access and adequacy of site lines, given speed limits involved, shall be certified by a traffic engineer. That portion of access road within the area of operation shall be treated to minimize dust.
- 18.7.10 Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the stockpiling of excavated materials on the site.
- 18.7.11 The quarrying of bedrock and any washing or crushing of any materials shall be prohibited in the Town of Lyme.
- 18.7.12 Screening may be conducted upon the premises provided such operations are located at least 800 feet from any property or street line.
- 18.7.13 Overburden shall be stockpiled in rows or concentrated piles and stabilized in an acceptable manner so that it does not become a source of dust beyond the applicant's property.
- 18.7.14 There shall be no excavation and/or removal between 5 p.m. and 7 a.m. nor on Saturdays or Sundays, except with the specific approval of the Commission. This restriction does not apply, as determined by the Town First Selectman, in a snow, flood, or other natural state of emergency.
- 18.7.15 At no time may the disturbed area of filling, removal or excavation operations exceed five (5) acres in extent not including any access roadway.

- 18.7.16 Upon completion of the authorized work, the area of excavated or otherwise disturbed ground shall be prepared or restored as follows:
- a. Adequate drainways of gradual slope shall be provided to assure drainage;
 - b. All debris and all loose boulders shall be buried or removed from the lot, said material shall be compacted to minimize settling; or other method acceptable to the Commission; and
 - c. The top layer of any arable soil, to a depth of not less than four (4) inches, shall be retained in the lot and spread over the entire disturbed area with any large stones removed, and the area shall then be seeded with a perennial cover crop and maintained until the ground shall be completely stabilized with a dense cover of grass or functional equivalent and there exists no danger of erosion, but this provision shall not apply to the areas of ponds nor to exposed areas of ledge existing prior to the work. The disturbed area shall be graded to a slope no steeper than one (1) foot of vertical rise and three (3) feet of horizontal distance, except in ledge rock.
- 18.7.17 Periodic reports prepared and certified by a Professional Engineer licensed in the State of Connecticut shall be submitted showing the status and progress of the work or operation, as specified by the Commission, including but not limited to cross sections determining the volume of material removed, the cost of which shall be borne by the applicant.
- 18.7.18 The Commission or its authorized agents shall, at all times, have access to the premises for the purpose of inspection and determination of compliance with the section.

18.8 LIMITATIONS

The permit issued under these regulations shall not be deemed to authorize the use of the site as a transfer or storage area for earth materials obtained from off the premises. No earth materials of any kind may be hauled or brought onto a site where a permit has been granted under these regulations unless specifically authorized by the Commission. No more than 40,000 cubic yards of earth products shall be removed from the property and no more than 20,000 cubic yards shall be removed in any one year, measured from the date of commencement of removal activity.

18.9 WAIVER

The Commission may waive all or part of the site plan requirements of these Regulations as they apply herein and any other required information where, in its opinion, such information is unnecessary because of the small size of the operation, or if the health, safety, and public welfare will not be adversely affected.

18.10 APPLICATION AND FEE

Application for a permit to conduct an earth material operation shall be made to the Commission by the property owner or his authorized agent on forms available at the office of the Commission. Such application shall be accompanied by a fee payable to the Town of Lyme. All applications to conduct an earth material operation require a Special Permit in accordance with Section 12.

18.11 RENEWALS AND EXPIRATIONS

Any permit issued under this section shall expire two (2) years from the date of issuance unless renewed by the Commission. The Commission shall not renew or extend any permit unless the operator is able to show that the excavation already completed conforms with the plan of operations as approved. Any renewal application shall be filed at least 135 days before expiration of the existing permit. If a permit is allowed to expire a new application for a new permit must be made. A request for a renewal permit, complete with fee, shall be filed and acted upon in accordance with Sections 18.10 of these Regulations. Any application for a renewal permit will be governed by the substantive considerations set out in Section 12 and Section 18 of these Regulations. Substantive violation of the conditions of approval and of these Regulations is cause for non-renewal of a permit.

SECTION 19
EIGHTMILE WATERSHED OVERLAY DISTRICT

19.1 PURPOSE AND INTENT

The purpose of the Eightmile Watershed Overlay District is to protect and enhance the functions and values of the riparian and wetlands features of the Eightmile River Watershed, as identified in the Eightmile River Wild and Scenic River Management Study, completed in December 2005. These features are a key component of the largely intact watersheds and natural character of Lyme. In order to preserve a fully-functioning aquatic system in the Eightmile River Watershed and to prevent damage to the critical buffer area around its water bodies, the Eightmile Watershed Overlay District is hereby established.

Within the Eightmile Watershed Overlay District, it is intended that there shall be a continuous buffer consisting of a predominately forested condition that is native to the region and appropriate to the environment in which they are to be planted or retained. Protection of a vegetated buffer around watercourses is crucial for public health, safety, and welfare because the buffer regulates water flow, preserves diversity and abundance of wildlife species and habitat, protects water quality, and maintains important cultural and historical features of the Town.

Specifically, the required buffer functions to regulate water flow by promoting water infiltration and groundwater recharge, and by reducing streambed scour. The buffer preserves wildlife by providing a unique habitat such as course woody debris that supports a diverse species assemblage and provides an effective travel corridor for terrestrial wildlife. The buffer filters and moderates stream flow and keeps temperatures low, improving habitat for fish and other aquatic organisms. The buffer protects water quality by reducing sedimentation, and by filtering out pesticides, heavy metals, and biocontaminants; The buffer removes excess nutrients that lead to eutrophication, including nitrogen and phosphorus; It prevents erosion through bank stabilization by vegetation. Further the buffer provides a screen that protects privacy of riverfront landowners and enhances landscape diversity resulting in improved aesthetics.

19.2 BOUNDARIES

The Eightmile Watershed Overlay District, here and after referred to as the District, applies to the Eightmile River and all perennial streams in the Eightmile River Watershed and the area landward and horizontal from the stream edge of those streams defined by the official Eightmile Watershed Overlay District Map, for a distance of 50 feet for smaller headwater streams and 100 feet for larger streams as marked on said map. A stream edge is defined as the ordinary high water mark, typically identified by vegetation or soil types that are distinct from the upland area. The District area does not encompass wetlands or vernal pools, or Hamburg Cove as defined by the Eightmile River main stem from the Connecticut River to the south edge of the Joshuatown Road bridge. The foregoing shall not be deemed

to exclude Falls Brook or other mapped streams that enter Hamburg Cove South of the Joshuatown Road Bridge.

19.3 ACTIVITIES WITHIN THE DISTRICT

19.3.1 PROHIBITED ACTIVITIES All Land-Disturbing Activity not specifically allowed as exceptions in subsection (19.3.3) below within the District established in Section 19.2 are prohibited by the Planning and Zoning Commission, except in conformance with these Regulations. Land Disturbing Activity shall include any activity which involves the alteration of the surface of the earth as it existed on the effective date of these Regulations, including but not limited to; filling, removal, or re-grading of earth; placement, construction, removal, or alteration of building or structures; establishment, removal, or alteration of uses of land; removal of vegetation or planting of invasive plants.; but not including those activities listed as exceptions in subsection 19.3.3 below. Except for the permitted activities listed below in Section 19.3, 19.4 and section 19.5, the Planning and Zoning Commission shall presume that such activity will have either individual or cumulative negative impacts on the purposes of the District, unless upon presentation of clear and convincing evidence by the applicant, the Commission finds that there is no reasonably available alternative with less adverse impact on buffer functions, and that the project as proposed will have no individual or cumulative negative impact on those functions.

19.3.2 VEGETATION COVERAGE: Within the District, wherever possible, not less than 90 percent of the total surface area shall be covered with live vegetation. Diversity of vegetation and forest stages is encouraged, including a mix of trees, shrubs and herbaceous vegetation not having invasive characteristics (as defined by the most recent version of the Connecticut Invasive Plant List (as authorized by CT Public Act 03-136). The list can be obtained from the Land Use Office). A variety of plant types is more effective at capturing a wide range of pollutants than a single vegetation type. In general, where suitable vegetation existed within the District before the effective date of this amendment, vegetation is to be left in a natural state.

19.3.3 EXCEPTIONS: Permitted activities. The following activities and/or uses are permitted as-of-right within the District:

- a. Existing Activities: Existing structures or continuing activities, such as agriculture, that were legally and actively in existence before the effective date of this regulation.
- b. Granted Permits: The building of new structures, modification of existing structures, or commencement of activities that have been granted all applicable permits before the effective date of this regulation.
- c. Vegetation management: In general, vegetation is to be left in a natural state wherever it existed within the District before the effective date of this amendment. The exceptions to this requirement are as follows:
 1. Mowing and maintenance of lawns, gardens, meadows, fields and pastures, agricultural and wildlife plantings that are active and legally pre-existed this regulation.

Periodic maintenance of such meadows containing growth for which all growth is less than 1" diameter. It is recommended that vegetation be left to grow naturally within a 25' buffer of the stream for these meadows.

2. Continuation, but not expansion of, pre-existing and active farming practices.
 3. Removal or pruning of dead, dying, diseased, or invasive plants. Leaving some downed and standing woody debris is also preferable in order to provide a greater variety of wildlife habitat unless the spread of plant diseases is a concern.
 4. Firewood cutting under one cord per acre that does not alter the vegetation composition and character.
- d. Construction of one new and/or maintenance of existing unpaved footpaths associated with a residential use not more than five feet in width for the purposes of non-motorized access, excluding use for horseback riding (see section 19.4.1.f). . In order to prevent erosion and the creation of a channel of surface runoff, the path cannot create a straight line of sight from the outer boundary of the District to the watercourse. The property owner must use suitable erosion control measures to prevent erosion on slopes. Additional footpaths associated with agricultural or recreational use outside the residential area (as defined by the minimum lot size for the applicable zone) are permitted if the aforementioned conditions are followed.
 - e. Emergency operations necessary for public safety or protection of property
 - f. State and municipal utility improvements and operations for which activity within the Eightmile River Watershed Overlay District is unavoidable and necessary. This includes activities such as the replacement, rehabilitation, or creation of infrastructure such as sewer, water, and power lines, bridges, highway maintenance, drainage facilities. Any activity within the District may be undertaken only if there is no practical and feasible alternative for provision of these services, and only if all measures will be taken to minimize any adverse impacts to natural features and the functions of the watershed. These activities are subject to all other applicable regulations.
 - g. Surveying and boundary posting for the purpose of marking boundary lines, subject to any other applicable regulation
 - h. Septic system maintenance or replacement such as pumping and inspections or repair as directed by the local health official / town sanitarian. See section 19.5.1.g for expansion of systems for new structures or additions to structures.
 - i. Fish and wildlife conservation activities that do not require removal of native vegetation or alteration of stream beds, banks or overlay areas.
 - j. Restorative activities in areas where a diverse natural buffer does not exist, landowners may (and are encouraged to) create, enhance, or restore native vegetation appropriate to the water resource being buffered. Replanting with native trees or shrubs is encouraged if natural

regeneration is not sufficient to restore vegetative cover. A list of suggested native plants for riparian buffers can be found in Appendix H.

- k. Removal of non-native invasive species and replacement by native vegetation. Invasive plants are those listed on the most recent version of the Connecticut Invasive Plant List (as authorized by CT Public Act 03-136). A list of invasive species is maintained on the Connecticut Invasive Plants Council's "Connecticut Invasive Plants List" available at the Town Hall.

19.4 ACTIVITIES REQUIRING ZONING PERMIT:

19.4.1 Activities listed below are allowed only by zoning commission permit as described in this regulation.

- a. New or expansion of existing agricultural activities excluding forestry practices (see 19.4.1.b) under the following conditions: following current best management practices for erosion control, fertilizer and pesticide application and run-off prevention; disturbance which does not exceed in size 10% of the total area of the portion of the lot that falls within the District; providing not less than 25' of natural and/or undisturbed vegetative buffer between the agricultural activity and the stream edge. Permits for this activity must be granted by the Zoning Commission, not its agent.
- b. Conservation & wildlife activities not previously exempted and non-commercial and commercial forestry practices with the following conditions:
 1. Forest harvest practices must allow for and enhance regeneration of a predominately woody state. All activities must account for restoration and enhancement of natural ecosystems and wildlife habitat;
 2. must leave full and natural tree canopy over the watercourse;
 3. Shall not remove more than 25% tree canopy within the overlay zone at any given time and shall not remove more than 25% of standing trees within any given size category within any 1-acre area; with the exception of wildlife clearings described below
 4. Must not create clearings within the District for any purpose other than Conservation Activities. Such clearings may not be wider than 80 feet in diameter.
 5. Shall not occur within a 25' buffer of the watercourse and shall maintain at a minimum 75% canopy cover for the District at all times.
 6. Shall follow DEP BMP forestry practices book Best Management Practices for Water Quality While Harvesting Forest Products for all forestry practices including stream crossings.
 7. Shall follow a written plan approved by the commission or its appointed representative;
 8. Must not have an Individual or Cumulative Negative Effect.

Commercial activities would be carried out under the supervision of a licensed professional forester, forest ecologist, or wildlife biologist in accordance with a written forest and/or wildlife management plan that addresses such issues as the location and construction of logging roads, wetland crossings, equipment use, forest regeneration and wildlife habitat. The forest management plan should provide for maintaining a healthy forest understory and succession to a natural wooded or other permitted state in the District.

- c. Clearing or maintenance of existing or abandoned woods roads for the purposes of habitat management, firewood cutting, agricultural or timber access or other access needs under the following conditions: follow current best management practices for erosion control.
- d. Building of fences outside a 25' buffer of a stream. Fences must not block or impair the movement of wildlife or water within the District.
- e. Other land disturbing activities occurring outside of a 25' buffer of the stream and resulting in less than 100 square feet of land disturbing activity in total and have no individual or cumulative negative impact on the purposes of the District.
- f. Construction of unpaved paths and trails for the purposes of horseback riding, or other non-motorized access not included in section 19.3.3.d Paths must not be more than five feet in width; In order to prevent erosion and the creation of a channel of surface runoff, the path cannot create a straight line of sight from the outer boundary of the District to the water resource. The property owner must use suitable erosion control measures to prevent erosion on slopes. See section 19.4.1.g for stream crossing guidelines.
- g. Construction of new and/or maintenance of existing stream crossings not requiring structures or land disturbing activities of any kind, for the purposes of equestrian trails, recreation and non-motorized property access or for infrequent and/or intermittent motorized access for the purposes of property maintenance or other non-commercial activities. Maintenance activities must not result in change to character or structure of the stream crossing. In general, stream crossings at grade are discouraged. Within reason, crossings must be implemented at a point in the stream with relatively narrow streambed and flat approach from the bank. Reinforcement of the bank and streamside with areas is encouraged and may be required if conditions warrant. Loose stone or other materials may not be placed in the stream without a plan from an engineer, hydrologist, or other approved expert. Stream crossings may not block natural connectivity of aquatic or terrestrial life including but not limited to fish passage and may not alter or cause to be altered the stream width or flow type. Temporary stream crossings requiring structures and or/mechanized crossing for commercial forestry practices may be permitted by the zoning commission or its designee under the following condition: temporary crossings must follow the CT DEP publication "Best Management Practices for water quality while harvesting forest products" 2007 Connecticut field guide" Chapter 5 Stream Crossings. All materials used for stream crossings must be removed and the stream bank restored after forestry operations are complete.

19.4.2 Zoning Commission Permit Process

- a. Application for permits: The applicant shall include at a minimum a written description of the site including slope, current vegetation coverage, current use, and proposed activity as well as any other relevant features and such additional documentation as deemed necessary by the Zoning Enforcement Officer or the Commission.
- b. Application fee: Each application for a zoning permit shall be accompanied by a fee payable to the Town of Lyme in accordance with the schedule adopted by the Commission.
- c. Approval of Permits: Zoning permits under this section 19.4 shall be granted by the Zoning Commission or its Agent unless otherwise expressly defined.

19.4.3 Specific Standards for Zoning Permit in the District. The Commission shall issue a zoning permit only for activities as described above in section 19.4.1 which shall have no individual or cumulative negative impacts on the purposes of the District. (See Section 19.1). The commission shall instead require a special permit as described in 19.5 below if the application proposes excavation, the building of structures or the installation of any impervious surface. Also, the commission may require a special permit for any of the activities listed above in section 19.4.1 if the commission finds that the circumstances of the application (such as soil type or slope, past disturbance in the area, other recent permits or activities within the same area of the District or any other circumstance) warrant a special permit application.

15.5 ACTIVITIES PERMITTED BY SPECIAL PERMIT:

19.5.1 Activities listed below are allowed only by special permit. When the special permit results in land disturbing activities, the Commission may require an expansion of the buffer in an alternate location to compensate for the loss of buffered area due to the disruption.

- a. Lot size or configuration: If the size of a lot is such that adherence to the buffer requirement prevents the placement, expansion, or alteration of a structure in compliance with all other zoning regulations, owners may request a special permit to encroach in the District. Every reasonable effort must be made to minimize impacts on the functions of the buffer and the watershed. A permit will be granted only for the minimum encroachment necessary. Where a lot is located entirely within the overlay area, the Commission may permit activities within the buffer when the applicant has demonstrated that the proposed work has been designed to minimize impacts on the Purposes of this regulation. Additional land disturbing activities for lawns or other landscaping shall not be allowed unless they are consistent with the Purposes of this regulation.
- b. Construction of accessory structures and accessory uses associated with lawfully existing single family houses where the Planning and Zoning Commission finds that alternatives outside the District do not better serve the Purposes of this regulation, that the size and impacts of the proposed structure or use have been minimized, and that the structure/use is located as far from the resource as possible. The Commission reserves the right to deny a permit if the activity does

not meet the standards outlined in section 19.5.3. As mitigation, the Commission may require that the applicant plant or maintain a naturally vegetated buffer of the maximum feasible width given the size, topography and configuration of the lot.

- c. Structures used for shoreline access (docks, stairs, etc.) may be built after granting of a special permit. The permit application must demonstrate that the construction and installation of the proposed structure does not contribute to flow alteration, channel modification, or create any other deleterious effects on the watercourse within the overlay zone.
- d. Construction of new utility lines where the proposed route is the best feasible alternative when considered against the Purposes of this regulation.
- e. Alteration of an existing activity located within an overlay area that is already altered such that the setback area cannot be provided without removal of pre-existing structures and/or pavement, provided that the proposed alteration will not increase adverse impacts on the specific portion of the overlay area and the applicant can demonstrate to the satisfaction of the Commission that there exists no feasible construction alternative.
- f. Construction of new and/or maintenance of existing stream crossings requiring structures or Land Disturbing Activities or for crossing of vehicles or equipment of any kind for the purposes of recreation, property access, agriculture or other uses with the exception of commercial forestry operations following CT DEP guidelines (see section 19.4.1.h). Permanent crossings must follow the "Massachusetts River and Stream Crossing Standards: Technical Guidelines" or such replacement standards as may be adopted by this commission. Temporary crossings must follow the CT DEP publication "Best Management Practices, or such replacement standards as may be adopted by this commission, for water quality while harvesting forest products" 2007 Connecticut field guide Chapter 5 Stream Crossings. The commission may use its discretion as to the requirement of "General" versus "Optimum" standards as defined by the Massachusetts River and Stream Crossing Standards document using the application guidelines within said document as a general guide. Stream crossings may not block natural connectivity of aquatic or terrestrial life including but not limited to fish passage.
- g. Septic system expansion or replacement as a result of new structures or additions to existing structures.

19.5.2 Special Permit Process

- a. Application for permits: The applicant shall submit a Site Plan, as defined in Section 2.54 of these Zoning Regulations, and provide documentation demonstrating the need for a special permit, the efforts made to minimize disturbance to the functions of the buffer and water resources, or other documentation that may be reasonably requested by the Zoning Enforcement Officer or the Commission. Applicants should look at the criteria for consideration of waiver of Site Plan requirements (Section 11.2.3) if they believe the impacts will be insignificant when measured by the standards of this regulation. Such waiver shall only be granted if the Commission determines the impacts are insignificant when measured by the standards of this regulation.

- b. Application fee: Each application for a special permit to be considered by the Zoning Enforcement Officer or the Commission shall be accompanied by a fee payable to the Town of Lyme in accordance with the schedule adopted by the Commission.

19.5.3 Specific Standards for Special Permit in the District: The Commission shall consider the following standards when reviewing an application for a Special Permit within the District:

- a. that the permitted activity is compatible with the purposes of the District,
- b. that the activity shall have no Individual Or Cumulative Negative Effect on the purpose of the overlay district (See Section 19.1), the Plan of Conservation & Development, and the health, safety and welfare of the public.
- c. Whether strict application of the Watershed Overlay District regulations would deny the applicant reasonable use of the property, or whether the regulations would render the property unusable or unsuitable for development.
- d. Whether there is a feasibly or prudent alternative through plan modification that will lessen the impacts and protect the buffer as intended in these regulations. That the relief granted is the minimum necessary and does not conflict with other municipal, state, or federal regulations.

19.5.4 Special Approval for Conservation Purposes. The Commission may waive the requirements of Section 19.5.1 a. and b. within the Eightmile River Watershed Overlay District where an application meets the requirements set forth below and where, in the judgment of the Commission in looking at the context of present and potential development of a property as a whole (including the application before the Commission), the overall protection afforded to the Eightmile River watershed and other important conservation resources significantly exceeds protections provided by strict application of Section 19.5.

- a. Standards for waiver of the requirements of Section 19.5.1 a. and b.
 - i. The minimum contiguous acreage required for an applicant to utilize this subsection 19.5.4 shall be fifty (50) acres. The acreage shall be considered contiguous even if it is separated by a public road.
 - ii. The minimum area dedicated for Open Space purposes shall equal or exceed sixty six percent (66%) of the entire parcel in question.
 - iii. There shall be at least three hundred (300) feet of undisturbed area between Land Disturbing Activities within the Eightmile River Overlay District.
 - iv. The Land Disturbing Activity within the Eightmile River Overlay District shall not cause any measurable increase in storm water runoff into the Eightmile River or a perennial stream within the District.
 - v. Additional Land Disturbing Activities for lawns or other landscaping associated with the structures or improvements shall be limited to the minimum area reasonably necessary for the approved structures and improvements and the remaining area within the Eightmile River Overlay District shall remain in a natural state consistent with the Purpose of this Section 19.

- vi. The area dedicated for Open Space and the subdivision design as a whole provides substantial additional protection of and benefit to:
 - (A) the ecological integrity of watersheds, wetlands, and watercourses in the Eightmile River watershed, including without limitation (i) – (iv) above, and
 - (B) one or more other important natural resources outside of the Eightmile River Overlay District, such as agricultural and forest resources, prominent geological features, scenic views from public spaces, the ecological integrity of other watersheds, wetlands and watercourses, and wildlife habitat.
 - vii. The area dedicated for Open Space purposes provides a significant ecological connection between or buffer to existing protected open space properties or property identified for Open Space protection in the future in the current Town Plan of Conservation and Development.
- b. Notwithstanding the foregoing, Land Disturbing Activities approved under this Section 19.5.4 shall not:
- i. encroach on any slope above the Eightmile River or any perennial streams in the Eightmile River Watershed defined by the official Eightmile Watershed Overlay District Map in excess of 5%; and
 - ii. encroach within fifty (50) feet of the Eightmile River or any perennial streams in the Eightmile River Watershed defined by the official Eightmile Watershed Overlay District Map.
- c. All other related Land Disturbing Activities shall conform to the standards and requirements of Section 19.

For the purposes of this Section 19.5.4 "Open Space" means: (i) land protected in a relatively natural state by conveyance of land or grant of a perpetual Conservation Restriction to a land trust or other conservation organization qualified as a charitable organization under §501(c) (3) of the Internal Revenue Code, or governmental entity, or (ii) land conveyed outright to one of the foregoing entities for conservation purposes. Land voluntarily dedicated as perpetually protected open space by gift or bargain sale of the applicant or its family prior to the filing of the application may be counted toward the 66% minimum, provided that no portion of the proposed open space has been previously counted as open space for another development approval.

19.6 OVERLAPPING REGULATIONS

The Eightmile Watershed Overlay District requirements are in addition to the requirements of other overlapping zoning districts, and of federal, state, or municipally regulated areas. In all cases the more restrictive regulation will take precedence. Compliance with Section 19 does not replace any obligation of the applicant to have a determination made by the Lyme Inland Wetlands and Watercourses Commission or any other regulatory agency as to whether addition review and permits are necessary.

19.7 Severability

Should any section, subsection, or provision of this amendment be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the amendment in whole or any part thereof other than the part so declared to be invalid.

**SECTION 20
DETERMINATION OF NET BUILDABLE LOT AREA**

20.1 Buildable Area, as defined in Section 2.41 of these Regulations, shall be determined by excluding all required front, side and rear yard area and then applying the percentage allowances indicated below to those portions of the lot which exhibit the following natural resource characteristics:

<u>Natural Resource Characteristics</u>	<u>Percentage Allowance</u>
1. Soils classified by the U.S. Soil Conservation service, USDA, or other authority as determined by the Commission, as having:	
a. Slight limitations for on-site sewage disposal	@ 100%
b. Moderate limitations for on-site sewage disposal	@ 75%
c. Severe limitations for on-site sewage disposal	@ 50%

Note: Complex soils and soils not classified by the U.S. Soil Conservation Service will be considered severe unless evidence to the contrary is presented to and accepted by the Commission.

2. Any inland wetland, tidal wetland or watercourse and the 100 foot setback area that surrounds any inland wetland, tidal wetland or watercourse.	@ 0%
3. Flood Hazard Areas as delineated for HUD flood Insurance purposes by the Town of Lyme	@ 25%
4. Exposed ledge	@ 0%

Note: Examples of Determination of Net Buildable Lot Area are provided in Appendix E.

20.2 EXCEPTION TO NET BUILDABLE LOT AREA REQUIREMENTS

The Commission may approve a new lot which does not meet all of the criteria in section 20.1 for net buildable lot area if the Commission determines that there is a suitable existing area on the proposed lot with soils and other conditions which will permit the construction of an onsite

non-engineered subsurface sewage disposal system and reserve area; and if the Commission further finds that there is adequate additional area within the lot for construction of a dwelling and access without extensive grading or filling.

SECTION 21 PARKING, ACCESS AND CIRCULATION

21.1 PARKING FACILITIES REQUIRED

Off-street parking space shall be provided for the total of all uses on the premises, adequate in size, layout and design to facilitate the free flow of traffic and the safe ingress and egress from the property. The number of parking spaces shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers and other persons normally visiting such premises at any one time.

21.2 LOCATION OF REQUIRED PARKING FACILITIES

Required parking facilities shall be located on the same lot as the building or other use which they serve, except that the Planning and Zoning Commission may approve required parking facilities on another property within a radius of not more than 200 feet from such building or use, measured from the use or structure to the nearest off-site space for vehicular parking.

21.3 SHARED PARKING

Joint parking areas may be established by the owners of adjacent lots in order to provide the total number of off-street parking spaces required for each lot, when the owners show that mutual access to such spaces is assured in writing for the duration of the uses for which the spaces are required. The Commission may authorize a particular number of parking spaces on a lot to be counted for compliance with the required number of spaces for more than one use on the lot, or on another lot when the Commission determines that such spaces will be occupied by cars of persons using or visiting two or more such uses on the same trip to the parking space, and/or such spaces will serve uses having substantially different hours or days of operation.

21.4 PARKING SPACE REQUIREMENTS

Required parking facilities shall contain not less than the minimum areas set forth below, exclusive of driveways, aisles, pedestrian ways and landscaping. Indoor parking may be included in the required area. For single family dwellings, the driveway may be included in the required area. For purposes of this Regulation, 200 square feet shall be the equivalent of one parking space, exclusive of access aisles, pedestrian walkways and landscaped areas.

21.4.1 For dwellings 400 square feet for each family unit.

21.4.2 For office and for permitted home occupations, an area equal to twice the floor area used for such purpose.

21.4.3 For financial institutions, retail stores, personal service shops and similar business buildings, an area equal to three times the floor area used for business, excluding storage.

21.4.4. For churches, theaters, assembly halls, 200 square feet for every three seats.

21.4.5 For restaurants, an area equal to 200 square feet for every three seats.

21.4.6 For places of public assembly or public recreation not otherwise listed, 200 square feet for every three legal occupants.

21.4.8 For marinas and similar docking facilities, 200 square feet for every two mooring spaces. This area shall not be used for storage of boat trailers during the boating season. In addition, there shall be 200 square feet of parking area for every two boats for which storage space is provided. With the approval of the Commission, a portion of the parking area may be used for winter boat and boat trailer storage as long as adequate parking remains for winter use of the property.

21.5 PARKING LAYOUT

All off-street parking areas with more than five spaces shall include parking stalls of suitable angle, width and length, with access aisles of sufficient width and suitable alignment to such stalls as to allow safe and convenient use of each parking space. Safe pedestrian circulation shall also be provided. Suitable markings, curbs, end islands, landscaping, fences or other devices may be required to encourage proper and efficient use of each area.

21.5.1 A parking space for a one passenger automobile shall have a minimum width of 10 feet and a minimum length of 20 feet, exclusive of access to the space.

21.5.2 An off-street truck loading space shall have a minimum width of ten feet, a minimum length of 25 feet, and a minimum clear height of 14 feet excluding its access from the street.

21.5.3 For all non-residential uses, the Commission may require a landscaped buffer surrounding the parking area, and/or landscaping within the parking area, to define traffic flow, mitigate the impact of large areas of paved impervious surface on water quality, and assure that the development is in character with the neighborhood.

21.5.4 When more than five spaces are required, a map of said parking shall be submitted as part of a zoning permit application. The map shall include boundary screening and landscaping, landscaped islands, parking sites, traffic circulation patterns, loading areas, storm drainage facilities and traffic access, including driveways.

21.6 SURFACING

Parking areas and off-street loading surfaces shall have adequate storm water drainage and all-weather surfacing, capable of allowing free and safe movement of all vehicles customarily using the facility. Such facilities shall be maintained in good condition by the owner.

SECTION 22 SIGNS

22.1 GENERAL

No sign shall be established, constructed, reconstructed, enlarged, extended, moved, structurally altered unless and until a Sign Permit therefore shall have been issued.

22.2 DEFINITIONS

- a. Sign - any display of lettering, logos, colors, lights, luminous tubes or other graphic representation visible to the public from outside the property and which intends to draw the public's attention thereby; including sign, illustration, insignia, lettering, picture, display, banner, pennant, flag, painting or other device.
- b. Freestanding sign - a self supporting sign not attached to other structure, wall or fence and in a fixed location.
- c. Illuminated sign - any sign which is artificially illuminated, either externally or internally.
- d. Projecting sign - a sign which is attached to a wall or a building in such a manner that its leading edge extends more than six inches beyond the surface to which it is attached.
- e. Temporary sign - any sign which is not permanently affixed to a structure or ground and is intended to be displayed for a limited period of time.
- f. Billboard - a freestanding sign larger than 20 square feet.

22.3 EXEMPT SIGNS: The following signs do not require a permit under this Section. Exempt signs are subject to the limitations of Section 22.4 regarding prohibited signs.

- a. Public signs - Signs of a non-commercial nature and in the public interest, required under State or Federal law, authorized by a public officer such as: traffic signs, safety signs, directional signs, memorial plaques, signs of historical nature and the like.
- b. The flags, pennants or insignia of any nation, or non-profit organization, provided that they may be subject to review by the Commission relative to public safety hazards.
- c. Posting of No Trespassing and No Hunting Signs, Ownership Identification signs such as Land Trust properties. These signs are exempt from the provisions prohibiting attachment to trees and fences.

22.4 PROHIBITED SIGNS: The following signs are prohibited:

- a. No sign shall be attached to a tree, fence or utility pole, or painted or drawn on a rock or other natural features, or painted upon the wall or roof of a building.
- b. No sign, including its support structure, shall protrude above the building peak or the maximum prescribed building height.

- c. Projecting sign – no sign shall project beyond any property line or intrude into yard setbacks, excluding the following: projection up to 15 inches into a driveway or pedestrian way provided the height exceeds ten feet and presents no hazard.
- d. No sign shall have a pulsating, rotating or intermittent illuminating device and including moving signs such as banners, streamers, ribbons, spinners, pennants, strings of lights; except emergency lights.
- e. Continuous strip lighting of structures.
- f. Any sign that presents a hazard to public health or safety.
- g. Billboard, inflatable signs.
- h. Any vehicle or trailer exhibiting any sign and parked in such a manner as to be an advertisement device for products or activities related to the same or nearby property or premises. This section is not intended to prohibit a normal form of signage or lettering attached to a bus or commercial vehicle.
- i. Off-premises real estate signs are not permitted.

22.5 TEMPORARY SIGNS

No more than two temporary signs advertising special sales or events, not exceeding three square feet each, may be displayed on the premises; temporary signs shall not be illuminated; temporary signs may be attached to a window or placed so as to be seen primarily through a window subject to the restriction that the combined area of such signs shall not exceed 40% of the window area and such signs shall not be in place for more than 30 days. Temporary signs do not require a sign permit.

22.6 SIGNS IN RURAL DISTRICTS

The following signs are permitted in Residential Districts:

- a. One sign not exceeding 3 square feet in area bearing the name and occupation of the occupant.
- b. One sign not exceeding 3 square feet in area advertising the premises for sale or rent, or advertising a construction or repairing operation being carried out on the premises, while such sign is on display.
- c. No sign shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner so as to move or rotate mechanically or be illuminated by a light source which visibly flashes, oscillates or otherwise automatically changes in intensity or color, nor shall any sign be permitted which calls the attention of the general public to any commercial activities, services or products not available on the premises where the sign is located.

22.7 SIGN STANDARDS FOR COMMERCIAL AND WATERFRONT BUSINESS DISTRICTS

Sign illumination shall be floodlighting, or with luminous background silhouette signs with opaque letters. Direct and intense or glaring light shall not be visible at streets, adjacent properties or public watercourses. All sign lighting shall be directed downward and screened from neighboring properties. Illuminated signs associated with a business establishment shall

not be lit during the hours between 10:00 p.m. and 6:00 a.m. unless the establishment is legally open for business.

- a. On any lot there may be only one freestanding sign and with a combined area not exceeding 20 square feet.
- b. Any sign hanging from a wall of a building shall not exceed an area of 10 square feet.
- c. The total area of signs attached to or hanging from any wall of a building shall not exceed 10% of the area of such wall or 30 square feet, whichever is smaller.
- d. All signs shall be maintained in a secure and safe condition. Any sign which is no longer associated with a bona fide business or activity on the premises shall be removed.
- e. Other provisions respecting signs may be imposed in connection with a "Special Permit" or the approval of a development plan.

22.8 APPLICATIONS

Applications for sign permits shall be made to the Zoning Enforcement Officer and shall include the following:

- a. Name and address of the property owner and of the applicant.
- b. Drawing to scale of the proposed sign showing its size, height, details of construction, and location on the premises.
- c. Drawing showing the location and size of existing signs on the same property.

**SECTION 23
NONCONFORMITIES**

23.1 CONTINUANCE OF NONCONFORMING USES

Any nonconforming use of land, a building, structure, or premises may be continued or changed, and any nonconforming building or structure may be reconstructed and/or repaired, subject to the following:

23.1.1 No nonconforming use may be changed to a different use, without the approval of the Zoning Board of Appeals. Approval for a change to another nonconforming use shall not be granted unless the Board finds (a) or that the new use will be less non-conforming than the existing use; and that (b) the new use will be less intensive than the prior use "Less intensive means that the new use will meet one of more the following criteria: total space occupied, hours of operation, required parking, number of employees, impact on the surrounding area, and impact on public health, safety and convenience.

23.1.2 No nonconforming use, if once changed into a conforming use, shall be changed back into a nonconforming use.

23.1.3 No nonconforming use shall be extended or expanded.

23.1.4 No nonconforming use which has been abandoned for a period of one year shall be thereafter resumed.

23.2 NON-CONFORMING BUILDINGS

23.2.1 No building or structure which does not conform to the requirements of these Regulations regarding building height limit and required yards shall be extended or expanded unless such extended or expanded portion conforms to the Regulations applying to the district in which it is located.

23.2.2 No building or structure which is on a lot which does not conform to the requirements of these Regulations regarding lot area, width of lot, percentage of lot coverage, or parking facilities shall be extended or expanded.

23.2.3 If any nonconforming building or structure shall be destroyed by any means, repairs or reconstruction may be made and the non-conforming use continued provided there is no expansion of the existing foot print and further provided that such restoration is started within a period of one year from the date of such destruction and is diligently prosecuted.

23.3 EXISTING NONCONFORMING LOTS

The applicable requirements of these Regulations pertaining to (a) minimum gross lot area, (b) net buildable lot area, and (c) minimum lot width shall not prevent the construction of an otherwise permitted building or structure or the establishment of an otherwise permitted use on a lot which:

1. on July 9, 1954, contained less than one acre or a frontage of less than 150 feet upon a public or private way; or

2. any lot which on December 18, 1964, contained one or more acres but less than the minimum gross lot area at any time thereafter prescribed by the Commission for the district in which such lot is situated; or
3. any lot which on July 15th, 1989 contained the minimum gross lot area for the district in which such a lot is situated but contains a minimum net buildable area less than 14,000 square feet; or
4. any lot which on June 30, 1993 contained a minimum gross lot area for the district and a minimum net buildable area of 14,000 square feet:

provided that continuously after the respective dates above mentioned, such lot was owned separately from any adjoining lot, and further provided that no dwelling or other building containing human habitation shall be constructed on any lot less than 15,000 square feet in area.

23.4 CHANGE OF PLANS

Nothing in this section shall require any change of the plans, construction or designated use of a building, the construction of which shall have been commenced prior to the effective date of these regulations or of any pertinent amendment thereto and which shall be completed within one year thereafter.

SECTION 24
ZONING BOARD OF APPEALS

- 24.1 In accordance with the provisions of Chapter 124, Section 8-5 of the General Statutes, Revision of 1958, as amended, the Zoning Board of Appeals shall consist of five regular members and three alternate members, who shall be electors and shall not be members of the Zoning Commission. They shall be elected in accordance with the provisions of the ordinance adopted at the Town Meeting of May 29, 1992.
- 24.2 OFFICERS AND ALTERNATES: In accordance with the provisions of said Chapter 124, the Zoning Board of Appeals shall elect a chairman from among its members and all meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine and shall be open to the public. If a regular member is absent, an alternate member shall be designated to act in his place as provided in Section 8-5 of the General Statutes, Revision of 1958, as amended. The Zoning Board of Appeals shall have the following powers and duties:
- 24.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the agent of the Planning and Zoning Commission or any other official charged with the enforcement of these regulations.
- 24.2.2 To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.
- 24.2.3 To perform any other duties which may be assigned to the Zoning Board of Appeals by the Connecticut General Statutes.

SECTION 25 AMENDMENTS AND VALIDITY

25.1 These regulations and the boundaries of zoning districts established hereunder may from time to time be amended or changed by the Commission in accordance with the provision of Chapter 124 of the General Statutes, Revision of 1958, as amended.

25.2 If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

LIST OF APPENDICES

- Appendix A Fee Schedule
- Appendix B Zoning Map
- Appendix C Lyme Road Map
- Appendix D Application Materials
- Appendix E Determination of Net Buildable Lot Area: Example
- Appendix F Guidelines for Tidal Areas in Lyme
- Appendix G Eightmile Watershed Overlay District Map
- Appendix H Backyard Stream Buffers
- Appendix I Design Elements for Stormwater Management and Low Impact Development