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DIVISION 1

ORDINANCES

PART I

ADMINISTRATIVE LEGISLATION

FINAL DRAFT

Chapter 1

GENERAL PROVISIONS

ARTICLE I

Adoption of Code

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Adoption of Code

[An ordinance adopting the Code of the Town of Voluntown as renumbered and reorganized and making certain substantive changes to existing ordinances of the Town is under consideration by the Town. Upon final adoption, it will be included as Article I of this chapter.]

Chapter 7

ADMINISTRATION OF GOVERNMENT

ARTICLE I

Referenda

§ 7-1. Time and date.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Referenda

[Adopted 5-2-1998]

§ 7-1. Time and date.

All referenda held in the Town of Voluntown shall be held during the period of 12:00 noon to 8:00 p.m., on a Tuesday, such date to be set by the Board of Selectmen.

Chapter 22

FINANCES AND FUNDS

ARTICLE I

Supplemental Appropriations

§ 22-1. Approval at referendum required.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Supplemental Appropriations

[Adopted 4-7-1998]

§ 22-1. Approval at referendum required.

Any proposed supplemental appropriation exceeding \$100,000 shall be submitted for approval to a referendum vote.

Chapter 49

OFFICERS AND EMPLOYEES

ARTICLE I Assessor	§ 49-13. Vacancies. § 49-14. Qualifications. § 49-15. Removal.
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§ 49-11. Appointment. § 49-12. Term.	

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Assessor
[Adopted 5-19-1981]

§ 49-1. Appointment; powers and duties.

There shall be an Assessor for the Town of Voluntown, who shall be appointed as hereinafter prescribed and shall have all the powers, duties and rights conferred upon the former elective Board of Assessors under the statutes of the State of Connecticut.

§ 49-2. Term. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Assessor shall be appointed by a two-thirds majority vote of the Board of Selectmen beginning with the term of office of the Board of Selectmen elected at the Town Election of November 3, 1981. Thereafter, the term of office of each appointed Assessor shall be continuous, until his/her successor is appointed and sworn in.

§ 49-3. Vacancies.

Any vacancy in the office shall be filled by majority vote of the Board of Selectmen, forthwith, after the occurrence of such vacancy; and the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of his predecessor.

§ 49-4. Removal. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Selectmen may remove the Assessor during his/her appointed term, but only for cause. As used in this section, "cause" shall mean, but not be limited to, misconduct in office; willful and material neglect of duty; incompetence in the conduct of office; dishonesty or other unethical behavior; violation of law; and excessive absence.

§ 49-5. Authority of Selectmen.

The Board of Selectmen shall be authorized to establish qualifications for the office, appoint an assistant to the Assessor, provide for clerical assistance and establish a rate of compensation.¹

**ARTICLE II
Constables
[Adopted 1-20-1993]**

§ 49-6. Authority.

This article is adopted under the authority of C.G.S. § 9-185, as amended.

§ 49-7. Appointment, number and terms.

In lieu of Constables who would otherwise be elected in 1993 and thereafter under the provisions of C.G.S. § 9-200, there is hereby established a body of six Constables, to be appointed for two-year terms by the Board of Selectmen. Such Constables shall be appointed at a meeting of the Board of Selectmen to be held on any date between November 15 and December 15, inclusive, of calendar year 1993 and each odd-numbered year thereafter. The

1. Editor's Note: Original Sec. 6 of the 1981 ordinance adopting these provisions, regarding the terms of office of the then-existing Board of Assessors, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 49-7	OFFICERS AND EMPLOYEES	§ 49-13
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terms of such Constables shall begin on the first day of January next succeeding their appointment.

§ 49-8. Political affiliation.

Not more than three members of the body of Constables may be members of the same political party.

§ 49-9. Filling of vacancies.

Any vacancy occurring for any reason among the Constables appointed hereunder shall be filled by the Board of Selectmen for the remainder of the vacating Constable's term.

§ 49-10. Events leading to vacancy.

Should any Constable 1) resign his/her office, 2) fail to take his/her oath of office on or before the 30th day after the date on which his/her term begins, 3) lose his/her status as an elector of the Town of Voluntown or 4) change his/her political party affiliation such that more than three Constables are members of the same political party, such Constable's office shall become vacant immediately upon the effective date of the earliest to occur of the acts listed hereinabove.

ARTICLE III
Treasurer
[Adopted 4-16-2013]

§ 49-11. Appointment. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

There shall be a Treasurer for the Town of Voluntown who shall be appointed by the Board of Selectmen as hereinafter described and in accordance with C.G.S. § 9-185.

§ 49-12. Term. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The initial Treasurer appointment will be made by the Board of Selectmen elected during the November 5, 2013, Town Election. Thereafter, the term of office of each appointed Treasurer shall be continuous, until his/her successor is appointed and sworn in.

§ 49-13. Vacancies.

Any vacancy in the office of the Treasurer shall be filled by majority vote of the Board of Selectmen after the occurrence of such vacancy. The person appointed to fill such vacancy shall hold office for the unexpired portion of the term of his predecessor.

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§ 49-14. Qualifications.

The Board of Selectmen is authorized to establish, or cause to be established for its approval, qualifications for the office of the Treasurer.

§ 49-15. Removal. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Selectmen may remove the Treasurer during his/her appointed term, but only for cause. As used in this section, "cause" shall mean, but not be limited to, misconduct in office; willful and material neglect of duty; incompetence in the conduct of office; dishonesty or other unethical behavior; violation of law; and excessive absence.

**ARTICLE IV
Tax Collector
[Adopted 4-16-2013]**

§ 49-16. Appointment and authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

There shall be a Tax Collector for the Town of Voluntown, who shall be appointed by the Board of Selectmen as hereinafter described and in accordance with C.G.S. § 9-189(b).

§ 49-17. Term. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Selectmen may remove the Tax Collector during his/her appointed term, but only for cause. As used in this section, "cause" shall mean, but not be limited to, misconduct in office; willful and material neglect of duty; incompetence in the conduct of office; dishonesty or other unethical behavior; violation of law; and excessive absence.

§ 49-18. Vacancies.

Any vacancy in the office of the Tax Collector shall be filled by majority vote of the Board of Selectmen after the occurrence of such vacancy. The person appointed to fill such vacancy shall hold office for the unexpired portion of the term of his predecessor.

§ 49-19. Qualifications.

The Board of Selectmen is authorized to establish, or cause to be established for its approval, qualifications for the office of the Tax Collector.

§ 49-20. Removal. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Selectmen may remove the Tax Collector during his/her appointed term, but only for cause. As used in this section, "cause" shall mean, but not be limited to, misconduct

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§ 49-25

in office; willful and material neglect of duty; incompetence in the conduct of office; dishonesty or other unethical behavior; violation of law; and excessive absence.

ARTICLE V
Town Clerk
[Adopted 3-20-2021]

§ 49-21. Appointment; residency; term of office.

- A. Pursuant to C.G.S. § 9-185, as it may be amended from time to time, the office of Town Clerk shall cease to be an elective office as of November 2, 2021, the date of the next biennial municipal election after the effective date of this article, and from that date the Town Clerk shall be appointed by the Board of Selectmen; provided that the person holding the office of Town Clerk on November 2, 2021, shall continue in office until his/her successor is appointed and sworn.
- B. The Board of Selectmen shall endeavor to appoint a resident of the Town of Voluntown capable of performing the duties of the Town Clerk but may appoint the person it deems to be the best qualified candidate, regardless of residence.
- C. The term of office of each appointed Town Clerk shall be continuous, until his/her successor is appointed and sworn in.

§ 49-22. Powers and duties.

The Town Clerk shall have all the powers and duties conferred by the Connecticut General Statutes, as they may be amended from time to time, and by this article. The Board of Selectmen may, in addition, establish a job description and qualifications for the position of Town Clerk and amend it from time to time, but need not do so before making the appointment to be made immediately after the November 2, 2021, municipal election.

§ 49-23. Removal.

The Board of Selectmen may remove the Town Clerk during his/her appointed term, but only for cause. As used in this section, "cause" shall mean, but not be limited to, misconduct in office; willful and material neglect of duty; incompetence in the conduct of office; dishonesty or other unethical behavior; violation of law; and excessive absence.

§ 49-24. Vacancy.

A vacancy in the office of Town Clerk shall be filled by appointment by the Board of Selectmen as soon as practicable after the occurrence of the vacancy.

§ 49-25. When effective.

This article shall take effect 15 days after notice of its adoption is published in accordance with C.G.S. § 7-157.

FINAL DRAFT

Chapter 56

PLANNING AND ZONING

§ 56-1. Adoption of zoning.**§ 56-3. Zoning Board of Appeals.****§ 56-2. Planning and Zoning Commission.**

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 6-21-1973. Amendments noted where applicable.]

§ 56-1. Adoption of zoning.¹

The provisions of Chapter 124 (Zoning) of the General Statutes of the State of Connecticut (revision of 1958), as amended, are hereby adopted by the Town of Voluntown.

§ 56-2. Planning and Zoning Commission.

In accordance with C.G.S. § 8-4a, the five-member Planning Commission and its three alternate members shall be designated as the Planning and Zoning Commission of the Town of Voluntown. The terms of office shall be in accordance with the ordinances creating the Planning Commission and its alternates.

§ 56-3. Zoning Board of Appeals. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

In accordance with C.G.S. § 8-5, there shall be a Zoning Board of Appeals consisting of five regular members and three alternate members to be known as the "Panel of Alternates."

- A. Regular members of the Zoning Board of Appeals shall be elected to staggered four-year terms; as the term of each member expires, the successor or successors shall be elected at the biennial election of the Town of Voluntown to serve for a term of four years.
- B. Alternate members on the Panel of Alternates shall be elected to two-year terms at the biennial election.

1. Editor's Note: See Ch. 345, Zoning.

Chapter 63

REGIONAL COUNCIL OF GOVERNMENTS

§ 63-1. Findings.

§ 63-3. Effective date.

§ 63-2. Adoption of statutory provisions; membership.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 2-19-2014. Amendments noted where applicable.]

§ 63-1. Findings.

Voluntown has for a long time been a member of Southeastern Connecticut Council of Governments ("SECCOG"). Voluntown has determined that because of its location and its similarities with many of the member towns of the Northeastern Connecticut Council of Governments ("NECCOG"), and because of the types of services NECCOG provides, and for other reasons, becoming a member of NECCOG would better meet the needs of Voluntown and its residents.

§ 63-2. Adoption of statutory provisions; membership.

The Town of Voluntown hereby adopts §§ 4-124i through 4-124p of the Connecticut General Statutes providing for the formation of NECCOG and does hereby withdraw from SECCOG and join NECCOG. The withdrawal from SECCOG and the membership in NECCOG shall become effective on the effective date of this chapter.

§ 63-3. Effective date.

This chapter shall become effective on March 8, 2014.

Chapter 70

TIME CAPSULE

§ 70-1. Findings and intent.

§ 70-2. Location for burial.

§ 70-3. Violations.

§ 70-4. Penalties for offenses.

§ 70-5. When effective; opening of Time Capsule.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 10-21-1999. Amendments noted where applicable.]

§ 70-1. Findings and intent.

The Town of Voluntown wishes to commemorate and recognize the past, present and future of the Town of Voluntown. It has been determined that a fitting method of "encapsulating" life in Voluntown would be to create a time capsule filled with various items which represent the life and times of Voluntown as we know it at the end of the 20th Century and beginning of the 21st Century, and the Town would like to take every measure possible to ensure the undisturbed preservation of this important historical object.

§ 70-2. Location for burial.

The Time Capsule will be placed in a sealed compartment and buried in the lawn directly in front of the Town Hall on Main Street,

§ 70-3. Violations.

It shall be a violation of this chapter to take any action, intentionally or negligently, which jeopardizes the safekeeping and preservation of this Time Capsule.

§ 70-4. Penalties for offenses.

Any violation of this chapter shall be punishable to the full extent of the law.

§ 70-5. When effective; opening of Time Capsule.

This chapter shall take effect 30 days after adoption at a Town Meeting, and shall remain in effect until January 1, 2100, at which time the Time Capsule shall be opened.

PART II

BOARDS AND COMMISSIONS

Chapter 104

BOARD OF EDUCATION

§ 104-1. Adoption of statutory provisions.

§ 104-2. Members; powers.

§ 104-3. Terms.

**[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 5-2-1988.
Amendments noted where applicable.]**

§ 104-1. Adoption of statutory provisions.

The provisions of C.G.S. § 9-205, as amended, are hereby adopted by the Town of Voluntown.

§ 104-2. Members; powers.

The Board of Education of the Town of Voluntown shall consist of seven members, who shall be electors of the Town of Voluntown and shall have all the powers set forth in the General Statutes.

§ 104-3. Terms.

At the Town Election next following, the terms of office of the members of the Board now in office shall expire, and the Town shall elect four members of such Board to hold office for two years and three members to hold office for four years, each from the date of election, and at each Town Election thereafter, the Town shall elect members whose terms expire, each for a term of four years from the date of election.

Chapter 113

ECONOMIC DEVELOPMENT COMMISSION

- | | |
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| § 113-1. Establishment and authority. | § 113-4. Compensation; employees. |
| § 113-2. Purpose; powers and duties. | § 113-5. Effective date. |
| § 113-3. Members. | |

**[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 10-29-1998.
Amendments noted where applicable.]**

§ 113-1. Establishment and authority.

There is hereby established a Voluntown Economic Development Commission, with powers and duties set forth in C.G.S. § 7-136, as amended, or as it may be from time to time amended.

§ 113-2. Purpose; powers and duties.

- A. The purpose of the Economic Development Commission shall be to promote and develop the business and industrial resources of the Town, and for that purpose the Economic Development Commission shall have all the rights, powers, duties and obligations conferred and imposed by C.G.S. § 7-136.
- B. The Economic Development Commission shall conduct research into the economic conditions and trends in the municipality and in the aforesaid areas of concentration, and shall make recommendations to the appropriate officials and agencies of the Town regarding action to improve the economic condition and development of the Town; it shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further its official purpose.
- C. The Economic Development Commission shall annually prepare and transmit to the Board of Selectmen a report of its actions and of its recommendations for improving economic conditions and development.

§ 113-3. Members.

- A. There shall be five members on such Commission, serving staggered terms of five years each. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. In addition, there shall be three alternate members of said Commission appointed by the Board of Selectmen for a term of two years, who shall be designated when appointed as "Alternate One," "Alternate Two" and "Alternate Three." Said alternates shall serve in

§ 113-3

VOLUNTOWN CODE

§ 113-5

the absence, inability or disability of regular members of said Commission and shall serve in the order of their numerical designation.

- C. The Board of Selectmen shall appoint members to fill all vacancies and expired terms.
- D. Any members appointed by the Board of Selectmen may be removed by the Board of Selectmen for cause, and on the request of any member, after a public hearing.

§ 113-4. Compensation; employees.

The members shall receive no compensation for their services as such, but shall be reimbursed for their necessary expenses incurred in the performance of their official duties. The Board of Selectmen may appoint employees necessary for the discharge of the duties of the Commission.

§ 113-5. Effective date.

This chapter shall become effective on and after November 15, 1998, and the terms of members shall commence on said date.

Chapter 117

ELDERLY COMMISSION

§ 117-1. Establishment; appointments; terms; vacancies. **§ 117-3. Administration.**

§ 117-4. Funding.

§ 117-2. Powers and duties.

**[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 3-3-2020.
Amendments noted where applicable.]**

§ 117-1. Establishment; appointments; terms; vacancies.

There shall be established a Commission on Services for Elderly Persons consisting of seven members. The Board of Selectmen shall appoint the members of the Commission. Initial appointments shall be as follows: three members for terms expiring on July 1, 2020, and four members for terms expiring on July 1, 2021. Thereafter, appointments shall be for terms of two years each. Vacancies shall be filled by the Board of Selectmen for the remainder of any term.

§ 117-2. Powers and duties.

There shall be a Commission for Elderly Services responsible for focusing on and offering solutions to the needs of elderly residents. The responsibilities of the Commission shall be as follows:

- A. To foster understanding, respect and involvement of all elderly in the life of the community;
- B. To encourage participation of elderly in all aspects of community life;
- C. To assure the elderly citizens equal access to all Town resources, facilities and programs;
- D. To study economic, housing, employment, recreation, health and other matters as they relate to the elderly;
- E. To analyze the services and programs for the elderly provided by both public and private agencies and make appropriate recommendations to the First Selectman and Board of Selectmen to improve the effectiveness of programs and services for the elderly;
- F. To develop, coordinate and carry out policies and guidelines for all programs for the elderly approved by the Board of Selectmen; and
- G. To work closely with other state, municipal and private agencies to provide effective services and programs for the elderly of the Town.

§ 117-3. Administration.

- A. The Commission shall select from its members a Chairperson and Secretary to serve for one year.
- B. All members of the Commission shall serve without compensation but may be reimbursed for their approved expenses from available appropriations.
- C. The Commission shall be authorized to establish and promulgate bylaws to enable it to function in fulfilling its duties.

§ 117-4. Funding.

- A. The Commission may review and recommend applications, where appropriate, for federal, state, local and private funds for programs for the elderly and aging.
- B. The Commission may make recommendations for the expenditure of any such funds received. However, the Board of Selectmen shall be responsible for securing and disbursing any such funds.

Chapter 129

INLAND WETLANDS COMMISSION

- | | |
|--|----------------------------|
| § 129-1. Establishment and authority. | § 129-4. Terms. |
| § 129-2. Powers and duties. | § 129-5. Vacancies. |
| § 129-3. Membership. | |

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 2-9-1988. Amendments noted where applicable.]

§ 129-1. Establishment and authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

There shall be an Inland Wetlands Commission of the Town of Voluntown established in accordance with Sections 22a-36 through 22a-45a of the General Statutes of the State of Connecticut (Revision of 1958).

§ 129-2. Powers and duties.

The Commission shall have all the powers and responsibilities authorized under said General Statutes.

§ 129-3. Membership.

The Commission shall consist of five members and two alternate members, who shall be electors of the Town of Voluntown.

§ 129-4. Terms. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Commission members shall be elected to serve staggered four-year terms. The alternate members shall be elected biannually.

§ 129-5. Vacancies.

In the event that any member of the Commission shall cease to be an elector of the Town of Voluntown, his office shall be deemed vacant. Any vacancy in the membership of said Commission may be filled for the unexpired term of such member by the Board of Selectmen.¹

1. Editor's Note: Original Sec. 7 of the 1988 ordinance establishing these provisions, regarding the Town agency formerly administering the duties of an Inland Wetland Agency, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 146

PLANNING COMMISSION

ARTICLE I Establishment	§ 146-6. Election; terms. § 146-7. Vacancies.
§ 146-1. Adoption of statutory provisions.	ARTICLE III Vacancies
§ 146-2. Membership.	§ 146-8. Filling of vacancies.
§ 146-3. Election; terms.	§ 146-9. Eligibility; term of appointment.
§ 146-4. Vacancies.	§ 146-10. When effective; applicability.
ARTICLE II Alternate Members	
§ 146-5. Number.	

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Establishment
[Adopted 9-24-1970]

§ 146-1. Adoption of statutory provisions.

The provisions of Chapter 126 (Planning) of the General Statutes of the State of Connecticut (Revision of 1958), as amended, are hereby adopted by the Town of Voluntown.

§ 146-2. Membership.

There shall be a Planning Commission of the Town of Voluntown to consist of five members, who shall be electors of the Town of Voluntown.

§ 146-3. Election; terms. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Regular members of the Planning Commission shall be elected at the biennial election of the Town of Voluntown to serve for staggered terms of six years.

§ 146-4

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§ 146-8

§ 146-4. Vacancies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

In the event that any member of the Planning Commission shall cease to be a resident of the Town of Voluntown, his office shall be deemed vacant. The vacancy shall be filled in accordance with the provisions of Article III, Vacancies, of this chapter.

ARTICLE II
Alternate Members
[Adopted 9-12-1972]

§ 146-5. Number.

There shall be three alternate members of the Planning Commission of the Town of Voluntown, who shall be electors of the Town of Voluntown.

§ 146-6. Election; terms. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Alternate members of the Planning Commission shall be elected at the biennial election of the Town of Voluntown to serve for a term of two years.

§ 146-7. Vacancies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

In the event that any alternate member of the Planning Commission shall cease to be a resident of the Town of Voluntown, his office shall be deemed vacant. The vacancy shall be filled in accordance with the provisions of Article III, Vacancies, of this chapter.

ARTICLE III
Vacancies
[Adopted 12-20-2016]

§ 146-8. Filling of vacancies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any vacancy in the panel of regular members or the panel of alternate members of the Planning and Zoning Commission ("Commission") shall be filled within 90 days by majority vote of the members of the Commission present, seated and voting at a public meeting of the Commission, provided that, before filling any such vacancy, the Commission shall provide public notice of the vacancy by posting notice of it on the Town of Voluntown website and, if it chooses, by such other means as it deems prudent, said notice to include a request that persons interested in filling any such vacancy make that intent known to the Town Clerk, who shall report any such responses to the Commission. If not filled within 90 days, the Board of Selectmen will appoint a member to fill the remaining term.

§ 146-9

PLANNING COMMISSION

§ 146-10

§ 146-9. Eligibility; term of appointment.

The Commission may not appoint any person to fill a vacancy who does not meet the eligibility requirements for regular or alternate membership on the Commission contained in the General Statutes and in the ordinances of the Town of Voluntown. The appointment shall be for the unexpired portion of the term of the vacant position.

§ 146-10. When effective; applicability.

This article shall be effective 15 days after publication in a newspaper having circulation in the Town of Voluntown and shall apply to any appointment to fill a vacancy in the regular and alternate membership of the Commission made after that date, regardless of the date on which the vacancy occurred.

Chapter 155

RECREATION COMMISSION

§ 155-1. Establishment, authority and purpose.	§ 155-5. Terms of office.
§ 155-2. Establishment.	§ 155-6. Officers; procedures.
§ 155-3. Purpose and authority.	§ 155-7. Meetings.
§ 155-4. Membership; vacancies; compensation.	§ 155-8. Duties and responsibilities.
	§ 155-9. Reports.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 6-27-1996. Amendments noted where applicable.]

§ 155-1. Establishment, authority and purpose. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Town hereby establishes the Town of Voluntown Recreation Commission, pursuant to the authority granted by C.G.S. §§ 7-130a through 7-130w, for the promotion and development of public recreation for the Town.

§ 155-2. Establishment.

There is hereby created a commission to be known as the "Town of Voluntown Recreation Commission" (formerly the "Town of Voluntown Recreation Committee"), hereinafter referred to as the "Commission."

§ 155-3. Purpose and authority.

The purpose of the Commission is to provide for the leisure recreation opportunities for all residents of Voluntown. The Commission shall be vested with the powers, duties and obligations necessary to accomplish this purpose. It shall be charged with full responsibility for the recreation programs designated by the Commission.

§ 155-4. Membership; vacancies; compensation.

- A. The Commission shall consist of not less than five nor more than nine members (residents) appointed by the Board of Selectmen.
- B. Vacancies occasioned by removal, resignation or otherwise shall be reported to the Board of Selectmen, which shall fill such vacancies, except that the term of office is restricted to the unexpired term.
- C. The members of the Commission shall receive no compensation for their services as such, but shall be reimbursed for their necessary expenses incurred in the performance of their official duties. Members shall be reimbursed for travel and subsistence to

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professional recreation meetings, conferences and workshops, such reimbursements being made in compliance with the general policies of the Town of Voluntown.

§ 155-5. Terms of office. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Members of the Recreation Commission shall serve staggered three-year terms.

§ 155-6. Officers; procedures.

- A. The officers of the Commission shall be voted on by members of the Commission. The officers shall be a Chairperson, Secretary and Treasurer. Election will be held at the monthly meeting in April of each year, and officers shall serve for one year or until a successor shall be elected.
- B. The Commission shall adopt bylaws, rules and regulations governing its procedure and consistent with all provisions of state laws affecting such commissions and the approved ordinance creating the Commission.

§ 155-7. Meetings.

- A. Regular monthly meetings shall be posted at the Town Hall. Meeting times shall be set by the Commission at the monthly meeting in December for the next year.
- B. Special meetings may be called by the Chairman at any time, or may be called at the written request of three members of the Commission. Agendas of all meetings will be posted and records retained in accordance with the Freedom of Information Act.
- C. A quorum shall be a majority of the Commission.

§ 155-8. Duties and responsibilities.

- A. The Commission shall assist the Town of Voluntown Board of Selectmen in providing, maintaining, operating and supervising the public parks, playgrounds, athletic fields and recreation centers and any other recreation facilities owned or controlled by the Town. The Commission shall assist the Town in the supervision of the facilities and activities provided and conducted on or in connection with the parks, playgrounds, athletic fields and recreation centers provided. The Commission shall have the power to conduct any form of recreation or cultural activity allowable under state law.
- B. Investigation and communication.
 - (1) The Commission shall investigate and determine the recreational needs and interests of the community. The Commission shall provide a program to meet these needs.
 - (2) The Commission shall communicate the recreational programs and services of the Commission to the community and shall, on an ongoing basis, assess the

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recreational needs of the community and report such assessments to the Board of Selectmen for consideration in the budget process.

C. Budget.

- (1) The Commission shall prepare and present to the Board of Selectmen an annual operating budget sufficient to finance the program of recreation the Commission feels is necessary for the benefit of the residents of the Town of Voluntown. The budget shall be submitted to the Board of Selectmen at the time designated by the Board.
- (2) The Commission shall annually recommend to the Board of Selectmen a budget for capital improvements (acquisition and development) in accordance with the plan for recreation for the Town and request an allocation from the general fund or other funds sufficient to provide for these needs as planned.
- (3) The Commission shall appoint a Budget Committee at the monthly meeting in February of each year.

D. The Commission shall assist the Selectmen with plans for the acquisition and development of an adequate system of parks, facilities and recreation programs for the residents of Voluntown.

§ 155-9. Reports.

The Commission shall make full and complete reports to the Board of Selectmen at such times as may be requested and such other times as the Board of Selectmen deem proper.¹

1. Editor's Note: Original Art. 8 of the 1996 ordinance adopting these provisions, regarding the disbanding of the former Voluntown Recreation Area Development Committee, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 161

TOURISM DISTRICT

§ 161-1. Adoption of statutory provisions; membership in district.

§ 161-2. Number and appointment of representatives.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 12-10-1986; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

§ 161-1. Adoption of statutory provisions; membership in district.

The Town of Voluntown hereby adopts C.G.S. § 7-330 for the purposes of implementing P.A. 81-417 and joins the Southeastern Connecticut Tourism District.

§ 161-2. Number and appointment of representatives.

The Town of Voluntown, having a population of 1,637 according to the federal census of 1980, shall have two representatives on the District, who shall be appointed by the Board of Selectmen. Appointments shall be for three-year terms.

Chapter 166

TRAFFIC CONTROL AUTHORITY

§ 166-1. Adoption of statutory provisions; establishment.

§ 166-2. Powers and duties.
§ 166-3. Fines.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 3-25-1982. Amendments noted where applicable.]

§ 166-1. Adoption of statutory provisions; establishment.

The provisions of Chapter 249 (creating of traffic control authorities) of the General Statutes of the State of Connecticut, as amended, are hereby adopted by the Town of Voluntown. A Traffic Control Authority will be established and will consist of the Board of Selectmen of the Town of Voluntown.

§ 166-2. Powers and duties.

Such Traffic Control Authority shall have the power, in the name of the Town of Voluntown, to create and establish specific parking regulations for particular areas and upon the Town roads within the Town of Voluntown, and to levy fines for the subsequent violation of said parking regulations.

§ 166-3. Fines.

- A. The amount of said fines for violation of parking regulations shall be established by the Board of Selectmen on an as-needed basis and shall not exceed the statutory maximum. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. The monies received from the levying of parking fines shall be placed in the general fund.

PART III

GENERAL LEGISLATION

Chapter 203

ADULT-ORIENTED ESTABLISHMENTS

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| <p>§ 203-1. Findings and intent.</p> <p>§ 203-2. Definitions.</p> <p>§ 203-3. Operating requirements and restrictions.</p> <p>§ 203-4. Minimum distance from youth facilities.</p> | <p>§ 203-5. Minimum distance from other adult-oriented establishments.</p> <p>§ 203-6. Exemption for preexisting uses.</p> <p>§ 203-7. Penalties for offenses.</p> <p>§ 203-8. Severability.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 3-2-2000. Amendments noted where applicable.]

§ 203-1. Findings and intent.

The Board of Selectmen of the Town of Voluntown, Connecticut finds:

- A. There are, or may in the future be, adult-oriented establishments located in the Town of Voluntown which require special supervision from the Town's public safety agencies in order to protect and preserve the health, safety and welfare of the Town's citizens.
- B. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:
 - (1) Large numbers of persons, primarily male, frequent such adult-oriented establishments, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called "adult" motion pictures and/or DVDs or other similar types of video recordings and/or live entertainment; and [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (2) Persons under the age of 18 may be attracted to adult-oriented establishments and seek to enter or loiter about them without the knowledge or permission of their parents or guardians; and
 - (3) Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such adult-oriented establishments for the purpose of engaging in certain sexual acts; and
 - (4) Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms; and
 - (5) Doors, curtains, blinds and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in sexual acts therein with prostitutes or others, thereby promoting and encouraging prostitution and the

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commission of sexual acts which cause blood, semen and urine to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits; and

- (6) The reasonable regulation and supervision of such adult-oriented establishments tends to discourage such sexual acts and prostitution, and thereby promotes the health, safety and welfare of the patrons, clients and customers of such establishments.
- (7) The nature of adult-oriented establishments and the traffic which they generate, and the potential and the propensity for such establishments to attract persons interested in explicit sexual activities or erotic forms, and the potential for outdoor assembly of such persons around the premises of such establishments, are such as to make them incompatible with nearby uses of land where concentrations of children or youth tend to congregate;
- C. The continued unregulated operation of adult-oriented establishments, including, without limitation, those specifically cited in the definition of "adult-oriented establishment" in § 203-2, is, and would be, detrimental to the general welfare, health and safety of the citizens of Voluntown. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. The constitution and laws of the State of Connecticut grant to the Town powers, especially police power, to enact reasonable legislation and measures to regulate and supervise adult-oriented establishments as hereinafter defined in order to protect the public health, safety and welfare.
- E. It is not the intent of the Board of Selectmen, in enacting this chapter, to deny to any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the Board of Selectmen to impose any additional limitations or restrictions on the contents of any communicative material, including sexually oriented films, DVDs or other similar types of video recordings, books and/or other materials. Further, by enacting this chapter, the Board of Selectmen does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights and distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 203-2. Definitions.

For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

ADULT AMUSEMENT MACHINE — Includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities and specified anatomical areas, as defined below, for observation by patrons therein.

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ADULT BOOKSTORE — An establishment having any portion of its stock-in-trade in books, films, DVDs or other similar types of video recordings, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, provided that this definition shall not apply to any establishment in which said materials constitute less than 10% of the value of the inventory of said establishment, and in which the display of such materials does not permit the viewing of specified sexual activities or specified anatomical areas within the establishment. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

ADULT ENTERTAINMENT — Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime modeling or any other personal services offered customers, which has a significant or substantial portion of such performance or any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas.

ADULT MINI-MOTION-PICTURE THEATER — An enclosed building with a capacity of less than 50 persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity of 50 or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein.

ADULT-ORIENTED ESTABLISHMENT —

- A. Includes, without limitations, adult bookstores, adult motion-picture theaters, and commercial establishments containing one or more adult amusement machines. "Adult-oriented establishment" further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.
- B. An adult-oriented establishment further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

AMUSEMENT MACHINE — Includes any machine which, upon the payment of a charge or upon insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated.

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BOARD OF SELECTMEN — The Board of Selectmen of the Town of Voluntown, Connecticut.

EMPLOYEE — Any persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

ENTERTAINER — Any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

INSPECTOR — One or more employees of the Town of Voluntown designated by the Board of Selectmen, who shall hereby be authorized to inspect premises regulated under this chapter and to take the required actions authorized by this chapter in case of violations being found on such premises, and to require corrections of unsatisfactory conditions found on said premises.

MINOR — Refers to a person under the age of 18 years.

OPERATOR — Any person, or any proprietor, shareholder, general partner or limited partner who holds any share of partnership interest of any business which is operating, conducting, owning or maintaining an adult-oriented establishment.

SEXUAL ACTIVITIES — As used in this chapter, are not intended to include any medical publications or films or bona fide educational publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photographs; nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news; nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

SPECIFIED ANATOMICAL AREAS —

A. Less than completely and opaquely covered:

- (1) Human genitals, pubic region;
- (2) Buttocks;
- (3) Female breasts below a point immediately above the top of the areola; and

B. Human male genitals in a discernibly turgid state, even if complete covered.

SPECIFIED SEXUAL ACTIVITIES —

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.¹

1. Editor's Note: The definition of "supervisor," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 203-3. Operating requirements and restrictions.

- A. No operator or employee of an adult-oriented establishment shall allow or permit any minor or intoxicated person to loiter in any part of such establishment, including parking lots immediately adjacent to such establishment used by patrons of such adult-oriented establishment.
- B. Every adult-oriented establishment shall display a sign outside each entrance bearing the words "Adult-oriented Establishment — Persons Under 18 Not Admitted" in letters three inches high.
- C. No adult-oriented establishment shall be conducted in such a manner that permits the observation of any material depicting specified sexual activities or specified anatomical areas from the outside of the building that houses the adult-oriented establishment.
- D. Every adult-oriented establishment doing business in the Town on or after April 1, 2000, shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partition, drapes or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures or other types of adult-oriented entertainment.
- E. On or after April 1, 2000, the operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- F. Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- G. An operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of operator for purposes of determining whether the operator shall be subject to the penalties imposed by this chapter.
- H. All adult-oriented establishments shall be open to inspection at all reasonable times by the inspector, or such other person(s) as the Board of Selectmen may designate. Information regarding employees, including name, date of birth and social security

number, must be maintained as part of the record and must be available for inspection by Town officials.

§ 203-4. Minimum distance from youth facilities.

Adult-oriented establishments shall be located no less than 1,000 feet from any of the following uses, if existing at the time when the adult-oriented establishment is established: any public or private school serving grade 12 or lower; any day-care center, nursery school or similar use; any public park or playground; any playground associated with a church or other community building; any residential zone. Measurement of distances shall be from any portion of the building housing such adult-oriented establishment to any portion of a parcel of land containing such land uses or being residentially zoned. The separating distance required by this section shall be determined as of the date that any adult-oriented establishment commences to operate in accordance with this chapter and any applicable provision(s) of the Voluntown Zoning Regulations,² Building Code, Health Code and other applicable state and local laws, and such adult-oriented establishment shall not be deemed to violate this section if, thereafter, one of the numerated uses is established within the distance set forth herein.

§ 203-5. Minimum distance from other adult-oriented establishments.

No adult-oriented establishments shall be permitted in any portion of a building that is less than 600 feet from that portion of a building occupied by an existing adult-oriented establishment. The 600 feet shall be the straight horizontal distance from any part of a building housing an adult-oriented establishment to any part of the other building housing such use or any public entrance or exit into or out of that building housing an adult-oriented establishment or, if only a portion of the building houses such adult-oriented establishment, to any such public entrance or exit for any existing adult-oriented establishment.

§ 203-6. Exemption for preexisting uses.

The provisions of the preceding §§ 203-4 and 203-5 shall not be deemed to prohibit any use preexisting the enactment of this chapter. Any preexisting use that shall be discontinued for a period of 30 days shall thereafter conform to §§ 203-4 and 203-5.

§ 203-7. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, partnership or cooperation who or which is found to have violated this chapter shall be fined a sum to be determined by the Board of Selectmen on an as-needed basis for each such violation, not to exceed the statutory maximum.

§ 203-8. Severability.

Should any court of competent jurisdiction declare any section, clause or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause or

2. Editor's Note: See Ch. 345, Zoning.

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provision so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter.

Chapter 208

ALCOHOLIC BEVERAGES

ARTICLE I Public Consumption	§ 208-3. Possession on public property prohibited.
§ 208-1. Public consumption prohibited.	§ 208-4. Possession in vehicles on public ways prohibited.
§ 208-2. Consumption in vehicles on public ways prohibited.	§ 208-5. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Public Consumption
[Adopted 8-12-1976]

§ 208-1. Public consumption prohibited.

It shall be unlawful for any person to consume any alcoholic beverage on any public property or property used by the public in general within the Town of Voluntown except where permission has previously been granted by the person in charge of said property.

§ 208-2. Consumption in vehicles on public ways prohibited.

It shall be unlawful for an operator or occupant of any motor vehicle to consume any alcoholic beverage on any highway or street within the Town of Voluntown.

§ 208-3. Possession on public property prohibited.

It shall be unlawful for any person to have in his possession any alcoholic beverage in an open container on any public property or property used by the public in general within the Town of Voluntown except where permission has previously been granted by the person in charge of said property.

§ 208-4. Possession in vehicles on public ways prohibited.

It shall be unlawful for an operator or occupant of any motor vehicle to have in his possession any alcoholic beverage in an open container on any highway or street within the Town of Voluntown.

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§ 208-5. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any violation of this article shall be punishable by a fine which shall be revised by the Board of Selectmen on an as-needed basis, not to exceed the statutory maximum.

Chapter 215

BAZAARS AND RAFFLES

§ 215-1. Adoption of statutory provisions.

[**HISTORY:** Adopted by the Town Meeting of the Town of Voluntown 5-13-1993; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

§ 215-1. Adoption of statutory provisions.

In accordance with C.G.S. § 7-171, the Town hereby adopts the provisions of C.G.S. §§ 7-170 to 7-186, inclusive, to permit bazaars and raffles in the Town.

Chapter 220**BINGO**

§ 220-1. Statutory authority; games permitted; Town responsibilities.

§ 220-2. Registration process.

§ 220-3. Permit fees.

§ 220-4. Financial returns.

§ 220-5. Revocation of permits.

§ 220-6. Minors.

§ 220-7. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 3-3-2020.
Amendments noted where applicable.]

§ 220-1. Statutory authority; games permitted; Town responsibilities.

Bingo shall be legal in the Town of Voluntown in accordance with the Connecticut State Statutes governing such games, including without limitation C.G.S. § 7-169 et seq., as the same may be amended from time to time. In accordance with Public Act 17-231, effective January 1, 2018, the Town will be responsible for the permitting and enforcement of all bingo games. In addition, the Town will be responsible for receiving and monitoring the post-event reporting by the organization.

§ 220-2. Registration process.

- A. Bingo registrations may be issued to qualifying nonprofit organizations by the First Selectman. Registration forms are available on the Town's website or at the Selectmen's office. The registration form, proof of nonprofit status and fees shall be submitted to the Selectmen's office. Qualified entities may apply for any of the following bingo permits:
 - (1) Weekly - annual permit.
 - (2) Monthly - annual permit.
 - (3) Temporary single event - only allowed two per year.
 - (4) Senior organizations consisting of members 60 years and older - permit for each event.
 - (5) Parent-teacher organizations - annual permit.
- B. Individual operators are required to submit a PIN operator registration form with the Selectmen's office prior to operating a bingo. All PIN operator registrations previously approved by the State of Connecticut remain in effect. Individual operators must provide state documentation to the Selectmen's office for recording.

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§ 220-3. Permit fees.

- A. Class A, Class B and Class C permits shall be as defined in C.G.S. § 7-169 et seq. Bingo registration forms shall be accompanied by the fee as outlined in the table below: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Registration Class	Permit Fee
Class A	\$75
Class B	\$10 per day
Class C	\$50

- B. Payment shall be made payable to the "Town of Voluntown" and submitted with the registration forms to the Selectmen's office.

§ 220-4. Financial returns.

- A. For Class A and Class C permits, a financial return shall be filed with the Town by the organization at the end of each quarter. Financial returns are due by the last day of the month following the close of the quarter (i.e., April 30, July 31, October 31, January 31). Financial returns must include payment of the 5% of the net profit for each bingo event. Payment shall be made payable to the "Town of Voluntown". Financial returns must be submitted to the Selectmen's office on or before the due date.
- B. For Class B permits, a financial return shall be filed with the Town by the organization at the completion of the bingo event. The financial return must be submitted within 10 days and provide the pertinent event information, including the gross receipts, prizes awarded and net profit. Financial returns must include payment of 5% of the net profit for the bingo event. Payment shall be made payable to the "Town of Voluntown". Financial returns must be submitted to the Selectmen's office on or before the due date.

§ 220-5. Revocation of permits.

The First Selectman shall have the authority to investigate potential violations of this chapter and the applicable state statutes and, in his or her discretion, to protect the public welfare, may immediately suspend or revoke any permit issued under this chapter and order that the person holding such permit cease and desist from the actions constituting any such violation. Any person aggrieved by such order shall have the right to appeal such decision as provided by state statute. In the event the First Selectman revokes a permit issued pursuant to this chapter, no bingo permit shall be issued to such permittee for a period of one year after the date of such revocation.

§ 220-6. Minors.

No holder of a permit under this chapter, by itself or by its agents or servants, shall permit any person under 18 years of age, unless accompanied by his or her parents or guardians, to

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enter or be in any hall, room or place in which such permit holder is operating or promoting bingo games. No person under the age of 18 shall be permitted to assist in the conduct, management or promotion of such games.

§ 220-7. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Failure of any organization to file the required permit application, PIN registration or financial return shall be a violation of this chapter. Any organization violating any provision of this chapter shall be fined as determined by the Board of Selectmen on an as-needed basis, not to exceed the statutory maximum, and subject to revocation of its permit or PIN.

Chapter 225

BOATS AND BOATING

§ 225-1. Speed limit on Beach Pond.

§ 225-2. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 6-2-1964. Amendments noted where applicable.]

§ 225-1. Speed limit on Beach Pond.

No motor boat may be operated on Beach Pond in excess of six miles per hour within 75 feet of the shore, dock, raft, launching area, swimming area or area designated by regulation markers, except while taking off or landing a waterskier.

§ 225-2. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who violates § 225-1 shall be fined an amount determined by the Board of Selectmen and amended on an as-needed basis for each such violation, not to exceed the statutory maximum.

Chapter 230

BUILDINGS AND BUILDING CONSTRUCTION

ARTICLE I Certificates of Occupancy <ul style="list-style-type: none"> § 230-1. Definition. § 230-2. Certificate required. § 230-3. Issuance. § 230-4. Inspection costs. § 230-5. Penalties for offenses. 	ARTICLE IV Penalties for Violation of Building Code <ul style="list-style-type: none"> § 230-8. Penalties for offenses.
ARTICLE II Board of Appeals <ul style="list-style-type: none"> § 230-6. Appointment; qualifications. 	ARTICLE V Numbering of Buildings <ul style="list-style-type: none"> § 230-9. Purpose. § 230-10. Adoption of numbering system; maps. § 230-11. Official street names. § 230-12. Location of number; specifications. § 230-13. Private roads.
ARTICLE III Sewerage Facilities <ul style="list-style-type: none"> § 230-7. Certificate required; penalties for offenses. 	

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Certificates of Occupancy
[Adopted 9-30-1965]**

§ 230-1. Definition.

As used in this article, the following terms shall have the meanings indicated:

DWELLING — A building designed or used as living quarters.

§ 230-2. Certificate required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No dwelling constructed or relocated after the effective date of this article shall be occupied in whole or in part until a certificate of occupancy shall have been issued by the Zoning Enforcement Officer.

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§ 230-3. Issuance. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The owner of the dwelling shall make an application to the Zoning Enforcement Officer in writing, stating the location and description of the dwelling and its water supply and sewage system on forms to be provided. After inspection and approval of the water supply, drainage and sewage system by the Town Health Officer according to standards of the State Sanitary Code, the Zoning Enforcement Officer shall issue a certificate of occupancy.

§ 230-4. Inspection costs.

All reasonable costs incurred in said inspection shall be paid by the applicant to the Town of Voluntown prior to the issuance of the certificate of occupancy.

§ 230-5. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any owner of a dwelling who permits the same to be occupied without first obtaining a certificate of occupancy in accordance with the provisions of this article shall be subject to a fine of not less than \$200 nor more than \$1,000 per day of violation, as may be established from time to time by the Building Inspector and approved by the Board of Selectmen from time to time.

ARTICLE II

Board of Appeals

[Adopted 9-24-1970; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 230-6. Appointment; qualifications.

The Board of Selectmen shall appoint the five members of the Board of Appeals, and fill vacancies on such Board as they arise. All members shall meet the qualifications set forth in the State Building Code.

ARTICLE III

Sewerage Facilities

[Adopted 6-21-1973; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 230-7. Certificate required; penalties for offenses.

Any person, firm or corporation who or which shall erect, construct, alter or repair a building or structure to be used for human occupancy without first obtaining a certificate from the Health Officer of the Town of Voluntown certifying that the sewerage facilities for the building have been constructed in accordance with the regulations of the Public Health Code of the State of Connecticut shall be fined as determined by the Board of Selectmen on an as-

needed basis, not to exceed the statutory maximum, for each day that the violation of this article shall continue.

ARTICLE IV

Penalties for Violation of Building Code

[Adopted 3-28-1974; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 230-8. Penalties for offenses.

Any person, firm or corporation who or which shall violate any provision of the Building Code of the State of Connecticut, and any amendment thereto, shall be fined in accordance with C.G.S. § 29-254a.

ARTICLE V

Numbering of Buildings

[Adopted 6-20-1991]

§ 230-9. Purpose.

The purpose of this article is to promote public safety and convenience by requiring visible street numbering in order that addresses may be identified from Town roads to ease and speed essential emergency services such as fire fighting, police and emergency medical care.

§ 230-10. Adoption of numbering system; maps.

The numbering system, as shown on a set of maps on file in the office of the Assessor, entitled "Town of Voluntown - Street Numbering System," is hereby adopted as specified in C.G.S. § 7-148 as the street numbering system of the Town of Voluntown. The Town shall maintain maps showing the street numbers assigned to each property or structure, and such maps and records shall be open for public inspection.

§ 230-11. Official street names.

To ensure that the street numbering system is correct and understandable and that there is no confusion in street names, the following streets and roads shall henceforth be officially recognized by the names indicated herein:

- A. Route 49 South: Pendleton Hill Road.
- B. Route 49 North: Ekonk Hill Road.
- C. Route 165 at the caution light towards Preston: Preston City Road.
- D. Route 138 at the "Y" east to RI: Rockville Road.
- E. Route 138 and 165 at caution light east to 165 to RI: Beach Pond Road.
- F. Route 138 at caution light west to Griswold line: Main Street.

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§ 230-12. Location of number; specifications.

Each owner, agent or occupant shall affix to a mailbox and/or said building or part thereof, or to some object appurtenant thereto, the street number or numbers assigned by the Town. All numbers shall be affixed so as to be visible from a Town street or highway. Numbers shall be affixed within 60 days of receipt of notice from the Town. The numbers should be at least three inches high or written on an easily readable sign and displayed on a contrasting background.

§ 230-13. Private roads.

Certain streets and roads have been numbered which are not Town roads. This has been done for consistency and convenience and cannot be interpreted as acceptance of the street by the Town.

Chapter 238

DRIVEWAY CONSTRUCTION

§ 238-1. Construction of driveway approaches to Town roads.

§ 238-2. Technical requirements.

§ 238-3. Application requirements; fee; permit issuance; timeframe for completion.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 6-15-1993. Amendments noted where applicable.]

§ 238-1. Construction of driveway approaches to Town roads.

- A. No person, firm or corporation shall hereafter construct, reconstruct, build or establish any driveway approach to any portion of a Town road within the Town of Voluntown without first having obtained a written permit to do so from the First Selectman. A copy of said permit, once approved, shall be filed in the Building Inspector's office. No such permit shall be issued for construction or establishment of any such driveway approach except in accordance with the provisions herein stated. Application for a permit must be made in writing upon the forms furnished by the Town of Voluntown. Said application shall contain the name and address of the person, firm or corporation having title to the premises over which the driveway approach is to be constructed or reconstructed, the name of the contractor or person who is to construct said driveway and the proposed location, specifications and dimensions of such driveway.
 - (1) All specifications for construction or reconstruction of any such driveway approach must conform to the following requirements before a permit for construction or reconstruction will be issued. All driveway approaches shall be so graded that it will not be necessary to change the established grade of any adjacent Town road. No part of said driveway approach shall extend beyond the travel path of any street in such a manner as to change the grade of the road or obstruct the free flow of water draining off the road. Where driveway approaches cross open ditches or where such construction will interfere with the drainage of stormwater along the side of the road, culverts of such size and material as determined by the Superintendent of the Town Highway Department shall be installed. Where there is an existing catch basin in the area of the proposed driveway, the tops thereof shall be removed and replaced with a flat top with perforated lid. Said top shall be set by the applicant and the additional costs thereof shall be paid by the permit applicant. Bituminous concrete paving should be done in such a manner so as to blend with established tarred or paved Town roads.
 - (2) The Director of the Town Department of Public Works shall from time to time inspect the construction or reconstruction of such driveway approach and shall have authority to revoke the permit in the event that said construction or reconstruction of such driveway approach does not conform to the requirements of Subsection A(1) of this section. All portions of a driveway from the travel path

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of the street shall be paved to the extent of 15 feet. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (3) Surety bonds in an amount set by the Selectmen, certified check or lien-free collateral shall be required by the First Selectman and shall be deposited with the Town Treasurer prior to the start of any work under Subsection A and its subsections. The applicant shall be responsible for and shall assume any and all liability that may attach to or arise from work it initiates under the provisions of this section and shall indemnify the Town for any liability incurred by it and for any and all losses it may sustain. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

B. Permit fee; bonds; per-permit meeting.

- (1) There shall be a charge in an amount set from time to time by the Selectmen for issuing any permit required by this section. All bonds required under Subsection A(3) may be released by the Board after proper completion of all work in compliance with the provisions hereof. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (2) When practicable, before any permits shall be issued under this § 283-1, the applicant should meet with the First Selectman or Building Inspector at either a regular or specially scheduled meeting to review and obtain approval for the proposed work.

§ 238-2. Technical requirements.

Specifications for construction are available from Selectmen's office.

- A. Grade. The apron and drive shall have a grade and transition curve as shown on Attachment No. 1 of this chapter.
- B. Apron. The drive apron shall be installed in accordance with Attachment No. 1 of this chapter.

§ 238-3. Application requirements; fee; permit issuance; timeframe for completion. [Added 6-10-1998]

- A. Application shall be made to the Board of Selectmen on a form provided by the Board. A sketch plan showing proposed dimensions and location of driveway and lot boundaries, an application fee and a cash bond must accompany the application. The application fee and bond amount shall be determined by the Board of Selectmen and revised on an as-needed basis. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. The applicant will be issued a driveway construction permit only if all required standards are met and a bond has been posted.
- C. Construction must be completed one year from the date of permit issuance.

Chapter 249

FEES AND CHARGES

ARTICLE I	ARTICLE II
Senior Citizens Exemption	Building Fees
§ 249-1. Exemption adopted.	§ 249-3. Fee amounts and calculations.
§ 249-2. Exempt permits.	§ 249-4. Delinquent taxes.

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Senior Citizens Exemption
[Adopted 12-14-2010]

§ 249-1. Exemption adopted.

The Town of Voluntown hereby adopts a permit fee exemption for senior property owners.

§ 249-2. Exempt permits.

No fee shall be required for a permit to replace or upgrade the roofing, siding, windows or electrical or heating system of an owner-occupied, single-family home if at least one of the record owners is aged 62 or over. Such owner shall be required to provide proof of age in order to obtain this exemption.

ARTICLE II
Building Fees
[Adopted 5-31-2011]

§ 249-3. Fee amounts and calculations.

A. Estimated residential cost:

Item	Cost (per square foot)
Basement, unfinished	\$30
Basement, finished	\$80
Living space	\$80
Garage, unfinished	\$40
Garage, finished	\$50

Item	Cost (per square foot)
Shed	\$20
Deck	\$20

- B. Building permit fee: \$16.26 per \$1,000 of estimated cost.
- C. Electrical service charge: \$25 per request.
- D. Mechanical permit fee: \$16.26 per \$1,000 of estimated cost or any portion thereof (electric, plumbing, heating, air conditioning, ventilation).
- E. Demolition permits: \$50 standard flat fee. Any accessory building 600 square feet or less: no fee.
- F. Miscellaneous permit: \$25 per request (wood stoves, fireplaces, pellet stoves).
- G. For work previously completed without a building permit: \$200.
- H. For any building/structure in progress without a building permit: \$100.
- I. For any trade work in a building/structure in progress without a permit in place: \$200 each trade.

§ 249-4. Delinquent taxes.

No building application shall be approved by the Building Department of the Town of Voluntown until the applicant provides the Building Department with proof there are no delinquent taxes due for the property for which an application is made, or provides a statement from the Tax Collector that the owner of the property for which an application is made has entered into a payment program to pay off any delinquent taxes which may be due. As used in this section, the term "building application" shall include any application for building, mechanical or septic permits.

Chapter 256

FLOOD DAMAGE PREVENTION

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| <p>§ 256-1. Purpose and objectives.</p> <p>§ 256-2. Definitions.</p> <p>§ 256-3. Applicability; development permit required.</p> <p>§ 256-4. Duties and responsibilities of Zoning Enforcement Officer.</p> | <p>§ 256-5. Provisions for flood hazard reduction.</p> <p>§ 256-6. Standards for subdivision proposals.</p> <p>§ 256-7. Variance procedures.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 3-3-2020. Amendments noted where applicable.]

§ 256-1. Purpose and objectives.

- A. This chapter, when adopted, shall replace the Flood Damage Prevention Ordinance of May 31, 2011.
- B. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. The flood hazard areas of the Town of Voluntown are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect public health, safety and general welfare.
- C. Statutory authorization. The Legislature of the State of Connecticut has, in C.G.S. § 7-148(c)(7), delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of Selectmen of the Town of Voluntown, Connecticut, ordains as follows.
- D. Compliance and permit. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this chapter and other applicable regulations. No development activities shall be commenced without the prior issuance of a permit under this chapter.
- E. Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered the minimum reasonable for regulatory purposes and is based on scientific engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such

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areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the Town of Voluntown, any officer or employee thereof or the Federal Emergency Management Agency (FEMA) for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

- G. **Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect; and to this end, the provisions of this chapter are hereby declared to be severable.

§ 256-2. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD — The flood having a 1% chance of being equaled or exceeded in any given year.

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 the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT — Any area of a building having its floor subgrade on all sides.

BUILDING — See "structure."

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.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to the construction of building 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 materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on

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which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before June 3, 1988, the effective date of the floodplain management regulations adopted by the community.

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

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — The federal agency that administers the National Flood Insurance Program (NFIP).

FINISHED LIVING SPACE — As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special hazard areas and the risk-premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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 the unusual and rapid accumulation/runoff of surface waters from any source.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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.

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 or a district preliminarily determined by the Secretary to qualify as a registered historic district;

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- 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.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such areas must be designed in accordance with § 256-5B(2) of this chapter.

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

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE — As related to substantial improvement and substantial damage, the market value of the structure shall be determined by the appraised value of the structure 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.

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 elevation shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after June 3, 1988, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after June 3, 1988, the effective date of the floodplain management regulations adopted by the community.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis.
- B. 400 square feet or less when measured at the largest horizontal projection.
- C. Designed to be self-propelled or permanently towed by a light-duty truck.
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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

SUBSTANTIAL IMPROVEMENT —

- A. Any combination of repairs, reconstruction, alteration or improvements to a structure taking place within a ten-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be:
 - (1) The appraised value of the structure prior to the start of the initial repair or improvement; or
 - (2) In the case of damage, the value of the structure prior to the damage occurring.

- B. For the 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 any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

VARIANCE — A grant of relief 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.

VIOLATION — A failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

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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.

§ 256-3. Applicability; development permit required.

- A. This chapter shall apply to all areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated April 3, 2020, and accompanying Flood Insurance Rate Maps (FIRM), dated April 3, 2020 (Panels 09011C0115H, 09011C0120H, 09011C0256H, 09011C0262H, 09011C0264H, 09011C0270H), and July 18, 2011 (09011C0094G, 09011C0232G, 09011C0234G, 09011C0251G, 09011C0252G, 09011C0253G, 09011C0254G, 09011C0258G, 09011C0261G, 09011C0263G), and other supporting data applicable to the Town of Voluntown, and any subsequent revisions thereto, or adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into this chapter 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 shown 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 Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.
- B. A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

§ 256-4. Duties and responsibilities of Zoning Enforcement Officer.

Duties of the Zoning Enforcement Officer shall include, but not be limited to:

- A. Review of all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- B. Assure that all additional federal or state permits have been acquired for the project by the permittee.
- C. Notify adjacent communities and the Department of Energy and Environmental Protection, Inland Water Resources Division prior to any alteration or relocation of a watercourse.
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved or floodproofed structures. When floodproofing is utilized for a particular structure, the Zoning Enforcement Officer shall obtain certification from a registered professional engineer or architect.

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- F. When base flood elevation data or floodway data have not been provided, then the Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of § 256-5A and B.
- G. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the Zoning Enforcement Officer shall make the necessary interpretation. All records pertaining to the provisions of this chapter shall be maintained in the office of the Zoning Enforcement Officer.

§ 256-5. Provisions for flood hazard reduction.

- A. General standards. In all areas of special flood hazard, the following provisions are required:
- (1) New construction and substantial improvements. New construction and substantial improvement shall be:
 - (a) Anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) Constructed with materials and utility equipment resistant to flood damage.
 - (c) Constructed by methods and practices that minimize flood damage.
 - (d) Constructed with electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (2) Water supply and sanitary sewage systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (3) Manufactured homes. All manufactured homes to be placed within Zones A and AE on a community's FIRM shall be installed using methods and practices which minimize flood damage. For purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Specific standards. In all areas of special flood hazard where base flood elevation data has been provided, as set forth in § 256-3 or as determined in § 256-4D, the following provisions, in addition to those in Subsection A, are required:
- (1) Residential structures. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

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- (2) Floodproofing. All new construction or substantial improvement of nonresidential structures located in all A and AE Zones shall have the bottom of the lowest floor, including basement, elevated to or above the base flood elevation or, in lieu of being elevated, may be dry floodproofed so that up to one foot above the base flood elevation, the structure, together with all attendant utilities and sanitary facilities, is watertight with walls subsequently impermeable to the passage of water, and use of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE. A registered professional engineer or architect shall review and/or develop structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.
- (3) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation in other areas that a basement shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalized hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- (a) Provide a minimum of two openings having a total net area of not less than one square inch for every square inch for every square foot of enclosed area subject to flooding.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- (4) Manufactured homes. All manufactured homes, including a recreational vehicle placed on a site for 180 consecutive days or longer, shall have the lowest floor elevated to or above the base flood elevation. This includes a manufactured home located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision or on a site in an existing park in which a manufactured home has incurred substantial damage as a result of a flood. They shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. It shall be installed using methods and practices which minimize flood damage, providing adequate access and drainage, piling foundations (when used) no more than 10 feet apart, and reinforcement of any piers more than six feet above ground level.

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- (5) Recreational vehicles shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet all the general standards of Subsection A and the elevation and anchoring requirements of this subsection and Subsection A(3). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.
- (6) In A Zones where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement or other development (including fill) be permitted which would increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

C. Floodways.

- (1) In areas where floodways have been determined, encroachments, including fill, new construction, substantial improvements and other developments, are prohibited unless certification (with supporting technical data) by a Connecticut-registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.
- (2) When utilizing data other than that provided by the Federal Emergency Management Agency for watercourses without FEMA-published floodways, the following standard applies: The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any one point within the community.

D. Equal conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) 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.

E. 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 the deepening and/or widening of the floodplain. Storage 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

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the theoretical volume of floodwater 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.

- F. Aboveground storage tanks. Aboveground 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 have a screw fill cap that does not allow for the infiltration of floodwater.
- G. 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.
- H. 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., the V Zone is more restrictive than the 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.)
- I. No 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.

§ 256-6. Standards for subdivision proposals.

In all special flood hazard areas the following requirements shall apply to subdivision proposals:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. In Zone A, base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or 50 lots, whichever occurs first.

§ 256-7. Variance procedures.

The Board of Selectmen shall hear and decide appeals and requests for variances from the requirements of this chapter.

A. Criteria for variances.

- (1) Variances shall be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and result in the loss of historic designation of the building.
 - (2) Variances may only be issued upon:
 - (a) A showing of good and sufficient cause; and
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threat to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (3) Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent parcels, shall qualify. Claims of hardship based on the structure, on economic or on personal circumstances are not sufficient cause for the granting of a variance under this chapter.
- B. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
- C. The Board of Selectmen shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency in its biennial report.

Chapter 278

MOBILE HOMES AND TRAILERS

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| § 278-1. Purpose. | § 278-6. Parking restrictions. |
| § 278-2. Occupancy permit required for residential use. | § 278-7. Penalties for offenses. |
| § 278-3. Application for permit. | § 278-8. Revocation or suspension of permit. |
| § 278-4. Review by Health Officer required. | § 278-9. Fees. |
| § 278-5. Term and contents of permit. | § 278-10. Registration of existing vehicles. |

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 1-4-1962. Amendments noted where applicable.]

§ 278-1. Purpose.

The purpose of this chapter is to ensure the protection of the health, safety, peace and welfare of the residents of the Town of Voluntown.

§ 278-2. Occupancy permit required for residential use.

No automobile, automobile trailer, truck, truck trailer, trolley car, railroad car, bus, trailer coach, mobile home or other vehicle, with or without wheels, designed, altered or used for human occupancy as a home or camp, all of which terms shall hereinafter be designated by the word "vehicle," shall be parked and occupied for residence purposes off the public highways in the Town for a period exceeding five days without an occupancy permit issued by the Board of Selectmen.

§ 278-3. Application for permit. [Added 5-28-1970]

Application for the occupancy permit required under the terms of this chapter shall be made on forms provided by the Board of Selectmen and shall be made jointly by the owners or owner of the land on which the vehicle is parked, and the owner of the vehicle and the occupant of the vehicle.

§ 278-4. Review by Health Officer required.

No such permit shall be issued by the Board of Selectmen until written approval of the Town Health Officer certifying compliance with state sanitary regulations, and that the presence of such vehicle will not imperil the public health, has been filed with the Board of Selectmen in respect to the proposed site to be occupied by such vehicle and in respect to the sanitary facilities of such vehicle.

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§ 278-5. Term and contents of permit.

No such occupancy permit shall be issued for an initial period exceeding 30 days, and such permit shall be renewable for a period not exceeding an additional 30 days. The permit shall state the location of the vehicle and the maximum number of persons occupying such vehicle and the size and make of vehicle. No permit shall be issued until nine months have elapsed since the expiration of a previous permit.

§ 278-6. Parking restrictions.

No such vehicle shall be parked and occupied within 50 feet of a public highway unless concealed from view from such highway.

§ 278-7. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who violates the provisions of this chapter shall be fined as determined by the Board of Selectmen, not to exceed the statutory maximum. Each day when such vehicle is parked in violation of this chapter shall constitute a separate offense.

§ 278-8. Revocation or suspension of permit.

The Board of Selectmen shall be authorized to revoke or suspend an occupancy permit wherever the health, safety, peace, welfare or aesthetics of the Town is in jeopardy, or wherever the permittee has violated any provision of this chapter.

§ 278-9. Fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The fee for occupancy permits and renewals shall be set from time to time by the Board of Selectmen, to be paid to the Board of Selectmen, who shall pay over such permit fee to the Town Treasurer.

§ 278-10. Registration of existing vehicles.

All vehicles used for human occupancy as a home or camp, parked and occupied for residence purposes in the Town of Voluntown prior to adoption of this chapter, shall be registered with the Board of Selectmen within 15 days after the effective date of this chapter.

Chapter 285

NOISE

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| <p>§ 285-1. Title.</p> <p>§ 285-2. Purpose.</p> <p>§ 285-3. Definitions.</p> <p>§ 285-4. Noise level measurement procedures.</p> <p>§ 285-5. Noise level limits.</p> <p>§ 285-6. High background noise levels and impulse noise.</p> | <p>§ 285-7. Exclusions.</p> <p>§ 285-8. Exemptions.</p> <p>§ 285-9. Prohibited noise activities.</p> <p>§ 285-10. Penalties for offenses.</p> <p>§ 285-11. Variances.</p> <p>§ 285-12. Severability.</p> |
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**[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 3-29-1983.
Amendments noted where applicable.]**

§ 285-1. Title.

The short title of this chapter shall be "The Town of Voluntown Noise Control Ordinance."

§ 285-2. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare or degrade the quality of their lives. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Voluntown through the reduction, control and prevention of noise.

§ 285-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BACKGROUND NOISE — Noise of a measurably intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

BUSINESS ZONE — The Village District, Village Commercial Overlay District and Major Development District, as identified in the Town Zoning Ordinance.¹ **[AMENDED at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

CHIEF OF POLICE — The First Selectmen of the Town of Voluntown, unless another individual has been appointed Chief of Police by the Board of Selectmen. **[AMENDED at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

1. Editor's Note: See Ch. 245, Zoning.

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CONSTRUCTION — The assembly, erection, substantial repair, alteration, demolition or site preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

CONSTRUCTION EQUIPMENT — Any equipment or device operated by fuel or electric power used in construction or demolition work.

DAYTIME HOURS — The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 10:00 p.m. on Sunday.

DECIBEL — A unit of measurement of the sound level, the symbol for which is dB.

DEMOLITION — Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

DOMESTIC POWER EQUIPMENT — Includes, but is not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

EMERGENCY VEHICLE — Any motor vehicle authorized by any local authority to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

EMERGENCY WORK — Work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent changes.

EXCESSIVE NOISE — Any sound, the intensity of which exceeds the standards set forth in §§ 285-5 and 285-6.

IMPULSE NOISE — Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE — The Major Development District, as identified in the Town Zoning Ordinance.²

INTRUSION ALARM — A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

MOTOR VEHICLE — A vehicle as defined in C.G.S. § 14-1, as amended. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

MUFFLER — A device for abating sound such as escaping gases.

NIGHTTIME HOURS — The hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, and between 10:00 p.m. and 9:00 a.m., Saturday evening through Sunday morning.

NOISE LEVEL — The sound pressure level as measured with a sound level meter using the A-weighting network. The level sound is designated dbA or dba.

2. Editor's Note: See Ch. 245, Zoning.

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PERSON — Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES — Any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person. A noise emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the state. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

PROPERTY LINE — That real or imaginary line along the ground surface and its vertical extension which:

- A. Separates real property owned or controlled by any person from contiguous real property owned and controlled by another person; and
- B. Separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY — Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a government entity.

RECREATIONAL VEHICLE — Any internal combustion engine powered vehicle which is being used for recreational purposes.

RESIDENTIAL ZONE — The Rural District, as identified in the Town Zoning Ordinance.³ [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

SOUND — A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND LEVEL METER — An instrument used to measure sound levels. A sound level meter shall conform, at a minimum, to the American National Standards Institute operational Specifications for Sound Level Meters, ANSI/ASA S1.4-2014 Edition (Type S2A). [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

SOUND PRESSURE LEVEL — Twenty times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of 20 microneewtons per square meter (20 by 10^6 Newton/meter²), or 0.0002 dynes per square centimeter, and is expressed in decibels (dB).

§ 285-4. Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

- A. A person conducting sound measurements shall have been trained in the techniques and principles of sound-measuring equipment and instrumentation.
- B. Instruments used to determine sound level measurement shall be sound level meters as defined by this chapter.

3. Editor's Note: See Ch. 245, Zoning.

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C. The following steps should be taken when preparing to take sound level measurements:

- (1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
- (2) Measurements to determine compliance with §§ 285-5 and 285-6 shall be taken at a point that is located approximately one foot within the noise receptor's premises, beyond the property line of the noise emitter's premises.

§ 285-5. Noise level limits. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

Zone in Which Noise Emitted is Located	Zone in Which Noise Receptor is Located			
	Residential			
	Industrial	Business	(daytime hours)	(nighttime hours)
Industrial	70 dbA	66 dbA	61 dbA	51 dbA
Business	62 dbA	62 dbA	55 dbA	45 dbA
Residential	62 dbA	55 dbA	55 dbA	45 dbA

§ 285-6. High background noise levels and impulse noise.

- A. In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dbA, provided that no source subject to the provisions of this chapter shall emit noise in excess of 80 dbA at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter.
- B. No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressures level during nighttime hours to any residential zone.
- C. No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time to any zone.

§ 285-7. Exclusions.

This chapter shall not apply to noise emitted by or related to:

- A. Natural phenomena.
- B. Any bell or chime from any building clock, school or church.
- C. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation.
- D. A public emergency sound signal.

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- E. Warning devices required by OSHA or other state or federal safety regulations.
- F. Farming equipment or farming activity.
- G. An emergency.
- H. Snow removal equipment.

§ 285-8. Exemptions.

The following shall be exempt from this chapter, subject to special conditions as specified:

- A. Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in §§ 285-5 and 285-6.
- B. Noise from domestic power equipment operated during daytime hours.
- C. Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this chapter.
- D. Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- E. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Town, including, but not limited to, parades, sporting events, concerts and firework displays.
- F. Noise created by blasting other than that conducted in connection with construction activities, shall be exempt, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public, and provided that a permit for such blasting has been obtained from local authorities.
- G. Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during daytime hours.
- H. Noise created by a fire or intrusion alarm shall, from time of activation of the audible signal, emit noise for a period of time not exceeding 10 minutes when such alarm is attached to a vehicle, or 30 minutes when attached to any building or structure.
- I. Public address systems used in election campaign activities.

§ 285-9. Prohibited noise activities.

The following activities are prohibited:

- A. Motor vehicle noise. All motor vehicles operated within the limits of the Town of Voluntown shall be subject to the noise standards and decibel levels set forth in the regulations authorized in C.G.S. § 14-80a.

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- B. Motor vehicle sound-amplifying devices. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in §§ 285-5 and 285-6.
- C. Recreational vehicle noise. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in §§ 285-5 and 285-6.

§ 285-10. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person in violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined as determined by the Board of Selectmen, not to exceed the statutory maximum. Each day such violation continues after the time for correction of the violation given in an order shall constitute a continuing violation and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed \$400 per day.

§ 285-11. Variances.

- A. Any person living or doing business in Voluntown may apply to the Selectmen for a variance from one or more of the provisions of this chapter which are more stringent than the Connecticut Department of Energy and Environmental Protection's regulations for the control of noise, provided that the applicant supplies all of the following information to the First Selectman at least 20 days prior to the start of the activity for which the variance is sought: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (1) The location and nature of the activity.
 - (2) The time period and hours of operation of said activity.
 - (3) The nature and intensity of the noise that will be generated.
- B. No variance from this chapter shall be granted unless it has been demonstrated that:
 - (1) The proposed activity will not violate any provisions of the Connecticut Department of Energy and Environmental Protection's regulations; [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 - (3) Compliance with this chapter constitutes an unreasonable hardship on the applicant.
- C. The application for a variance shall be reviewed and approved or rejected at least five days prior to the start of the proposed activity. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reason(s) for

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rejection. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- D. Failure to rule on an application within the designated time shall constitute approval of the variance.

§ 285-12. Severability.

All provisions of the Zoning Regulations of the Town of Voluntown which are more stringent than those set forth herein shall remain in force.⁴ If, for any reason, any word, clause, paragraph or section of this chapter shall be held to make the same unconstitutional or be superseded by any state law or regulations, this chapter shall not thereby be invalidated and the remainder of the chapter shall continue in effect.

4. Editor's Note: See Ch. 245, Zoning.

Chapter 293

PARADES AND DEMONSTRATIONS

§ 293-1. Definitions.

§ 293-2. Permit required.

§ 293-3. Application for permit.

§ 293-4. Deposit required.

§ 293-5. Fees.

§ 293-6. Penalties for offenses.

**[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 5-20-1971.
Amendments noted where applicable.]**

§ 293-1. Definitions. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

As used in this chapter, the following terms shall have the meanings indicated:

PARADE or DEMONSTRATION — Any parade, march, ceremony, demonstration, rally, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the Town.

§ 293-2. Permit required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No person, firm or corporation shall use any highway, streets or roads within the Town of Voluntown for the purpose of conducting a parade or demonstration without first having obtained a written permit to do so from the Board of Selectmen.

§ 293-3. Application for permit.

Application for a permit shall be made in writing and shall be made by the person, firm or corporation organizing or sponsoring the parade or demonstration and shall be made at least 72 hours prior to the time of the parade or demonstration. The application shall include a list of all associations, groups and organizations participating in the parade or demonstration, and all persons, firms and corporations having a membership in the association, group or organization so listed shall be considered as permittees under this chapter. Any person, firm or corporation not having such a membership and not having been issued a permit and participating in a parade or demonstration shall be considered in violation of this chapter. The application shall further include the name and address of the person, firm or corporation organizing or sponsoring the parade or demonstration, the date and time, order of march, the highway, streets and roads to be used and the approximate length of time of the parade or demonstration.

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§ 293-4. Deposit required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Prior to the issuance of the permit the person, firm or corporation sponsoring the parade or demonstration shall deposit a fee determined by the Board of Selectmen and revised on an as-needed basis with the Board of Selectmen, to be held by the Board of Selectmen for payment of any damage done to highways, streets or roads by participants in the parade or demonstration. If no damages occur, the deposit shall be returned within 72 hours after the conclusion of the parade or demonstration.

§ 293-5. Fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The fee for the permit shall be set from time to time by the Board of Selectmen.

§ 293-6. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any violation of this chapter shall be punishable by a fine to be determined by the Board of Selectmen, not to exceed the statutory maximum.

Chapter 298

PERMITS AND CERTIFICATES

ARTICLE I Denial or Revocation for Delinquent Payments	§ 298-3. Payment restrictions. § 298-4. Payment agreements. § 298-5. Coordination between Town officials. § 298-6. Contract terms. § 298-7. Inclusion of provisions in invitations to bid.
§ 298-1. Definitions.	
§ 298-2. Authority to act; evidence submitted by applicant; applicability.	

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Denial or Revocation for Delinquent Payments
[Adopted 5-31-2011]

§ 298-1. Definitions.

For the purposes of this article, the following definitions shall apply:

DELINQUENT AMOUNTS — Any delinquent taxes on real estate property.

PERSON — Any individual, firm, company, partnership, association, society, corporation, group or other entity.

§ 298-2. Authority to act; evidence submitted by applicant; applicability.

- A. No official or agent of the Town of Voluntown, or any member of any board, office, department, commission or agency thereof, shall issue a certificate of occupancy, building permit, zoning permit, wetlands permit, driveway permit, encroachment permit or any other certificate or permit for the use of, or improvements to, real property, to any owner or applicant thereof from whom any delinquent amounts are owed to the Town of Voluntown upon such real property which is the subject of the application, except as provided in § 298-4 below.
- B. At the time any such application for a certificate or permit is filed, the applicant shall submit to the appropriate Town official with the authority to issue such certificate or permit sufficient written evidence from the Tax Collector that there are no delinquent amounts due to the Town from the owner of the real estate property which is the subject of the application.
- C. This section shall not be deemed to apply to those applications for permits which involve repair or construction work ordered by a public agency, or for emergency work to be performed for either public health or public agency concerns, nor shall it apply to

those applicants who are making improvements to their real property with loans or grants received under any state and/or federal rehabilitation programs.

§ 298-3. Payment restrictions.

No payment shall be made by the Treasurer of the Town of Voluntown or by any other Town official, department head, employee, board, commission or agency to any person who has sold goods or provided services to the Town or to any board, office, department, commission or agency thereof, if, at the time said payment is due, it is determined that said person owes delinquent amounts to the Town, provided that no such payment to be withheld shall exceed the delinquent amounts owed at the time of withholding. Any such sums withheld pursuant to this section shall be paid to the Tax Collector and applied against the outstanding delinquent amounts owed by such person, first to any outstanding interest, fees and charges, and then to the outstanding principal balance.

§ 298-4. Payment agreements.

- A. Notwithstanding anything provided hereinbefore to the contrary, no certificate or permit under § 298-2 hereof shall be withheld if the person owing said delinquent amounts has entered into a written agreement with the Town of Voluntown, by and through the Tax Collector, which shall provide for an immediate payment to the Town of all outstanding legal fees, interest, fees and charges included in said delinquent amounts and at least 1/2 of the principal balance owed, with a payment plan requiring the installments over a period of no greater than 24 months from the date of said agreement. In the event any person owing delinquent amounts is unable to enter into such agreement with the Tax Collector, an alternate method for paying said delinquent amounts, which if acceptable to the Tax Collector, shall be subject to the approval of the Board of Selectmen. In either event, interest shall continue to accrue on said delinquent amounts at the rate allowed by law. Any such payment agreement shall be in addition to, and not in lieu of, any and all collection methods and remedies available to the Tax Collector as allowed by law.
- B. In the event any person enters into a written agreement with the Tax Collector as provided hereinbefore, or proposes an alternate method of paying said delinquent amounts which has been accepted by the Tax Collector and approved by the Board of Selectmen, proof of any such agreement or approval shall be delivered to the Town official having the authority to issue such certificate or permit prior to issuance.
- C. The exception provided in Subsection A, and any agreement entered into pursuant thereto, shall be for the sole purpose of allowing a person owing delinquent amounts to obtain a certificate or permit, and shall not in any way constitute, or be construed as constituting, an agreement by the Town of Voluntown or the Tax Collector to forebear the collection of said delinquent amounts during the period of the approved monthly payment plan. The Tax Collector shall continue to have the right to exercise all powers allowed by law to collect said delinquent amounts sooner than set forth in said agreement, and at no time shall the Town be required to stay or forestall any other collection methods or remedies during such period.

§ 298-5. Coordination between Town officials.

The Tax Collector and the Treasurer of the Town of Voluntown shall coordinate their activities so that the purpose and intent of this article may be carried out. All other officials, department heads and employees of the Town shall coordinate their activities with those of the Tax Collector and Treasurer in a like manner.

§ 298-6. Contract terms.

Any person entering into any contract with the Town of Voluntown, or doing business with the Town of Voluntown, shall be deemed to have expressly consented and agreed to the terms of § 298-3 of this article, which terms shall become an integral part of the contract or agreement between such person and the Town, even if not specifically set forth in said contract or agreement.

§ 298-7. Inclusion of provisions in invitations to bid.

All invitations to bid extended to prospective bidders in the award of municipal contracts subject to the public bidding procedure, as provided for in the Connecticut General Statutes, shall include a reference to this article. The failure of any invitation to bid to include such reference shall in no way affect the validity of the invitation or of the applicability of this article.

Chapter 310

RECYCLING

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| <p>§ 310-1. Findings.</p> <p>§ 310-2. Definitions.</p> <p>§ 310-3. Recyclables defined.</p> <p>§ 310-4. Separation and collection required.</p> | <p>§ 310-5. Scavenging prohibited.</p> <p>§ 310-6. Penalties for offenses.</p> <p>§ 310-7. Fees; stickers.</p> <p>§ 310-8. Enactment of regulations.</p> <p>§ 310-9. Liability of collectors.</p> |
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**[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 2-21-1991.
Amendments noted where applicable.]**

§ 310-1. Findings.

Proposed regulations deemed in the public interest regarding the separation, recovery, collection, removal, storage and disposition of recyclables shall be brought before the people at a Town Meeting. Such regulations shall become effective January 1, 1991, in accordance with the State of Connecticut Mandatory Recycling Act (Public Act 87-544).

§ 310-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COLLECTOR — Any person, firm or corporation who or which collects, transports or disposes of solid waste for hire and includes those who collect and dispose of solid waste as a secondary aspect of other commercial services, such as contractors and construction companies.¹

RECYCLABLES — Any item designated by this chapter or by the regulations adopted pursuant to this chapter to be separated or diverted from the solid waste stream. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

RECYCLING CENTER — Any area designated by the Town where recyclables recovered from Town residents will be stored before going to market.

RESIDENT —

- A. In the case of individuals, those who reside, own real property containing a residence or operate a business in the Town of Voluntown, Connecticut.
- B. In the case of partnerships, firms or corporation, those having a place of business in the Town of Voluntown, Connecticut.

1. Editor's Note: The definition of "municipality," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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§ 310-7

SOLID WASTE — Unwanted or discarded materials, including solid, liquid, semi-solid or contained gaseous materials.

TOWN — The Town of Voluntown, Connecticut.

§ 310-3. Recyclables defined. [Amended 11-29-1994]

Recyclables are any discarded material which may be reclaimed and which are considered recyclables by the State of Connecticut.²

§ 310-4. Separation and collection required.

Private haulers will be required to provide separating-collection for recyclables and will transport to the Town recycling center or other authorized facility.

§ 310-5. Scavenging prohibited.

It shall be a violation of this chapter for any person not authorized by the Town of Voluntown to collect or pick up or cause to be collected or picked up any recyclables in the disposal and recycling area.

§ 310-6. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

All violations will be reported to the Town within 24 hours for remedial action. Except where otherwise specified in this chapter, or the regulations enacted hereunder, violations shall be subject to a fine to be determined by the Board of Selectmen, not to exceed the statutory maximum, and/or revocation or suspension of the permit or license for use of a disposal area. In addition, the Town or its agent reserves the right to refuse access to the disposal area where the provisions of this chapter or regulations enacted hereunder are violated.

§ 310-7. Fees; stickers. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

An annual fee for the use of the disposal and recycling area by residents and for private trash haulers and other eligible parties shall be set from time to time by the Board of Selectmen. All other fees for deposit of specially designated materials must be approved at a Town Meeting, such as tipping fees. The sticker will be placed on a window of the vehicle where it will be visible to the Transfer Station operator.

2. Editor's Note: Original Sec. 4, Source separation, of the 1991 ordinance establishing these provisions, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 310-8

RECYCLING

§ 310-9

§ 310-8. Enactment of regulations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Selectmen is hereby authorized to enact from time to time other regulations deemed in the public interest regarding the separation, recovery, collection, removal, storage and disposition of recyclables and specially designated materials, in accordance with Connecticut General Statutes PA 87-544, and other applicable statutes or regulations.

§ 310-9. Liability of collectors. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Commercial collectors are solely responsible for ensuring that the waste they deliver to the disposal and recycling area conforms to the provisions of this chapter and are subject to the penalties set forth in this chapter.

Chapter 316

ROAD CONSTRUCTION

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| <p>§ 316-1. Definitions.</p> <p>§ 316-2. Reference documents.</p> <p>§ 316-3. Streets.</p> <p>§ 316-4. Street grading.</p> <p>§ 316-5. Street subgrade.</p> <p>§ 316-6. Street subbase.</p> <p>§ 316-7. Street base course.</p> <p>§ 316-8. Street wearing surface.</p> <p>§ 316-9. Street curbs.</p> <p>§ 316-10. Guide rails.</p> <p>§ 316-11. Signs.</p> | <p>§ 316-12. Drainage.</p> <p>§ 316-13. Sidewalks.</p> <p>§ 316-14. Road crossing cuts.</p> <p>§ 316-15. Work within Town rights-of-way.</p> <p>§ 316-16. Inspection of improvements.</p> <p>§ 316-17. Responsibility for costs.</p> |
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Figure 1, Typical Street Cross-Section Layout

Figure 2, Typical Cul-de-Sac Layout

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown 2-8-2001. Amendments noted where applicable.]

§ 316-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Includes individuals, firms and corporations.

RIGHT-OF-WAY — Denotes land, property or an interest therein; usually a strip acquired for or devoted to a highway or road use.

STREET — An improved right-of-way accepted for public use by lawful procedure and suitable for two-way vehicular travel; or a proposed street shown on a subdivision plan under consideration by, or on a subdivision plan previously approved by, the Planning and Zoning Commission of the Town of Voluntown; or any abandoned or legally closed highway being reopened for use within the Town of Voluntown.

SUBDIVISION — The division of a tract or parcel of land in the Town of Voluntown into three or more parts or lots made subsequent to March 8, 1972, for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

§ 316-2. Reference documents.

The below-listed documents shall be considered part of this chapter as referenced. Engineers and contractors working on projects in the Town of Voluntown shall be expected to have copies available for their reference.

- A. Standard Specifications for Roads, Bridges and Incidental Construction, Form 814A, State of Connecticut Department of Transportation (latest edition and any subsequent amendments or issues).
- B. Public Improvement Specifications, 1988 Edition, Northeastern Connecticut Council of Governments.
- C. A Policy on Geometric Design of Highways and Streets (latest edition), American Association of State Highway and Transportation Officials.
- D. Drainage Manual 2000, State of Connecticut Department of Transportation, dated October 2000, and any subsequent amendments or issues.

§ 316-3. Streets.

All street improvements shall be designed and constructed in accordance with this chapter. No subdivision of land, requiring the layout and establishment of new streets, shall be made, unless the proposed layout of new streets is in harmony with existing or proposed streets, particularly in regard to safe intersections, and so arranged as to provide an adequate, safe and convenient system for present and future traffic and access needs. The proposed layout of streets will be approved by the Board of Selectmen, acting as the local traffic authority.

- A. All proposed streets shall connect with one or more approved Town streets or state highways, except that any part of a subdivision containing more than 20 residential lots shall be accessible from at least two directions.
- B. Streets shall be laid out to provide connections with existing streets on adjacent properties, where possible. Consideration shall be given to connecting with future streets on adjacent property where future subdivision appears probable.
- C. All new streets shall have a minimum right-of-way width of 50 feet, which shall be deeded to the Town of Voluntown in fee simple by warranty deed free of all encumbrances and certified by an attorney. The paved wearing surface shall be 30 feet as measured between the face of curbs.
- D. A dead-end street shall be provided with a circular turnaround area at the closed end having a radius of at least 50 feet, of which a radius of 40 feet is paved. Such streets will be permitted only where an alternative street layout is deemed by the Board of Selectmen and/or Planning and Zoning Commission to be impractical because of the dimensions, shape or physical conditions of the property. A dead-end street shall not exceed 1,000 feet in length unless it is of a temporary nature and is planned for extension and can reasonably be expected to connect with an existing or proposed road on adjoining land. See Figure 1.¹

1. Editor's Note: Figure 1 is included as an attachment to this chapter.

- E. Curvilinear street arrangements which follow the contour of the natural terrain shall be used where practicable in preference to street patterns which follow the slope, in order to improve the control of stormwater runoff and to facilitate bad weather driving conditions.
- F. The tangent distance between reverse curves shall not be less than 100 feet. Except for intersections and turnarounds on dead-end streets, no curve shall have a radius of less than 100 feet, as measured on the curbline.
- G. Intersections.
 - (1) Angle of intersection. Wherever possible, roads shall intersect at a 90° angle, or as close thereto as is practical. In no event, however, shall an intersection be allowed where the angle of the intersection is less than 75° within 100 feet of the intersection.
 - (2) Spacing of intersections. Intersections of subcollector, local and minor roads shall be spaced a minimum of 150 feet apart, measured from the points of intersection of the center lines. Intersections of arterial and collector streets shall be spaced as deemed necessary by the Board of Selectmen. Streets intersecting on opposite sides of a street shall intersect exactly opposite one another or shall have the minimum spacing required above.
 - (3) Sight distance. Adequate sight distance for streets and intersections shall be required in accordance with the following publication: A Policy on Geometric Design of Highways and Streets (latest edition) by the American Association of State Highway and Transportation Officials. Vertical and horizontal design controls shall also be in accordance with the above publication. Wherever a proposed street intersects with a state highway, adequate sight distance shall be required in each direction along the state highway in accordance with the above policy or CT DOT requirements. The Board of Selectmen may require that a strip of land adequate to maintain the sight distance along a state highway or Town road be deeded to the Town.
- H. Where a proposed subdivision contains lots fronting on an existing street that does not meet the dimensional and improvement requirements of this chapter, the applicant shall be required to deed sufficient land to the Town of Voluntown to permit widening of the street and shall be required to make such improvements within the right-of-way of the street, as deemed appropriate by the Board of Selectmen to maintain public safety.
- I. Street names. No duplication of street names is permitted except where a proposed street extends an existing street. The Board of Selectmen shall approve all street names.
- J. Design speed. The minimum design speed for a street within a subdivision is 25 miles per hour. A street deemed to be a collector street by the Board of Selectmen may require a higher design speed.
- K. Minimum curve radius. For roads, a minimum center line curve radius of 300 feet is required.
- L. Grades approaching intersection or culs-de-sac. Grades shall not exceed 3% for a distance of not less than 75 feet from the center line of an intersection or cul-de-sac.

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- M. Construction methods for pavement structures. Any construction methods for pavement structures that are not specifically stated in these regulations shall be in accordance with applicable sections of CT DOT Form 814A (as amended).
- N. Side slopes.
- (1) Sloping grading. Streets in cut or fill sections shall be provided with slopes not steeper than two feet horizontal to one foot vertical, unless other structural measures are provided to retain the slope. Steeper (6 to 1) slopes may be permitted in rock cuts. At intersections, banks shall be cut back to maintain the minimum sight distance for intersections as required by these regulations.
 - (2) Slope rights. Where new streets abut private property, necessary slope rights must be obtained by the applicant when in cut or fill, and these slope rights shall be shown on the final layout and on the land records. The developer shall address the effects of fills and cuts on adjacent private property within the slope right area.
 - (3) Drainage. The applicant shall provide the Board of Selectmen with evidence that no drainage problems will arise on adjacent property due to cut or fill operations.
- O. Driveways. Access drives shall be constructed such that the flow of road drainage is not impeded, water from the lot is not directed onto the road and safe sight line distances are achieved. Driveways shall be installed in accordance with Chapter 238, Driveway Construction, of the Town Code.

§ 316-4. Street grading.

All streets shall be located in conformity with the contour of the land, with a grade not less than 1% or greater than 10%. There shall be no abrupt change of grade of such streets, and all side slopes shall be seeded to grass and have an angle of cut sufficiently shallow to permit maintenance. All roads shall be completely graded for the full fifty-foot right-of-way.

§ 316-5. Street subgrade.

- A. All ledge rock must be removed to a depth of 24 inches below subgrade surface and then backfilled with suitable bank run or processed gravel passed through a four-inch sieve; provided, however, that the Board of Selectmen may upon request approve a substitute gravel. All loam shall be scraped and stripped and backfilled with gravel. All trees and roots shall be removed from the full 50 feet of right-of-way, except as otherwise herein specifically provided. Soft spots, peat and organic material shall be excavated to solid bottom and backfilled with stone, bank run or processed gravel.
- B. Any such roadbed shall be inspected by the First Selectman of the Town or his/her designated representative before any gravel is placed, and a certificate setting forth such inspection shall be a prerequisite to the release of any bond posted in connection with subdivision improvements. If ordered by the First Selectman or his/her designated representative upon such inspection, the above subgrade shall be rolled with a ten-ton roller before the placing of the gravel subbase. The subgrade shall be graded to a cross-section with a cross-slope of one inch per foot.

§ 316-6. Street subbase.

Twenty-four inches of bank run or processed gravel passed through a four-inch sieve shall be installed over the subgrade. Street subbase shall consist of bank gravel conforming to Article M-2.02 of the CT DOT Form 814A (as amended). Before the base is added, the subbase shall be inspected by the First Selectman or his/her designated representative.

§ 316-7. Street base course.

The base course shall be laid over the subbase and shall be four inches thick after compaction. This material shall consist of gravel conforming to Article M.02.03 of CT DOT Form 814A (as amended). The surface shall be constructed to a cross-section whose cross slope is 1/4 inch per foot. Before any wearing surface is placed, the base course shall be inspected by the First Selectman or his/her designated representative, and grades checked to ensure that the full four-inch required base course shall be placed. A certificate of such inspection shall be a prerequisite to the release of any bond.

§ 316-8. Street wearing surface.

All street wearing surfaces shall be paved. The materials and construction methods for paved streets shall conform to the requirements of the current issue of the Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction. Such paved wearing surface shall be constructed in two courses over the base course and shall be of bituminous concrete, four inches thick after compaction with a ten-ton roller.

§ 316-9. Street curbs.

Curbs are to be of granite or Portland cement and installed on all streets on the outside edge of the paved wearing surface, and shall be six inches in height above the wearing surface and a minimum of six inches in width, and extending at least 14 inches below the level of the wearing surface.

§ 316-10. Guide rails.

Guide rails shall be placed along all streets as deemed necessary by the Board of Selectmen or its designated agent as it shall direct. Materials and construction methods for guide rails shall conform to CT DOT Form 814A (as amended) for metal beam rails.

§ 316-11. Signs.

Street name signs are required at all intersections and are the responsibility of the applicant. One sign shall be located at each T intersection and two signs at each four-way intersection, located on diagonally opposite corners. Stop signs, "no outlet" signs and pavement markings are the responsibility of the applicant.

- A. Street name signs shall be clearly legible and durable and shall be securely mounted in an appropriate manner, subject to the approval of the Board of Selectmen and compatible with the prevailing standards for street markers in the Town of Voluntown.

§ 316-11

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- B. Materials and construction methods for stop signs, "no outlet" signs and pavement markings shall be in accordance with applicable sections of CT DOT Form 814A (as amended).

§ 316-12. Drainage.

The construction of the drainage system, including methods of construction and quality of materials used, shall be in conformity with the final plan and the details shall conform with the Connecticut State Department of Transportation's Drainage Manual, the Public Health Code of the State of Connecticut and this chapter. Drainage system design shall be approved by the Board of Selectmen of the Town of Voluntown prior to final approval of any subdivision plan by the Voluntown Planning and Zoning Commission.

- A. An adequate system of stormwater drainage shall be provided, and no natural watercourse shall be altered or obstructed in such a way as to reduce the natural runoff capacity unless substitute means of runoff are provided. The developer shall provide additional capacity in adjacent culverts and other drainage features for accommodating increased runoff from the proposed development should it be deemed necessary by the Board of Selectman and the Planning and Zoning Commission. All existing and proposed drainage systems shall indicate material, size and location on plans and profile sheets.
- B. Catch basins shall be located at least every 300 feet or at intervals determined by the Board of Selectmen and the Planning and Zoning Commission based on conditions in the area, and at all corners of intersections. All drainage rights and easements which are considered necessary in the opinion of the Board of Selectmen and the Planning and Zoning Commission shall be procured by the subdivider requesting acceptance of any street and conveyed at no cost to the Town of Voluntown by warranty deed in fee simple.
- C. Drainage rights-of-way through lots shall be at least 20 feet wide and follow property lines wherever possible. The Board of Selectmen may require culverts and other stormwater drainage installations, where it deems necessary, to connect with one or more natural watercourse(s). All necessary easements for drainage shall be provided prior to plan approval.

§ 316-13. Sidewalks.

- A. Sidewalks shall be installed, as stipulated by this section, by the applicant along one of the outer edges of each street right-of-way within any subdivision constructing a new street or streets, unless the Board of Selectmen and the Planning and Zoning Commission determine that such a requirement would be detrimental to public safety due to characteristics of the site and/or surrounding properties as per § 316-7 of this chapter.
- B. Sidewalks, where required, shall be a minimum of four feet in width and, when provided in connection with a road, shall be located within the street right-of-way lines as shown on the typical cross-section. The sidewalk shall be constructed in accordance with one of the following standards as approved by the Board of Selectmen:

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- (1) Concrete. Cement concrete sidewalks shall be laid on a six-inch gravel base, mechanically compacted, and shall be constructed of reinforced concrete four inches thick having expansion joints with premolded fillers spaced every 20 feet and suitable weakened plain joints.
- (2) Driveways. Sidewalks crossing driveways that are subject to heavy vehicular traffic shall be laid on a gravel base 12 inches thick.
- (3) Handicapped access. All sidewalks shall be constructed with handicapped access as required by State of Connecticut building codes and/or other applicable codes and regulations.
- (4) Sidewalks unrelated to new roads may be required by the Planning and Zoning Commission during the issuance of a zoning permit for nonresidential activities such as a commercial site plan review, where pedestrian access to schools, shopping or employment is possible. Any such required sidewalks shall be constructed in accordance with this chapter.

§ 316-14. Road crossing cuts.

- A. Any resident or developer who desires to cut into any existing Town road shall first obtain the authorization of the Board of Selectmen. Application shall be made to the Board of Selectmen on forms provided by the Board and shall include an engineering drawing, signed and sealed by an engineer licensed by the State of Connecticut, which provides repair details of the Town road upon completion of the project.
- B. Prior to authorizing the resident or developer to make said cut, the Board of Selectmen shall receive a cash bond in the amount of \$1,000. The cash bond shall be returned to the resident or developer upon acceptance of road repairs by the Board of Selectmen and/or its designated representative.

§ 316-15. Work within Town rights-of-way.

- A. Any resident, developer or other party who desires to perform work of any type within a Town right-of-way shall first obtain the authorization of the Board of Selectmen.
- B. Prior to authorizing the resident, developer or other party to perform work within a Town right-of-way, the Board of Selectmen shall receive a cash bond in the amount of \$1,000. The cash bond shall be returned to the resident, developer or other party upon acceptance of completed work within the Town right-of-way by the Board of Selectmen and/or its designated representative.

§ 316-16. Inspection of improvements.

- A. The work of constructing any street or any stormwater or surface water drainage installation shall be subject in all respects to the inspection and approval of the authorized officials of the Town of Voluntown having proper jurisdiction.

§ 316-16

VOLUNTOWN CODE

§ 316-17

- B. Prior to any actual construction work undertaken on the installation of any required improvement, the applicant shall notify the Board of Selectmen.

§ 316-17. Responsibility for costs.

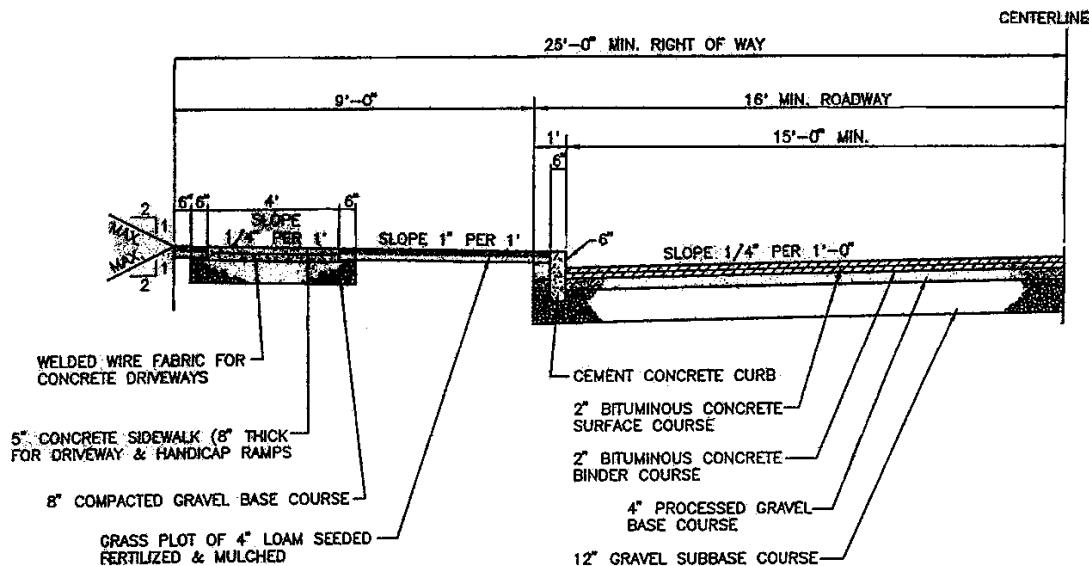
All costs of surveying, excavating, grading, filling with gravel, installment of drainage pipes and general preparation of said street shall be borne by the person requesting acceptance.

ROAD CONSTRUCTION

316 Attachment 1

Town of Voluntown

Figure 1

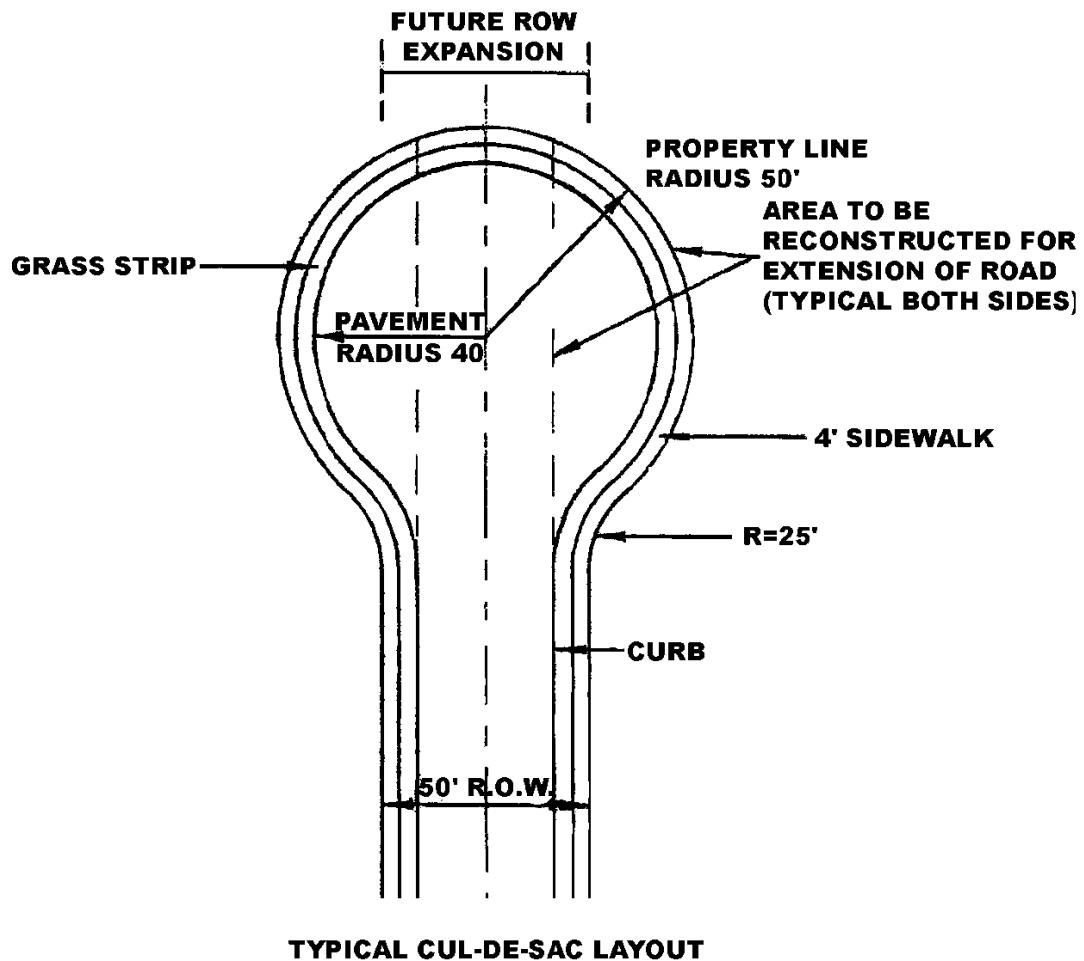
TYPICAL STREET CROSS-SECTION LAYOUT

ROAD CONSTRUCTION

316 Attachment 2

Town of Voluntown

Figure 2



Chapter 330**TAXATION****ARTICLE I
Motor Vehicle Exemption**

- § 330-1. Exemption granted; authority.**
- § 330-2. Definitions.**
- § 330-3. Application for exemption.**
- § 330-4. When effective; applicability.**

**ARTICLE II
Payment of Real and Personal Property Taxes**

- § 330-5. Acceptable forms of payment; service fee for credit card payments.**
- § 330-6. Payment of delinquent taxes.**
- § 330-7. Handling charges.**

**ARTICLE III
Payment of Certain Refunds**

- § 330-8. Authority to retain payments.**

[HISTORY: Adopted by the Town Meeting of the Town of Voluntown as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Motor Vehicle Exemption
[Adopted 5-15-2003]****§ 330-1. Exemption granted; authority.**

Pursuant to the authority conferred by C.G.S. § 12-81c, ambulance-type motor vehicles used exclusively for the purpose of transporting any medically incapacitated individual (except any such vehicle used to transport any such individual for profit), any property owned by a nonprofit ambulance company and any motor vehicle owned by a person with disabilities, or owned by the parent or guardian of such a person, which vehicle is equipped for purposes of adapting its use to the disability of such person, shall be exempt from local taxation.

§ 330-2

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§ 330-6

§ 330-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AMBULANCE-TYPE MOTOR VEHICLE USED EXCLUSIVELY FOR THE PURPOSE OF TRANSPORTING ANY MEDICALLY INCAPACITATED INDIVIDUAL — A motor vehicle specifically designed to carry patients and typically operated by a person possessing certification from the Office of Emergency Medical Services.

MOTOR VEHICLE EQUIPPED FOR THE PURPOSE OF ADAPTING ITS USE TO A DISABILITY — A vehicle modified from stock specifications by the addition of hydraulic lifts, specialized steering or braking apparatus, or similar alterations, provided that such modification shall be shown to have cost not less than \$1,000.

§ 330-3. Application for exemption.

Any person wishing to claim an exemption pursuant to this article shall make an application for said exemption to the Town's Assessor on a form prescribed by the Assessor, and shall supply to the Assessor such proof as is necessary to establish the compliance of the vehicle with the intent of this article.

§ 330-4. When effective; applicability.

This article shall take effect 15 days after publication in accordance with the law and shall be applicable to the assessment year commencing October 1, 2003, and each assessment year thereafter until modified or repealed.

ARTICLE II**Payment of Real and Personal Property Taxes
[Adopted 5-31-2011; amended in its entirety 2-26-2018]****§ 330-5. Acceptable forms of payment; service fee for credit card payments.**

Except as otherwise provided by this article, the Tax Collector may accept cash, money order(s), personal check(s), bank check(s), certified check(s) and/or payments through the municipal electronic payment service (including payments by credit card) in payment of real and personal property taxes. Pursuant to C.G.S. § 12-141a, the Tax Collector shall charge a taxpayer who pays by credit card a service fee in an amount not to exceed any charge by the credit card issuer or service provider, including any discount rate.

§ 330-6. Payment of delinquent taxes.

Payments of delinquent real or personal property taxes that the Tax Collector has referred for collection will not be accepted unless they are made in cash and/or by money order, bank check or certified check. In addition to the payment for the overdue taxes, interest and penalties, the taxpayer will be required to pay all fees, costs and charges provided for by law, including collection costs and attorney's fees.

§ 330-7	TAXATION	§ 330-12
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§ 330-7. Handling charges.

Any payment made for real or personal property taxes that is dishonored by the taxpayer's depository financial institution and/or credit card issuer or service provider, or that is otherwise not actually received by the Tax Collector, shall be subject to the assessment of a handling charge by the Tax Collector, and to possible civil and criminal liability.

ARTICLE III
Payment of Certain Refunds
[Adopted 4-16-2013]

§ 330-8. Authority to retain payments.

The Tax Collector of the Town of Voluntown is hereby authorized to retain payments in excess of the amount of taxes due, provided the amount of the excess payment is less than \$5.

§ 330-9. Statutory authority.

This authority is established pursuant to C.G.S. § 12-129.

ARTICLE IV
Dairy Farm Tax Abatements
[Adopted 6-6-2018]

§ 330-10. Title.

This article shall be known and may be cited as the "Voluntown Dairy Farm Tax Abatement Ordinance."

§ 330-11. Statutory authority.

This article was enacted pursuant to the authority provided by C.G.S. § 12-81m.

§ 330-12. Findings and purpose.

- A. The Town of Voluntown finds that dairy farming is vitally important to the Town's economy and its quality of life and wishes to encourage dairy farming in the Town.
- B. Connecticut General Statutes § 12-81m authorizes towns to abate up to 50% of the property taxes on a dairy farm and to recapture abated taxes in certain circumstances in the event of a sale of the property on which the farm is conducted.
- C. By this article, the Town of Voluntown establishes a mechanism by which such tax relief may be granted to dairy farms under the terms and conditions provided by the statute and this article.

§ 330-13. Application for property tax abatement.

The Town may abate property taxes on a dairy farm, in accordance with the following procedures and requirements:

- A. An application for an abatement must be made in writing to the Town's Tax Assessor by the record owner of the property and/or by a tenant that is a party to a signed, recorded lease of the property (a recorded notice of lease will be sufficient), which lease shall have a term extending at least three years after the date the application is received by the Assessor and shall require the tenant to pay all property taxes due on the property throughout the remaining term of the lease. A tenant that applies for a dairy farm abatement shall provide written notice of the application to the owner at the time it is filed with the Assessor.
- B. To be eligible for an abatement hereunder for the tax year beginning July 1, 2019, an application therefor deemed complete by the Assessor must be received by the Assessor no later than October 1, 2018. To be eligible for an abatement hereunder for any tax year after 2019, an application therefor deemed complete by the Assessor must be received by the Assessor no later than October 1 of the preceding year.
- C. An application must contain evidence sufficient to support a finding by the Assessor and by the Board of Selectmen that a dairy farm is being maintained and will continue to be maintained on the property, and that the property is and will continue to be maintained as a business. Such evidence shall include, at a minimum: the acreage of the entire property and of the portion(s) of the property being and/or that is going to be used for a dairy farm business; the number and types of livestock typically on the property and the uses to which they will be put; the quantities of milk sold and/or reasonably expected to be sold by the dairy farm business; the gross income of the property derived from dairy-farming-related activities; the gross income derived by the property from non-dairy farming activities; evidence that the dairy farm has all federal, state and local permits/licenses required for it to conduct the dairy farming activities in which it is engaged and in which it proposes to engage; and such other evidence as either the Assessor or the Board of Selectmen reasonably deems necessary to determine whether and, if so, to what extent the property is eligible for a tax abatement hereunder.

§ 330-14. Property tax abatement; termination of abatement.

- A. When an application for a dairy farm property tax abatement is approved by the Tax Assessor and by the Board of Selectmen, the Board of Selectmen, within its sole discretion, shall determine the percentage of the abatement to be granted, up to a maximum of 50% of the property taxes for the property.
- B. No later than 30 days after a farm dairy abatement is approved by the Assessor and the Board of Selectmen, the Assessor shall record on the Town's Land Records a certificate stating that: such abatement was granted and is in effect; the date(s) on which the abatement was granted and became effective; and the potential obligation to pay recapture funds, barring waiver, as set forth herein.
- C. Such abatement shall automatically terminate upon the determination by the Board of Selectmen that the use of the property for a dairy farm business has ceased and/or that

the property has been sold by the person/entity that owned it at the time the abatement was granted. The termination shall be as of the date the use ceased or the date of the sale of the property, whichever event was first.

- D. As soon as practicable after the determination by the Board of Selectmen that an abatement hereunder is terminated pursuant to Subsection C, the Assessor shall record on the Town's Land Records a certificate stating that: such abatement has terminated and is no longer in effect; the date on which the termination became effective; and, if known at that time, the amount of recapture funds the property will be required to pay the Town under § 330-15.
- E. The person/entity that owned the property at the time the abatement was granted must notify the Tax Assessor and Board of Selectmen in writing no later than 30 calendar days after the sale of the property or the cessation of operations as a dairy farm, and shall respond in writing to other reasonable inquiries by the Assessor and/or the Board of Selectmen as to the status of the property within such time as they may allow.

§ 330-15. Recapture.

- A. Upon the sale of the property, and subject to the authority of the Board of Selectmen under this article to waive any such payment, the property owner shall pay to the Town a percentage of the original amount of the taxes abated, as set forth on the following schedule: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Number of Years Sale Follows Abatement for Given Tax Year	Percentage of Original Amount of Taxes Abated Which Must Be Repaid
More than 10 years	0%
Between 9 and 10	10%
Between 8 and 9	20%
Between 7 and 8	30%
Between 6 and 7	40%
Between 5 and 6	50%
Between 4 and 5	60%
Between 3 and 4	70%
Between 2 and 3	80%
Between 1 and 2	90%
Between 0 and 1	100%

- B. After the sale of the property, the Town, upon affirmative vote by the Board of Selectmen, may waive any of the amounts which would otherwise be owed pursuant to the foregoing recapture provisions, but only if the Assessor grants an application by the

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property owner to designate the property as "farm land," "forest land" or "open space" pursuant to C.G.S. § 12-107c, 12-107d or 12-107e.

- C. The taxes owed to the Town pursuant to the recapture provisions of this section shall be due and payable by the record property owner/grantor to the Voluntown Town Clerk at the time of recording of his/her deed or other instrument of conveyance of the property. The revenue received by the Town Clerk hereunder shall become part of the general revenue of the Town. No deed or other instrument of conveyance which is subject to the recapture of tax, as set forth herein, shall be recorded by the Town Clerk unless the funds due under the recapture provisions herein have been paid.

§ 330-16. Right of appeal.

Any person legally aggrieved by any action or inaction of the Tax Assessor under this article may appeal therefrom to the Voluntown Board of Assessment Appeals, and any person aggrieved by an action or inaction of the Board of Assessment Appeals may appeal therefrom to the Connecticut Superior Court, in the manner provided by the Connecticut General Statutes.

ARTICLE V
Waiver of Certain Taxes Due
[Adopted 2-26-2019]

§ 330-17. Authority; amount waived.

Pursuant to C.G.S. § 12-144c, the Town Meeting of the Town of Voluntown waives all taxes due in the amount of \$5 or less, provided the original tax bill did not exceed \$5.

DIVISION 2

REGULATIONS

Chapter 345

ZONING

SECTION 1. TITLE, AUTHORITY, AND PURPOSE.	SECTION 8. SUPPLEMENTARY REGULATIONS.
SECTION 2. DEFINITIONS.	SECTION 9. SPECIAL EXCEPTIONS.
SECTION 3. ADMINISTRATION AND PROCEDURES.	SECTION 10. SITE PLAN REQUIREMENTS.
SECTION 4. ZONING DISTRICTS.	SECTION 11. SIGNS.
SECTION 5. VILLAGE DISTRICT REGULATIONS.	SECTION 12. NON-CONFORMING USES, BUILDINGS AND LOTS.
SECTION 5A. VILLAGE COMMERCIAL OVERLAY DISTRICT REGULATIONS.	SECTION 13. APPEALS AND VARIANCES.
SECTION 6. RURAL DISTRICT REGULATIONS.	SECTION 14. AMENDMENTS.
SECTION 7. MAJOR DEVELOPMENT DISTRICT REGULATIONS.	SECTION 15. SEPARABILITY.
	SECTION 16. EFFECTIVE DATE.
	Zoning Application
	Zoning Map
	Village Area Zoning

[HISTORY: Adopted by the Planning and Zoning Commission of the Town of Voluntown as amended through 9-30-2017. Amendments noted where applicable.]

SECTION 1. TITLE, AUTHORITY, AND PURPOSE.

- 1.1. These regulations shall be known as the "Zoning Regulations of the Town of Voluntown, Connecticut," and are herein referred to as "these Regulations."
- 1.2. These Regulations have been prepared in accordance with provisions of Chapter 124 of the Connecticut General Statutes, 1958 Revision, as amended.
- 1.3. The purpose of these Regulations is to protect the public safety, convenience and property values, and are intended to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote 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 for transportation, water, sewerage, schools, parks and other public requirements; to protect historic factors; protect existing and potential public surface and ground drinking water supplies; to control erosion and sedimentation; and to encourage the use of solar and other renewable forms of energy and energy conservation.

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SECTION 2. DEFINITIONS.

Certain words and terms used in these Regulations shall have the meanings presented in this section. All words used in the present tense include the future tense. The word "used" shall be deemed also to include "designed, intended, or arranged to be used."

- 2.1. **Accessory Use or Building.** A use or building on the same lot width, and of a nature incidental or subordinate to, the principal use or building.
- 2.2. **Amusement Game Arcade.** Three (3) or more amusement game machines in the same place, location or premises.
- 2.3. **Amusement Game Machine.** A coin-operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which, by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.
- 2.4. **Antenna.** A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip, panel, and dish antennas. (7/1/98)
- 2.5. **Buildable Area.** Land area on a parcel exclusive of: wetland and watercourses; areas within the 100-year flood boundary; slopes in excess of 25%; rock or ledge outerops; rights of ways or easements, and, utility and drainage easements. (7/9/10)
- 2.6. **Building.** A structure enclosed within exterior walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.
- 2.7. **Cemeteries.** A place for the burial of the dead. (1/1/90)
- 2.8. **Co-location.** Locating wireless communication facilities of more than one provider on a single site. (7-1-98)
- 2.9. **Commercial Recreation Facility.** The use of a building or space for recreation activities, other than those otherwise specifically prescribed by these Regulations, which may or may not involve equipment or apparatus and where a fee is charged for participation in such activities. (8/17/92)
- 2.10. **Commission.** The Planning and Zoning Commission of the Town of Voluntown.
- 2.11. **Dwellings, Multiple-Family.** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- 2.12. **Dwelling, Single-Family.** A detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only.
- 2.13. **Dwelling, Two-Family.** A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

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- 2.14. **Dwelling Unit.** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking, sleeping facilities and sanitary facilities.
- 2.15. **Elderly Housing.** Dwelling units specially designed for the use and occupancy of married couples or single individuals who are retired or disabled.
- 2.16. **Excavation.** The excavation, grading, depositing, or removal of earth material, including, but not limited to, topsoil, sand, gravel, clay or stone, which involves more than 100 cubic yards of material in a single calendar year, except in connection with (a) a bonafide construction project for which a zoning permit has been issued; (b) a subdivision approved by the Commission; or (c) farming conducted on the same property or adjacent property, provided no such material is sold to another and no more than 400 cubic yards of material is removed in any one (1) calendar year. (1/1/90)(7/1/98)
- 2.17. **Family.** One or more persons occupying a single dwelling unit provided that no such family shall contain more than four (4) persons unrelated by blood, marriage, legal adoption or foster arrangements. (7/1/98)
- 2.18. **Hazardous Material.** Materials, including waste products, as defined in the U.S. Environmental Protection Agency's publication 40 CFR 172.101. (8/17/92)
- 2.19. **Home Business.** An activity conducted for financial gain in a dwelling unit or in another building on the same lot as the dwelling unit, provided that:
- a. Only members of the family residing on the premises, plus a maximum of two (2) persons not residing on the premises, shall be employed in such business;
 - b. The occupation shall be clearly incidental and subordinate to the residential use of the premises;
 - c. No more than twenty-five (25%) percent of the floor area of the dwelling shall be used for the conduct of the business;
 - d. The floor area of an outbuilding used for a home business shall not be greater than fifty (50%) percent of the floor area of the dwelling unit;
 - e. No equipment or process shall be used in such business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the business is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence;
 - f. One (1) off-street parking space shall be provided for each 100 square feet of floor area devoted to the home business;
 - g. A home business shall not generate any vehicle traffic beyond what might reasonably be expected in a residential area.
 - h. Once approved by the Commission or Zoning Enforcement Officer (ZEO), the permit shall be submitted for renewal and inspection every (2) years. Application for permit renewal shall be applied for during the month prior to their expiration. (7/1/98)

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- i. Signs used in conjunction with an approved "home business" shall comply with Section 11 of these regulations. In no case shall the use of banners, advertisement flags, lighted displays, or the use of audio for attracting customers be allowed. (7/1/98)
 - j. The location of all outdoor display areas shall be approved by the Commission/ZEO to insure that any such areas do not create a traffic safety or public health concern. (7/1/98)
- 2.20. **Junk Yard.** Any property or portion thereof used for the outside storage, keeping or abandonment of worked out, cast-off, or discarded articles or material ready for destruction or collected or stored for salvage or conversion to some use. Motor vehicles which are on the tax roles are not considered junk. (7/1/98)
- 2.21. **Kennel.** The keeping on the same lot of more than five (5) dogs over the age of six (6) months.
- 2.22. **Lot.** One or more contiguous parcels of land under single ownership or control, to be used, developed, or built upon as a unit.
- 2.23. **Mobile home.** A building mass-produced in a factory as an individual unit designed for long-term residential use when connected to required utilities, and designed and constructed on a chassis for transportation to a site for use. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a camping vehicle. Other factory-manufactured buildings, such as modular homes, not meeting the above criteria, shall not be construed to be mobile homes.
- 2.24. **Principal Building.** A building containing the principal use of a property. In the case of a farm, the residence, if any, shall be the principal building.
- 2.25. **Principal Use.** The main use of land or structures as distinguished from a secondary or accessory use (7/1/98)
- 2.26. **Specialized Agricultural Buildings.** The use of a building for intensive farming and farming-related activities that involves one or more of the following:
- a. Processing or packaging of farm products, by-products, or animal or poultry wastes;
 - b. Shelter for more than 100 animals or 20,000 fowl;
 - c. Workplace for more than five (5) non-family, full-time employees;
 - d. Retail sales of products raised, or processed on the premises, other than in a seasonal roadside farm produce stand.
- 2.27. **Special Exception (Special Permit).** A permit process authorized by the Connecticut General Statutes which allows land uses only under special conditions due to the potential negative impacts from such uses. The special conditions must be included in the regulations. (7/1/98)

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- 2.28. **Street.** An improved right-of-way accepted for public use by lawful procedure and suitable for two-way vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission.
- 2.29. **Tower.** A structure intended to support equipment used to receive or transmit electromagnetic waves. Examples of towers include self-supporting lattice, guyed, and monopole. (7/1/98)
- 2.30. **Use.** The purpose for which property is arranged, designed or intended, or for which either land or building is or may be occupied or maintained. (7/1/98)
- 2.31. **Wireless telecommunication facility.** The equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services. (7/1/98)
- 2.32. **Wireless telecommunication services.** Services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services, specialized mobilized radio, and paging. (7/1/98)
- 2.33. **Mixed Use Development.** The development of a neighborhood, tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to residential, office, manufacturing, retail, eating and drinking establishments, public and recreation, in a compact village design. (09/30/17)
- 2.34. **Eating and Drinking Establishment.** Retail establishment selling food or drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods for immediate on site consumption. (09/30/17)

SECTION 3. ADMINISTRATION AND PROCEDURES.

- 3.1. **Enforcement.** These Regulations shall be administered and enforced by the Planning and Zoning Commission and/or its appointed agent, the Zoning Enforcement Officer.
- 3.2. **Permits.** No building shall be erected, moved, or structurally enlarged in area and no use shall be established or changed without a Zoning Permit therefore from the Zoning Enforcement Officer, issued in conformity with the provisions of these Regulations. Application for a Zoning Permit shall be made on a form provided for that purpose and obtainable from the Zoning Enforcement Officer or in the office of the Voluntown Town Clerk. A copy of the form, is enclosed in the Appendix to these Regulations.
- 3.2.1. Zoning Permits for single-family and two-family dwellings and permitted accessory buildings, and Home Businesses shall be issued after review of such applications, which shall include a plot plan, by the Zoning Enforcement Officer. All other applications, including proposals to change from one non-residential use to another non-residential use, shall be submitted with a site plan and all other documentation as prescribed in Section 10 of these Regulations and in State Statutes. The site plan must be approved by the Commission before a Zoning Permit can be obtained. (01/01/90)(7/1/98)

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- 3.2.2. In reviewing a plot plan for a residential use, the Zoning Enforcement Officer shall determine that the layout of proposed buildings will not infringe on the required area for the septic tank, leaching field, and 100% replacement area.
- 3.2.3. No Building Permit and no Certificate of Occupancy shall be issued by the Building Official for any building, use or structure without certification in writing by the Zoning Enforcement Officer that such building, use or structure is in conformity with these Regulations, or is a valid non-conforming use. The Zoning Enforcement Officer may require as-built plans to insure compliance with these regulations and any approved permits. (7/1/98)(2/23/85)
- 3.2.4. The Zoning Enforcement Officer may require a plot plan prepared, signed, and sealed by a licensed land surveyor or registered professional engineer to insure compliance with these Regulations. The Zoning Enforcement Officer may further require that location markers for the building foundation and property line be set by a licensed land surveyor in accordance with the plot plan prior to the issuance of a zoning permit. (7/1/98)
- 3.3. **Fees.** The following application fees shall be charged: (8/17/92)
- 3.3.1. \$40.00 for structural enlargements or additions, and for the construction of outbuildings which are 100 square feet or larger in size. (7/1/98)(9/15/06)
- 3.3.2. \$70.00 for new residential buildings. (8/17/92)(9/15/06)
- 3.3.3. \$100.00 for commercial or industrial buildings or uses and any other building or use requiring a site plan. (8/17/92)(9/15/06)
- 3.3.4. \$550.00 for any special exception, request for zone change for a Major Development District to defray costs connected with the required public hearing. (When the fee of this subsection applies, no other fees prescribed in Subsections 3.3.1 through 3.3.3, above, shall be required.) (01/01/90)(8/17/92)(7/1/98)(9/15/06)(09/30/17)
- 3.3.5. \$20.00 for a Home Business Permit for each year of validation. (7/1/98)
- 3.3.6. In addition to the above fees, an additional charge is required by Section 22a-27j of the Connecticut General Statutes. See fee schedule in Zoning office. (7/1/98)(9/15/06)
- 3.3.7. No fee will be charged for religious or governmental buildings or uses. (8/17/92)
- 3.3.8. Application fee to the Zoning Board of Appeals is \$550.00. (7/1/98)(9/15/06)(09/30/17)
- 3.3.9. When the Commission holds a public hearing on a Site Plan or application and additional 300.00 shall be added to the application fee. (09/30/17)
- 3.4. **Penalties.** In accordance with Section 8-12 of the General Statutes, the owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or premises where such violation has been committed or exists, or the agent, architect, builder, contractor or other person who commits, takes part or assists in any such violation or

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who maintains any building or premises in which such violation exists, shall be fined not less than ten (\$10) nor more than one hundred (\$100) dollars for each day that such violation continues; but if the offense is wilful, the person convicted thereof shall be fined not less than one hundred (\$100) dollars nor more than two hundred fifty (\$250) dollars for each day that such violation continues, or imprisoned not more than ten (10) days for each day such violation continues or both; and the superior court shall have jurisdiction of all such offenses, subject to appeal as in other cases.

- 3.4.1. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of the Regulations made under authority of the provisions of this chapter specified in such order shall be subject to a civil penalty of twenty-five hundred (\$2,500) dollars, as prescribed in Section 8-12 of the Connecticut General Statutes, payable to the treasurer of the municipality. (8/17/92)
- 3.5. **Referral to Neighboring Municipality.** The Commission shall notify the clerk of any adjoining municipality of the pendency of any application or site plan concerning any project on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail and shall be mailed within seven (7) days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan. (1/1/90)(9/15/06)
- 3.6. **Referral to Wetlands Commission.** If an application for special exception and/or site plan approval involves an activity regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the Connecticut General Statutes, the applicant shall submit an application to the Voluntown Inland Wetlands Commission no later than the day the application is filed with the Commission. The Commission shall not render a decision until the Wetlands Commission has submitted a report with its final decision to the Commission. In making its decision, the Commission shall give due consideration to the report of the Wetlands Commission. (1/1/90)
- 3.7. **Referral to Regional Planning Commission (Council of Governments).** When the zoning commission proposes to establish or change a zone or any regulation affecting the use of a zone any portion of which is within five hundred feet of a boundary of another municipality located within the area of operation of a regional planning agency, the zoning commission shall give written notice of its proposal to the regional planning agency or agencies of the region in which it and the other municipality are located not later than thirty days before the public hearing. Such notice shall be made by certified mail. The findings and recommendations submitted by the regional planning agency

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shall be read aloud at the hearing. (Section 8-3b of the Connecticut General statutes). (9/15/06)(7/1/98)

SECTION 4. ZONING DISTRICTS.

- 4.1. The Town of Voluntown is divided into zoning districts as shown on the map entitled, "Zoning Map, Voluntown, Connecticut," which map is a part of these Regulations. Three districts are established, whose purpose are described as follows:
 - 4.1.1. **Village District.** This district is intended to provide opportunity for higher residential densities in an area of the Town that can most easily be served by facilities and services. In addition, it is intended to encourage the further development of commercial and service establishments in one area of the Town, as opposed to allowing a scattering of such land uses throughout the entire Town.
 - 4.1.2. **Rural District.** Most of the Town is included in this district, which is intended to preserve as much of the Town as possible in a low density settlement pattern. This is intended both to retain the rural character of the Town and to minimize the need for extending public facilities and services throughout the entire Town.
 - 4.1.3. **Major Development District.** This district is intended to provide an opportunity for major commercial, industrial or institutional uses to locate anywhere within the Town of Voluntown, provided certain environmental and site conditions are met. Although no specific zoning districts have been mapped for this category, the Commission may establish such a district after public hearing and after reviewing the proposed major development and its impact on the area of the proposed location. This district is not intended for use in locating small, individual, local-serving retail and business establishments.
 - 4.1.4. **Village Commercial Overlay District.** The intent of this district is to allow for the development of light commercial uses that will enhance the Village Center of town and provide economic opportunities and benefits for the town. It is further intended that structures be architecturally designed with site layouts which are typical of a New England Village setting. (3/15/01)
- 4.2. Where a district boundary line divides a lot which was in single ownership at the time of adoption of these Regulations, the Zoning Board of Appeals may permit, as a variance, the extension of the regulations for either portion of the lot a maximum of 100 feet beyond the district line into the remaining portion of the lot.

SECTION 5. VILLAGE DISTRICT REGULATIONS.

- 5.1. **Permitted uses.** The following uses are permitted in this district only after issuance of a zoning permit from either the Zoning Enforcement Officer or Commission as required by Section 3.2.1 and Section 10.1 of these regulations. (7/1/98)
 - 5.1.1. Single-family dwellings.
 - 5.1.2. Two-family dwellings.
 - 5.1.3. Religious, institutional and governmental and public utility uses.

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- 5.1.4. Agricultural activities including the keeping of horses, but not including the raising of poultry or fur-bearing animals for commercial purposes.
- 5.1.5. Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, antique shops, hardware stores, and sporting goods stores. (2/23/85)(7/1/98)
- 5.1.6. Business services, such as banks and other financial institutions, real estate and insurance offices, business and professional offices.
- 5.1.7. Personal services, such as barber shops, beauty salons, laundry and dry cleaning establishments.
- 5.1.8. Repair services, such as radio, television, appliance and plumbing shops, upholstery shops and shoe repair shops.
- 5.1.9. Accessory uses and buildings.
- 5.1.10. Home businesses, as defined in Section 2.19 of these Regulations.
- 5.1.11. Cemeteries, as defined in Section 2.7 of these Regulations. (1/1/90)
- 5.1.12. **Bed and Breakfast Inn**, which is defined as a owner-occupied dwelling, having six or less guest rooms, without separate kitchen facilities, in which overnight accommodations and meals are provided to travelers, for a fee and for not more than fifteen consecutive days. The operation shall be contained within the existing footprint of the building. In no case shall the floor area of guest rooms exceed 60% of the total floor area of the dwelling. Off-street parking required is calculated at two spaces for the owner-occupants and one additional space for each guest room. Signs are stipulated by Section 11.2. All health, building, fire and other applicable codes shall be complied with. (7/1/98)
- 5.1.13. **Family Day Care Home**, which is a private family home caring for not more than six (6) children, including the provider's own children not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regular basis. This activity shall comply with the State of Connecticut Department of Human Resources "Statutes and Regulations for Family Day Care", Connecticut general statutes Section 17-31q, as amended, as well as all other applicable federal, state, and local requirements. (7/1/98)
- 5.1.14. **Group Day Care Home**, which is a facility which provides a program of supplementary care to not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four (24) hours in one or more days a week, and meets the requirements of the State of Connecticut Department of Health Services "Public Health Code Regulations for Child Day Care Centers and Group day Care Homes", Section 19a-79-1 through 19a-79-8 inclusive, and Connecticut General statutes Sections 19a-77 through 19a-87 inclusive, as amended, and all other applicable federal, state, and local requirements. (7/1/98)
- 5.2. **Special Exceptions**. The following uses may be permitted by the Commission subject to the provisions of Section 9 of these Regulations.

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- 5.2.1. Multiple-family dwellings.
- 5.2.2. Automotive services, such as service stations, repair garages, automotive supplies and automotive vehicle sales establishments.
- 5.2.3. Drive-in eating establishments.
- 5.2.4. Temporary religions or entertainment gatherings, such as festivals, bazaars and fairs.
- 5.2.5. Elderly housing.
- 5.2.6. Amusement game arcades.
- 5.2.7. Eating and drinking establishments. (2/23/85)
- 5.2.8. Motels, hotels, and resorts for non-residential use at a maximum density of (two) rooms per acre. (7/1/98)(1/1/90)
- 5.2.9. Commercial recreation facilities. (1/1/90)
- 5.2.10. Telecommunication Towers. (3/15/01)
- 5.2.11. Mixed Use Development. (2/1/09)(09/30/17)

5.3. **Minimum Lot Size.**

- 5.3.1. **Single-family dwelling:** 30,000 square feet. (09/30/17)
- 5.3.2. **Two-family dwelling:** 40,000 square feet. (09/30/17)
- 5.3.3. **Multiple-family unit:** 45,000 square feet. 15,000 per apartment unit with a maximum of four units in any one structure. (09/30/17)
- 5.3.4. **Mixed Use Development:** 85,000 square feet. Where the applicant can demonstrate to the satisfaction of the Commission that there will be no adverse impact to traffic circulation and adjacent properties based on design or current site configuration, the Minimum Lot Size may be reduced by 20%. (09/30/17)
- 5.3.4.5. All other uses: 40,000 square feet. (9/30/17)
- 5.4. **Minimum Street Frontage.** 150 feet on an accepted Town road, state highway or a road shown on the plan of an approved subdivision.
- 5.5. **Minimum Yards.** No building shall be located closer than 25 feet from any street right-of-way or 15 feet from any other property line. (5/15/90)(7/1/98)
- 5.6. **Maximum Lot Coverage by Buildings.** 20%. (7/1/98)

**SECTION 5A. VILLAGE COMMERCIAL OVERLAY DISTRICT REGULATIONS.
(3/15/01)**

This overlay designation is applicable in the area designated on the zoning map at the dimensional requirements, use requirements and standards listed in this section. The dimensional requirements, use requirements and standards of the underlying Rural Residential

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District are listed in Section 6 of these regulations. The intent of this overlay zoning designation is to allow for the development of light commercial uses to the extent that their specific locations provide opportunities and benefits for the town. Further, it is intended that structures be architecturally designed with site layouts which are typical of a New England Village setting and that they enhance the existing well defined Village Center of town. Village Commercial Overlay District uses shall comply with all other specific standards designed to minimize nuisances between these overlay uses and the other uses permitted by right in the underlying residential district.

5A.1. Permitted uses. The following uses are permitted in this district only after issuance of a special exception from the Zoning Commission as required by Section 9 of these regulations.

- a. Religious, institutional and governmental and public utility uses.
- b. Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, antique shops, hardware stores, and sporting goods stores. See Section 2.
- c. Business services, such as banks and other financial institutions, real estate and insurance offices, business and professional offices. See Section 2.
- d. Personal services, such as barber shops, beauty salons, laundry and dry cleaning establishments. See Section 2.
- e. Repair services, such as radio, television, appliance and plumbing shops, upholstery shops and shoe repair shops. This does not include automotive/vehicular repair services. See Section 2.
- f. Private Schools.
- g. Telecommunication Towers.
- h. Elderly Housing.
- i. Group Day Care Home, which meets the requirements of the State of Connecticut Department of Health Services "Public Health Code Regulations for Child Day Care Centers and Group Day Care Homes", Section 19a-79-1 through 19a-79-8 inclusive, and Connecticut General Statutes Sections 19a-77 through 19a-87 inclusive, as amended, and all other applicable federal, state, and local requirements.
- j. Accessory buildings and uses.

5A.2. Use Standards. Lots in this overlay district may be utilized for one or more of the permitted uses provided all dimensional and setback requirements of these regulations are met. In addition the following requirements are applicable.

- a. Uses permitted in the "Commercial Village Overlay District" and the underlying "Rural District" shall not be combined on the same lot.
- b. Uses permitted in the "Village Commercial Overlay District" may be housed in the same building.

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- c. The Commission shall determine that the number and size of buildings are designed and located as to comply with the "intent" of these regulations as stated in the opening paragraph of this section. Normally, no one building shall exceed 10,000 square feet in size regardless of the number of individual "Village Commercial Overlay District" uses allowed in that structure. More than one building is permitted on an individual lot as long as all the setback requirements and other applicable requirements of these regulations are met.
- d. The building size requirement of this section shall not be applicable to any Elderly Housing development.

5A.3. **Design Standards.** The architectural design, and, access and traffic standards of Section 10 are the applicable standards in this district. Off-street parking shall be provided in accordance with acceptable standards, such as those of the "Institute of Transportation Engineers". All signs shall comply with the requirements of Section 11 of these regulations.

5A.4. **Dimensional and setback requirements.**

- a. Minimum Lot Size: 40,000 square feet.
- b. Frontage: 150 feet.
- c. Setback: 25 feet.
- d. Side Yard: 15 feet.
- e. Rear Yard: 15 feet.
- f. Maximum Lot Coverage by Buildings: 25%.
- g. Other Setback. The Commission may require planted buffer strips of twenty-five (25) feet in addition to the required yard setback along a property line where the adjoining property contains or may contain an incompatible or dissimilar land use. Such landscaped buffer strip shall be suitably seeded to grass and/or shall be suitably planted with trees or shrubs. Acceptable existing trees shall be preserved and supplemented by additional plantings as deemed necessary by the Commission to meet the requirements of privacy of adjacent yards and to eliminate noise, dust and objectionable lighting. The Commission may vary the above requirements as to planting in accordance with the effectiveness of screening proposed and the architectural character of the neighborhood in which the use is located.
- h. **Buildable Area.** Each lot shall contain a buildable area in a size and configuration to be suitable for the construction of the principal building/use, accessory uses and on-site water and sewer facilities. (07/09/10)(03/31/17)

SECTION 6. RURAL DISTRICT REGULATIONS.

- 6.1. **Permitted Uses.** The following uses are permitted in this district only after issuance of a zoning permit from either the Zoning Enforcement Officer or Commission as required by Section 3.2.1 and Section 10.1 of these regulations. (7/1/98)

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- 6.1.1. Single-family dwellings.
 - 6.1.2. Two-family dwellings.
 - 6.1.3. Agricultural and forestry activities.
 - 6.1.4. Home businesses, as defined in Section 2.19 of these Regulations.
 - 6.1.5. Religious, governmental or public utility uses.
 - 6.1.6. Stand for the display and sale of fruits and vegetables, provided such stand shall be located at least twenty-five (25') feet from any property line and at least fifty (50') feet from any road intersection.
 - 6.1.7. Accessory uses and buildings.
 - 6.1.8. Kennels, provided that all dogs shall be kept in buildings or enclosures and such buildings and enclosures shall be located no closer than 200 feet from any property line.
 - 6.1.9. Commercial riding academies, boarding and livery stables, provided the lot contains a minimum of five (5) acres.
 - 6.1.10. Cemeteries. (5/15/90)
 - 6.1.11. **Family Day Care Home**, which is a private family home caring for not more than six (6) children, including the provider's own children not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regular basis. This activity shall comply with the State of Connecticut Department of Human Resources "Statutes and Regulations for Family Day Care", Connecticut general statutes Section 17-31q, as amended, as well as all other applicable federal, state, and local requirements. (7/1/98)
- 6.2. **Special Exceptions.** The following uses may be permitted by the Commission subject to the provisions of Section 9 of these Regulations.
- 6.2.1. Automotive service and repair stations.
 - 6.2.2. Antique shops.
 - 6.2.3. Private schools.
 - 6.2.4. Camping, recreation and sporting supply stores.
 - 6.2.5. Hotels, motels and resorts for non-residential use at a maximum density of (two) rooms per acre. (7/1/98)
 - 6.2.6. Recreational camping grounds.
 - 6.2.7. Temporary religious or entertainment gatherings, such as festivals, bazaars or fairs.
 - 6.2.8. Sand and gravel removal and/or processing operations.
 - 6.2.9. Amusement game arcades.

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6.2.10. Specialized agricultural buildings.

6.2.11. **Bed and Breakfast Inn**, which is defined as a owner-occupied dwelling, having six or less guest rooms, without separate kitchen facilities, in which overnight accommodations and meals are provided to travelers, for a fee and for not more than fifteen consecutive days. The operation shall be contained within the existing footprint of the building. In no case shall the floor area of guest rooms exceed 60% of the total floor area of the dwelling. Off-street parking required is calculated at two spaces for the owner-occupants and one additional space for each guest room. Signs are stipulated by Section 11.2. All health, building, fire and other applicable codes shall be complied with. (7/1/98)

6.2.12. **Group Day Care Home**, which is a facility which provides a program of supplementary care to not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four (24) hours in one or more days a week, and meets the requirements of the State of Connecticut Department of Health Services "Public Health Code Regulations for Child Day Care Centers and Group day Care Homes", Section 19a-79-1 through 19a-79-8 inclusive, and Connecticut General statutes Sections 19a-77 through 19a-87 inclusive, as amended, and all other applicable federal, state, and local requirements. (7/1/98)

6.2.13. Telecommunication Towers. (3/15/01)

6.2.14. Salt Storage, provided it is not located within 250 ft. of a well utilized for public drinking water, within a Level A aquifer protection area, 100 year floodplain or within 100 feet of a wetlands or watercourse. Salt storage piles shall be completely covered by a roof or a weighted tarp, and stored on impervious surfaces in accordance with the recommendations of the Connecticut Department of Energy and Environmental Protection 2004 Connecticut Stormwater Quality Manual, and any amendments thereto. In all cases, an applicant must demonstrate that there will be no adverse impact to the environment or groundwater. (03/31/17)

6.3. **Minimum Lot Size**. (7/10/85)(7/1/98)(7/9/10)(03/31/17)

6.3.1. Single-family dwelling: 80,000 square feet. Each lot shall contain a buildable area in a size and configuration suitable for the construction of the principal building/use, accessory uses and on-site water and sewer facilities. (03/31/17)

6.3.2. Two-family dwelling: 140,000 square feet. Each lot shall contain a buildable area in a size and configuration suitable for the construction of the principal building/use, accessory uses and on-site water and sewer facilities. (03/31/17)

6.3.3. All other uses: 80,000 square feet. Each lot shall contain a buildable area in a size and configuration suitable for the construction of the principal building/use, accessory uses and on-site water and sewer facilities. (03/31/17)

6.4. **Minimum Street Frontage and Lot Width**. (9/2/87)(7/1/98)(3/15/01)(7/9/10)

6.4.1. 200 feet of frontage on a street.

6.4.2. 200 feet of lot width at the required building setback line.

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- 6.5. **Minimum Yards.** No building shall be located closer than fifty (50') feet from any street right-of-way or twenty-five (25') feet from any other property line.
- 6.6. **Maximum Lot Coverage by Buildings.** 15% (7/1/98)
- 6.7. **Maximum Residential Building Height.** 35 feet above the first floor as defined by the State of Connecticut Building Code. (8/16/06)

SECTION 7. MAJOR DEVELOPMENT DISTRICT REGULATIONS.

- 7.1. **Application Procedures.** Application for a Major Development District shall constitute a request for a zone change and shall be in accordance with procedures outlined in Section 8-3 of the General Statutes.
 - 7.1.1. The applicant shall, at a regular or special meeting of the Commission, present a site plan for the proposed district, which shall show in detail the following:
 - a. An outline map of the proposed district, certified by a registered land surveyor, landscape architect, or professional engineer, at a scale of not less than 1" = 200', showing the boundaries of the proposed district, the locations and names of all roads within 200 feet of the proposed district, and the names of all property owners within 200 feet of the proposed district.
 - b. A site plan prepared in accordance with Section 10 of these Regulations.
 - 7.1.2. The Commission shall hold a public hearing on the proposed district within sixty-five (65) days of receipt of application and shall act on the proposal within sixty-five (65) days after the hearing, unless extensions of time as provided by Section 8-7d of the General Statutes are granted by the applicant.
- 7.2. **General Requirement.** A Major Development District shall have direct access, to a state highway or, onto a town road when the Commission determines that the town road is adequate to handle the traffic flow of the proposal. (7/1/98).
- 7.3. **Special Exception.** The following uses may be permitted by the Commission subject to the provisions of Section 9 of these Regulations.
 - 7.3.1. Major retail and wholesale business, such as a shopping center, furniture outlet, building supply store, and farm and garden supply store.
 - 7.3.2. Manufacturing or assembly plants.
 - 7.3.3. Buildings for research or professional use.
 - 7.3.4. Commercial or private recreation and resort developments.
 - 7.3.5. Truck terminals and warehouses.
 - 7.3.6. Hotels, motels and resorts for non-residential use at a maximum density not to exceed (two) units per acre. (7/1/98)
 - 7.3.7. Telecommunication Towers. (3/15/01)

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- 7.4. **Minimum Lot Size.** A Major Development District shall contain at least ten (10) acres.
- 7.5. **Maximum Lot Coverage:** (1/1/90)
 - 7.5.1. In no case shall lot coverage exceed Sixty percent (60%) for buildings, outside storage, and vehicle parking. (7/1/98)
- 7.6. **Road Frontage.** A Major Development District must have at least 500 feet of frontage on a state highway or Town approved road.
- 7.7. **Yard Requirements.** No building shall be located closer than 100 feet from the district boundary.
- 7.8. **Buildable Area.** Each lot shall contain a buildable area in a size and configuration to be suitable for the construction of the principal/building/use, accessory uses and on-site water and sewer facilities. (07/09/10; 03/31/17)

SECTION 8. SUPPLEMENTARY REGULATIONS.

- 8.1. **Definition.** These are Regulations that apply to more than one zone or to a specific use or class of uses, regardless of their location in the Town.
- 8.2. **One Use Per Lot.** Except Mixed Use Developments, in the Village District approved pursuant to Section 9.5.15 and permitted uses under 5A.1 within the Village Commercial Overlay District, only one (1) principal building or use shall be permitted on one lot. (2/1/09)(09/30/17)
- 8.3. **Prohibited Uses.** The following uses are expressly prohibited within the Town of Voluntown:
 - 8.3.1. Manufacture of explosives.
 - 8.3.2. Commercial poultry or animal slaughtering.
 - 8.3.3. Commercial distillation of bones, rendering of fat or reduction of animal matter.
 - 8.3.4. Junk yard, motor vehicle junk yard, refuse disposal areas, other than the official Town refuse disposal facility. (1/1/90)
 - 8.3.5. Industrial waste disposal or processing areas, including the disposal or processing of hazardous waste or material. (8/17/92)
 - 8.3.6. Any activity which produces unreasonable noise, odors, vibrations, fumes, electrical interference, or other noxious effects considered objectionable to the residents of the area.
- 8.4. **Uses Near Water.** No building, except a boathouse and/or individual family sauna, shall be located within twenty-five (25') feet of any waterbody, watercourse or wetland, or, if subject to flooding, within twenty-five (25') feet of its highest flood line.
- 8.5. **Special Flood Hazard Area Requirement.** Any development activities within Special Flood Hazard Areas as shown on the Flood Insurance Rate Maps must be conducted in accordance with the Voluntown Flood Damage Prevention Ordinance. (7/1/98)

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- 8.6. **Animals.** Not more than two (2) in the aggregate of horses, cattle, sheep, and goats shall be kept on any contiguous land containing less than 80,000 square feet. (7/1/98)

8.6.1. No pigs are to be kept on any lot containing less than 80,000 square feet. The keeping of pigs on lots containing at least 80,000 square feet is permitted; provided that all pigs shall be kept in buildings or enclosures and such buildings and enclosures shall be located no closer than 300 feet from any residence.

8.7. **Yard Sales.** Garage or yard sales are permitted in any zone, provided no such sale shall occur on the same lot more than three (3) times in a calendar year and each occurrence shall be limited to no more than three (3) consecutive days. Activities which exceed the number of events stipulated by this section should apply for a "Home Business Permit". (7/1/98)

8.8. **Wind Energy Conversion Systems (WECS).** A WECS is any mechanism designed for the purpose of converting wind into mechanical electrical power intended for use on the premises. WECS will be approved by the Commission only if, after review of a site plan for the proposed WECS, the Commission is satisfied that it will not pose a threat to the health, safety, and general welfare of people living and working in the vicinity. The following minimum requirements shall be met by all proposed WECS:

8.8.1. No WECS shall be permitted on a lot containing less than 40,000 square feet.

8.8.2. The maximum height if any support tower for a WECS shall be eighty (80') feet. Any protruding rotor blades shall not extend closer than fifteen (15') feet to the ground surface.

8.8.3. No part of a WECS structure shall be located closer than twenty-five (25') feet to a property line.

8.8.4. The support tower for a WECS shall be set back from all property lines a distance equal to the sum of the tower height plus the rotor blade length.

8.8.5. The supporting structure for a WECS shall not be attached to any structure containing a dwelling unit.

8.8.6. Each WECS shall be equipped with a braking device that will prevent the rotor blades from turning faster than a rate produced by a forty mile per hour wind.

8.8.7. A WECS shall not cause interference with radio or television reception. If such interference is detected, the property owner shall be required to take whatever measures are necessary to end the interference, including relocation or removal of the WECS.

8.8.8. No WECS shall be approved until the application shows evidence that the plans have been reviewed and found to be satisfactory by the public utility responsible for providing conventional electric power to the property. Wiring shall be installed by a certified electrician.

8.8.9. The maximum permitted noise level of a WECS shall be 45 decibels, as measured on the DBA scale, and as detected at any point on the property line.

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- 8.8.10. Climbing access to the WECS support tower shall not begin lower than twelve (12') feet above the ground.
- 8.8.11. The support tower for a WECS shall be used solely for supporting the WECS and shall be removed when the tower ceases to be used for such purposes.
- 8.9. **Water Company Expansions.** No use shall be approved by the Commission that involves the construction or expansion of a water company serving not less than fifteen (15) service connections or twenty-five (25) persons nor more than 250 service connections or 1,000 persons unless such water company has been issued a Certificate of Public Convenience and Necessity by the Connecticut Departments of Public Utility Control and Health Services, as required by Connecticut Public Act 84-330. (2/23/85)
- 8.10. **Rear Lots.** The Commission may permit a lot not having the required frontage on a street (a rear lot) to be used for a residence provided the following conditions are met: (7/10/85)(03/31/17)
- 8.10.1. The minimum lot size of a rear lot shall be at least: 160,000 square feet. Each lot shall contain a minimum of 30,000 square feet of buildable area in a size and configuration suitable for the construction of the principal building/use, accessory uses and on-site water and sewer facilities. (07/9/10)(03/31/17)
- 8.10.2. A rear lot shall be accessible to a street by way of a driveway located in a strip of land owned as part of the rear lot and at least twenty-five (25') feet in width throughout. A letter, statement, or other form of sign-off from the public utility concurring that the proposed driveway width is adequate to allow service to the proposed lot shall be submitted to the Commission. The area of the driveway shall not be counted toward meeting the area required for a rear lot. (9/15/06)
- 8.10.3. Where the driveway for any rear lot meets the street, it shall be determined by the Commission not to endanger public safety by reason of poor site distance or some other condition.
- 8.10.4. No part of any access strip for a driveway to a rear lot shall be located closer than 150 feet in the Rural District and 150 feet in the Village District to another such access strip to a rear lot on the same side of a street.
- 8.10.5. No driveway providing access to a rear lot shall serve more than one (1) residence except as provided by Section 5.1.2 of the Subdivision Regulations. (7/9/10).
- 8.11. **Mobile Homes and Trailers.** A mobile home or trailer may be used temporarily in connection with a bona fide construction job for which a valid zoning permit has been obtained. A temporary construction mobile home or trailer permit shall be issued for an initial period of six (6) months and may be renewable, at the discretion of the Commission and for good cause shown, for additional six-month periods up to the date of the issuance of a certificate of occupancy. The mobile home or trailer shall be removed within ten (10) days after the issuance of the certificate of occupancy. A manufactured home, designed as a single-family dwelling and, having its narrowest dimension of twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards shall comply with the same

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requirements imposed on single-family dwellings. (Connecticut General Statutes Section 8-2) (1/1/90)(7/1/98)

8.12. The Commission believes that the unregulated use, storage and/or transportation of radioactive materials within the town constitutes a threat to the health and welfare of the residents of Voluntown. Therefore the Town of Voluntown shall be and is hereby established as a NUCLEAR FREE ZONE wherein no nuclear weapons or products associated with nuclear weapons may be positioned or manufactured within Voluntown. (8/17/92)

8.12.1. Nuclear energy, experimental or commercial, shall not be produced within the town except for the medical applications of nuclear material and that transmitted to the town as electrical energy.

8.12.2. No radioactive wastes of any kind shall be stored in the Town of Voluntown except that radioactive wastes generated for medical purposes within the Town of Voluntown may be stored at the generating facility for a period not to exceed one year.

8.12.3. Nothing in this section shall be construed to regulate consumer use of radioactive smoke detectors, ash resulting from the use of a wood stove, and light-emitting watches and clocks.

8.13. **ACCESSORY BUILDINGS.** Accessory buildings shall be located only in rear yards, or in side yards when in the rear half of a lot. When located in a side yard, an accessory building shall be situated no closer to a side line than the minimum width required for the side yard of a principal building. When located on a corner lot, an accessory building shall be no closer to a street line than the least depth of any front yard requirement along such street. No accessory building located in a rear yard shall be closer to a lot line than ten (10) feet. When a lot fronts on two parallel streets, any accessory structure shall be located on that one-third of the lot furthest from both streets. (3/15/01)

In residential districts, a garage or carport used primarily for the storage of passenger motor vehicles may be located in a front yard, provided that such structure is located no closer to the street than the required front setback.

8.14. **PARKING & LOADING.** (9/15/06)

8.14.1. Purpose. The purpose of this section is to lessen congestion in the streets by requiring that adequate off-street parking and loading spaces be provided for all uses. Additionally, off-street parking and loading spaces shall be properly designed and located to accommodate the safe flow of traffic on public and private property.

8.14.2. Location and Ownership. Required accessory parking spaces shall be provided on the same lot as the use to which they are accessory. As of the date of adoption of this section all parking spaces shall conform to the requirements of these regulations.

- a. Within the Village District the Commission may approve parking located within 200 feet walking distance of the lot on which the principal use is

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located. Such parking spaces shall be either (1) in the same ownership as the use to which they are accessory or (2) be subject to a perpetual easement, dedicating such spaces as appurtenant to the property on which the principal use is located, which easement shall contain affirmative covenants requiring the owner of the principal use to maintain the required number of parking spaces available either (a) throughout the existence of such use to which they are accessory or (b) until such spaces are provided elsewhere, and which easement and covenant shall be subject to the approval of the Commission. Such easement and covenant may be approved for joint parking facilities.

8.14.3. Size of Spaces. Minimum parking spaces dimensions shall be ten (10) feet wide by twenty (20) feet long, except for handicapped spaces, which shall conform to State requirements. Minimum aisle width shall be ten (10) feet wide. Parking spaces shall be arranged in a manner that allows adequate additional room for motor vehicles to stand, turn, and maneuver, and areas for snow storage and snow removal activities.

8.14.4. Access to Parking Areas. Such access shall be thirty (30) feet wide for two-way traffic and fifteen (15) feet wide for one-way traffic.

8.14.5. Multiple Use of Lot. When a lot serves more than one use, such lot must provide for the parking requirements of each contributing use. Where it can be conclusively demonstrated that such uses will not occur simultaneously, the Commission may reduce the total parking spaces required. Within the Village District a lot may accommodate the parking needs of more than one establishment whether or not such establishments are located on the same lot.

8.14.6. Change of Use. Any change of use or the addition of a use(s) to an existing use shall require that the aggregate required off-street parking be provided, and uses that are non-conforming as to required off-street parking shall also be brought into compliance at such time.

8.14.7. Parking Ratios. The following off-street parking ratios shall apply to all uses and/or combinations of uses:

- a. Residential dwelling: 2 spaces per dwelling unit.
- b. Places of public assembly: (Includes theater, church, restaurant, and similar)
1 space per 3 seats or one space per 60 square feet of floor area available to patrons where capacity is not determined by the number of fixed seats.
- c. Retail stores: 1 space per 250 square feet of gross floor area (GFA).
- d. Office or Professional building: 1 space per 300 square feet of gross floor area (GFA).
- e. Medical office/clinic/outpatient care: 1 space per employee (including doctors) on the maximum shift plus 3.5 spaces per treatment room.
- f. Manufacturing/Industrial Facility: 1 space per 500 square feet of GFA.

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- g. Hotel/Motel: 1 space per guest room plus space per employee on maximum shift plus adequate drop-off and pick-up area.
- h. Nursery School/Day Care: 1.5 space per employee on maximum shift plus adequate drop-off and pick-up area.
- i. Elderly Housing: 1 space per dwelling unit plus 1 space per employee on maximum shift.
- j. Nursing Home: .5 space per bed plus 1 space per employee on the maximum shift.
- k. Lumber Yard/Building Material Sales/Construction Supply/Warehouse: 1 space per employee on the maximum shift plus 1 space per 250 square feet of GFA accessible to the general public.
- l. Other Uses shall provide parking as outlined by the type of uses listed above.

8.14.8. Off-Street Loading Requirements.

- a. All loading facilities, which are spaces or berths used for the loading or unloading of materials or products, shall be located at the rear or side of a proposed or existing building and shall be screened so as not to be visible from adjacent property of public streets.

8.15. FAMILY APARTMENT. (9/15/06)

8.15.1. Family Apartment. A family apartment is allowed in a Residential District after the issuance of a zoning permit by the Zoning Enforcement Officer, subject to the following conditions:

- a. A family apartment is defined as a separate set of rooms, including a kitchen, used for living by family members (related by blood, marriage, or adoption), and is not be rented or used for income purposes. Use by other than family members would constitute a two-family dwelling which is governed by other standards within these regulations.
- b. The family apartment shall be attached to a single-family dwelling by a common wall.
- c. The family apartment shall not exceed six-hundred (600) square feet of floor area.
- d. Only one family apartment shall be permitted per residential lot.
- e. At least one (1) additional off-street parking space shall be required for a family apartment.
- f. The owner of the residence shall occupy one (1) unit.
- g. The Town Sanitarian shall be satisfied that the septic system and water supply can accommodate the additional use. The applicant shall submit a written approval from the Town Sanitarian to the ZEO.

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- h. After approval by the ZEO, but before the use commences, the applicant shall file on the land records an affidavit attesting that the family apartment will be used and represented only as provided by this section of the zoning regulations.

SECTION 9. SPECIAL EXCEPTIONS.

- 9.1. **General.** Uses listed in Sections 5.2, 6.2, and 7.3, of these Regulations shall meet the special requirements of this section in addition to all other requirements of these Regulations. Such uses are considered special because they may prove to be incompatible with surrounding land uses unless established with special care and conditions.
- 9.2. **Application, Site Plan and Fee.** Applications for special exceptions may be obtained from the Zoning Enforcement Officer or the Town Clerk. All applications for special exceptions shall be accompanied by a site plan, as prescribed in Section 10 of these Regulations, and by a fee as per Section 3.3 to cover the costs related to the required public hearing. (1/1/90)(7/1/98)
- 9.3. **Required Hearings.** The Commission shall conduct a public hearing on any application for a special exception. Such hearing shall commence within sixty-five (65) days after receipt of such application and shall be completed within thirty-five (35) days after such hearing commences. The Commission shall render a decision on the application and related site plan within sixty-five (65) days after completion of such hearing. The applicant may consent to an extension of any period specified in this paragraph, provided all such extensions shall not be longer than sixty-five (65), or may withdraw such application. (9/15/06)
- 9.4. **Recording.** No special exception shall become effective until a copy thereof, certified by the Chairman or Secretary of the Commission, containing a description of the premises to which it relates and specifying the nature of the special exception, including the zoning provision to which a special exception is granted, and stating the name of the owner of record, is recorded in the Town's land records. The Town Clerk shall index the same under the grantor's index under the name of the then record owner and the record owner shall pay for such recording.
- 9.5. **Conditions of Approval.** The Commission shall approve the issuance of a permit for a special exception when it is assured that the proposed use will not result in conditions contrary to the stated purposes of these Regulations as presented in Section 1.3, above. In addition, the following special conditions shall be met to the satisfaction of the Commission.
- 9.5.1. Each multiple-family dwelling shall be separated from other dwellings by a distance of at least 150 feet and a minimum separation distance of 150 feet shall be maintained between any two (2) sewage disposal systems. Where public sewers are not available, a separate subsurface sewage disposal system shall be maintained for each multiple-family structure, and no sewage disposal system shall be located closer than 100 feet from any well. Any driveway serving one or more multiple-family dwellings and which exceeds 200 feet in length, shall be built in accordance with the provisions of Section 6 of the Subdivision

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Regulations which stipulates the standards for all new streets within the Town of Voluntown. (7/1/98)

- 9.5.2. No structure, parking or storage area, driveway, or advertising sign associated with any type of automotive sales or automotive service or repair establishments or drive-in eating establishment shall be located closer than fifty (50') feet from the property line of any existing residential use. Automotive sale or automotive service and repair establishments, drive-in eating establishments and any eating establishment which serves alcohol shall not be located closer than 500 feet from any property containing a similar establishment, church, or public library. (2/23/85)(7/1/98)(2/1/09)
- 9.5.3. Drive-in eating establishments shall have a minimum of ten (10) off-street parking spaces.
- 9.5.4. Articles for sale at antique shops and camping, recreation and sporting supply stores shall not be displayed outside of buildings unless screened from the public view or from neighboring residential buildings.
- 9.5.5. Hotels, motels, resorts, antique shops, bed and breakfast inns, private schools and camping, recreation and sporting supply stores shall be provided with driveways that provide safe access and egress from public roads. Such establishments shall have paved or gravel off-street parking areas sufficient in size to ensure that no vehicles patronizing the establishments need park on a public road. (7/1/98)
- 9.5.6. Permits for religious or entertainment gatherings shall be for a period not to exceed thirty (30) days, although an extension of not more than thirty (30) days may be granted by the Commission. Adequate provisions shall be made by the applicant for safe access, traffic control, off-street parking, water supply, sewage disposal and emergency medical treatment for those attending the activity.
- 9.5.7. Excavations, as defined in Section 2.16 of these Regulations, shall meet the following requirements: (1/1/90)
 - a. Such operations shall not be conducted between 7:00 p.m. and 7:00 a.m., except for municipal purposes. (7/1/98)
 - b. The site plan for such use shall show how the land is to be graded after completion of the removal operation.
 - c. No excavation, fill, or grading shall result in excessive flying dust, noise, hazard to children or pedestrians, or danger to adjacent properties or passing vehicles.
 - d. Property drainage shall be provided to prevent the collection and stagnation of water and the protection of water courses, streams ponds and wetlands from pollution, siltation and erosion.
 - e. No sharp declivities, pits, depressions or soil erosion problems shall be created, and no slopes or banks will exceed one foot of vertical rise to two feet of horizontal run.

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- f. Topsoil removed shall be stockpiled on the premises and shall be spread uniformly over the excavated or filled area and over exposed rock surfaces resulting from the excavation or filling to a depth of four inches in accordance with the approved contour plan. Additional topsoil beyond that required for the site can be removed from the site. When the excavation, re-grading, removal or filling operations have been completed, the excavated, re-graded or filled area and other vegetated areas destroyed by the excavation, re-grading or filling process shall be covered to a minimum depth of four inches with topsoil and seeded with a perennial rye grass or similar cover crop, planted with trees or shrubs.
- g. During the time of the operation, barricades, earthen berms, or fences for the protection of the public and adjoining properties shall be erected if deemed necessary by the Commission.
- h. Truck access to the excavation shall be so arranged as to minimize danger to traffic, nuisance to surrounding properties, and such access on the premises shall be provided with dustless surface for a distance of 300 feet from a public street or highway.
- i. The completed excavation, re-grading or fill area shall not impair the future use of the property in accordance with the Zoning Regulations and the slopes and banks will not impair good development and safe use of the property after the excavation or filling.
- j. The premises shall be excavated, re-graded or filled in conformity with the plans as approved or as modified.
- k. All fills shall be compacted to provide stability of materials and to prevent undesirable settlement. The fill shall be spread in a series of layers, each not exceeding 12 inches in thickness, and shall be compacted after each layer is spread. The Town Engineer may require tests or other information, if, in his opinion, the conditions or materials are such that additional information is necessary.
- l. No builder, excavator, grader or owner of any property shall cause unsightly piles of rock or subsoil, or denuded land caused by, or in connection with, any activity regulated herein, to remain for a period of more than one year after completion of said construction or activity. However, when the construction or activity cannot be reasonably completed within such period, said one year period may be extended if approved by the Commission for such additional time.
- m. Any excavation which involves the creation of a pond or permanent water containment area shall be permitted. Upon completion of excavation of said pond, the side slopes shall be graded at a slope not to exceed one foot of vertical drop to three feet horizontal distance to a minimum horizontal distance of 30 feet measured from the edges of the containment area at the discharge elevation.
- n. The Commission shall require the applicant to submit periodic reports on progress of the excavation, re-grading, removal, or filling including

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contours and cross sections prepared and certified by an engineer or a land surveyor licensed to practice in the State of Connecticut. If at any time, the Commission finds that the excavation, re-grading, removal or filling is not being conducted or cannot be conducted in accordance with the plans as approved or as modified, the Commission shall order the applicant to cease operation and revoke the permit.

- o. The applicant shall file with the Commission a performance bond in the form of an irrevocable letter of credit acceptable to the Commission, or its designated agents, in an amount of \$2,500 per acre of disturbed area. No excavation, re-grading, removal or filling operation shall begin until such bond is received by the Commission. Furthermore, said bond shall not be released until said cover crop or planted material as required has been established and all debris removed. (7/1/98)

9.5.8. Recreational camping grounds shall be buffered by a planting strip not less than 100 feet deep along all property lines, suitably planted with evergreen trees and shrubbery to effect a dense growth. The layout and operation of a recreational camping ground shall conform to the provisions of Section 19-13-B97 of the Connecticut Public Health Code and to Section 425 of the Building Code. A grocery and supply store for the convenience of campers on the premises may be operated as a part of the recreational camping ground.

9.5.9. The Commission may require that any special exception be screened from adjacent properties by a planting strip at least twenty (20') feet in width and suitably planted with evergreen trees and shrubbery to effect a dense growth.

9.5.10. Elderly housing densities must not exceed four (4) dwelling units per acre and not more than six (6) dwelling units shall be permitted in a single building. Buildings may be grouped, but subsurface sewage disposal systems shall be dispersed as widely as possible and practical. In order to ensure use as elderly housing, no such project will be approved unless it is constructed with mortgage financing or other financial assistance insured or procured through or with the assistance of a Town, State or Federal governmental agency, and is constructed and maintained on a non-profit basis by a governmental or charitable organization incorporated under the provisions of the Connecticut General Statutes. Evidence of such incorporation shall be submitted to the Commission prior to approval of the application.

9.5.11. Amusement game arcades shall be permitted only if they meet the following conditions:

- a. Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum of width of two (2') feet shall be provided per machine where the machine is designed for use by one (1) player, and three and one-half (3-1/2') feet where the machine is designed for use by two (2) players. The depth of the space in front of the machine shall be at least five (5') feet, and there shall be a minimum aisle width beyond this five (5') feet of an additional three (3') feet.

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- b. An arcade shall not be located closer than 500 feet from the property of a church, school, or public building.
- c. The Commission may require a buffer strip in excess of that prescribed by subsection 9.5.9 of these Regulations where it finds that the arcade may have a detrimental impact on an adjacent property used for residential purposes.
- d. The Commission may permit an arcade as an accessory use to an existing use, such as a bar, campground, or other commercial or private recreation development, provided that safeguards are taken to assure that the use will be compatible with the neighborhood.
- e. Off-street parking shall be adequate to assure that no patron or employee vehicles park on the street.
- f. Except where permitted under the terms of subsection (c) above, no drinking of alcoholic beverages shall be permitted on the premises.
- g. Readily visible signs shall be installed, with their location, size, and text shown in the plans submitted to the Commission, indicating that the use of machines by persons under sixteen (16) years of age shall not be permitted during normal school hours.
- h. The complex shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses. The room shall be arranged so that there is a management attendant within the room, or such that management attendants outside the room can easily see and supervise the interior of the room.

9.5.12. Specialized agricultural buildings shall meet the following conditions:

- a. Roads and intersections providing access to the buildings will be adequate to provide safe and un-congested movement of traffic.
- b. All plans for the storage and disposal of wastes shall be consistent with regulations of the Connecticut Departments of Health and Environmental Protection.
- c. No specialized agricultural building shall be located closer than 100 feet from any property line.
- d. No waste storage or treatment area shall be located closer than 225 feet from a street center line or 300 feet from any other property line, except that the distance may be reduced to 100 feet when the adjoining property is a state open space or land physically unsuitable for building purposes, as determined by the Commission.

9.5.13. Uses in Major Development Districts shall meet the following conditions:

- a. All activities, except those involving storage, parking, loading, docking and recreational facilities, shall be enclosed within buildings.

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- b. No operations will be permitted that produce unreasonable noise, vibrations, odors, or electrical interference, detectable at the district boundary.
- c. No operation will be permitted that results in untreated industry wastes flowing beyond the district boundary.
- d. Access locations and traffic controls shall be provided in a manner that results in no new traffic hazards.
- e. A planting strip at least fifty (50') feet wide and suitably planted with trees and/or dense shrubbery, as prescribed by the Commission, shall be maintained along all boundaries, other than public roads, of such district.
- f. Parking areas, loading and docking areas, and access roads shall be located and arranged in a manner that presents as attractive an appearance as possible from adjacent public roads.

9.5.14. Telecommunication Towers. (7/1/98)

- A. The order of preference for facility locations shall range from .1 as the most preferred to .4 the least preferred.
 - .1. On existing structures such as nonresidential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, chimneys, grain elevators, and silos.
 - .2. On existing or approved towers.
 - .3. On new towers located on property occupied by one or more existing towers.
 - .4. On new towers.
- B. Wireless telecommunication facilities are defined by Section 2 of these regulations. Antenna may be mounted on the rooftop or facade of a nonresidential building or existing towers, water tanks, utility poles, steeples, chimneys, and silos, provided the following standards are met:
 - .1. Facilities shall be of a material or color which matches the exterior of the building, and shall blend into the existing architecture to the extent possible.
 - .2. Facade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or facade.
 - .3. Roof mounted antennas shall not exceed the highest point of the rooftop by more than 10 feet.
 - .4. Roof mounted antennas shall be set back from the roof edge a minimum of ten feet or ten percent of the roof width, whichever is greater.

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- .5. 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 to the extent possible.
- C. General Standards for wireless telecommunication facilities below are in addition to other applicable requirements in these regulations.
- .1. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed telecommunication systems engineer, shall accompany an application.
 - .2. A tower must comply with the setback requirements of the zone in which it is located, or be set back from all property lines a distance equal to the height of the tower, whichever is greater.
 - .3. Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.
 - .4. No lights or illumination shall be permitted unless required by the FAA.
 - .5. No signs or advertising shall be permitted on any tower or antenna, except "no trespassing", "warning", and "ownership signs" are permitted at ground level.
 - .6. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
- D. Site Plan Requirements. All applications to develop a wireless telecommunications facility as a special permit shall meet the site plan requirements listed in Section 10 of these regulations. In addition, the following information shall be submitted for each application where applicable. The Commission may require independent engineering/technical review of submitted materials at the applicant's expense.
- .1. A map indicating the service area of the proposed wireless telecommunications site. A map indicating the extent of the provider's existing and planned coverage within the Town of Voluntown, and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within one quarter mile of the proposed site.
 - .2. A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.
 - .3. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

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- .4. Details of all proposed antenna and mounting equipment including size and color.
 - .5. Elevations of all proposed shielding and details of material including color.
 - .6. An elevation of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing including color.
 - .7. Tower base elevation and height of tower.
 - .8. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.
 - .9. A report from a licensed telecommunication systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.
 - .10. All proposed landscaping, if appropriate, with a list of plant materials.
 - .11. Proposed access to the site.
- E. Review Standards. In addition to other review standards found in these regulations, the Commission, in reviewing applications for wireless telecommunication facilities, shall consider:
- .1. Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 9.5.14.1 thru 9.5.14.4 of these regulations.
 - .2. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers.
 - .3. Assessment of tower structure type.
 - .4. Assessment of design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.
 - .5. If located on a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.
 - .6. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

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- F. Abandonment. 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 may require a bond or other surety satisfactory to the Town of Voluntown, to guarantee removal, which shall be reviewed and renewed every two years. If there are two or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.
- 9.5.15. Mixed Use Developments shall be designed to be compatible with the surrounding neighborhood and adhere to the following Design Standards as well as any other applicable regulations: (09/30/17)
- a. Maintain privacy between commercial and single-family residential uses. (09/30/17)
 - b. Minimized any adverse impacts on adjacent properties. (09/30/17)
 - c. Uses may be located in separate freestanding buildings or may be combined in multi-use buildings of single-story or multi-story design. (09/30/17)
 - d. Minimize conflicts between pedestrians and vehicles. (09/30/17)
 - e. Screen parking areas from view of existing residential properties by using landscaping, berms, fencing or elements of the building. (09/30/17)

SECTION 10. SITE PLAN REQUIREMENTS.

- 10.1. **Applicability.** An application for a zoning permit for any use or change in use other than a single-family dwelling, two-family dwelling, or a permitted accessory building shall be accompanied by a site plan as prescribed in this Section. (1/1/90)(7/1/98)
- 10.2. **Purpose.** The filing of the site plan is intended to provide the Commission with information that will enable it to determine that the proposed activity shall be arranged in a manner that is consistent with these Regulations and that enhances the health, safety and welfare of the citizens of Voluntown and that it shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood, to preserve and protect historic features, natural resources, and the appearance and beauty of the community, to avoid undue traffic congestion, and to ensure against the erosion of soil and the sedimentation of streams and waterbodies. The Commission may conduct a pre-application review of the proposed project as stipulated by the Connecticut General Statutes Section 7-159b. (9/15/06)(3/15/01)
- 10.3. **Contents.** The site plan shall cover the entire property where the use is proposed, drawn at a scale of one inch equals no more than fifty feet, and shall clearly show the property boundaries, existing and proposed structures, the location of driveways, parking areas, wetlands and watercourses, walkways, landscaping, buffer strips, fences, water supply and sewage disposal facilities, paved areas, drainage features, signs and lighting. The plan shall address vehicular and pedestrian circulation. Contour lines or other indications of elevation shall clearly show the direction of slope and flow of

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surface waters. Where re-grading is proposed, the existing and proposed grades will be shown. (7/1/98)

Where a proposed development contains a lot or lots fronting on an existing street that does not meet the dimensional and improvement requirements of these Regulations, the applicant shall be required to deed sufficient land to the Town of Voluntown to permit widening of the street and shall be required to make such improvements within the right-of-way of the street, as deemed appropriate by the Commission to maintain public safety. The applicant shall submit a "Certificate of Title" acceptable to the Commission and Town Attorney prior to the conveyance of any land to the Town. (9/15/06)

The Commission may require the site plan to be prepared, signed, and sealed by a Connecticut registered professional engineer or architect whichever is appropriate. Determination by the Commission shall also be made to include an accurate class A-2 survey of the property and all improvements prepared by a land surveyor registered in the State of Connecticut. (7/1/98)

The Commission may require the applicant to submit an additional evaluation report to address an area or areas of concern resulting from a proposed development. Such areas may include traffic, drainage, or other impact related evaluations in order to insure that the purpose of these regulations, as stipulated by Section 1.3, is implemented. Such reports shall be conducted by independent professionals as determined by the Commission. Such reports shall be required at the expense of the applicant. (9/15/06)

The site plan shall include a soil erosion and sedimentation plan as prescribed in Subsection 10.4, below.

10.3.1. The Commission may, upon written request by the applicant, waive one or more of the site plan ingredient requirements if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application.

10.3A. Architectural design: (3/15/01)

10.3A.1. The materials, texture, and colors used on the exterior walls and roofs of new and renovated buildings located in the Town of Voluntown (appropriate Districts) shall be associated with traditional New England architecture. Preferred building material shall be brick, stone and wood, including narrow wood siding, clapboards or wood shingles. Metal, unfinished concrete, block, vinyl and asphalt siding are discouraged. Tar paper, sheet metal or plastic roofing materials are also discouraged.

10.3A.2. Architectural details characteristic of the particular architectural style and period proposed should be incorporated in the design for any new construction and should relate harmoniously to adjacent buildings to the extent possible. It is not intended that the architectural details of old buildings be duplicated, but they should be regarded as suggestive of the extent, nature and scale of the details that would be appropriate on new buildings or alterations.

10.3A.3. The design, proportion and placement of signs should compliment the building's composition and architectural details. The design shall consist of materials and be limited to colors which are appropriate to the design and

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materials and shall use lettering styles, sizes and composition which relate to architectural styles within the district.

10.3B. Access and Traffic. (3/15/01)

10.3B.1. In order to reduce possible traffic conflict points the Commission shall require driveways to be located so that they will provide common access to adjacent parcel(s) of land (e.g. on property line) for traffic safety. The commission shall also require common interior drives to serve more than one parcel, where appropriate for traffic safety. Such requirements may stipulate reserved rights-of-way in lieu of actual construction depending on present use of adjacent parcels. Where common driveways are required and constructed, a written agreement for the common use and maintenance of a shared access must be recorded in the Town Land Records.

10.3B.2. An access drive which only serves an individual parcel may be permitted by the Commission if the Commission is satisfied that the characteristics of the parcel and the proposed drive placement will accomplish the intent of these regulations to minimize traffic circulation congestion. Such characteristics should include at a minimum twice the minimum lot frontage between the proposed drive and the side lot lines of the parcel in application where they intersect with its lot frontage. All other appropriate traffic safety measures such as sight line clearance must also be satisfied.

10.3B.3. The applicant must demonstrate that the site design makes proper provision for pedestrian access and safety. All site plans shall provide for pedestrian walkways and circulation in parking areas and around buildings, and with surrounding properties as appropriate.

10.4. **Erosion and Sediment (E&S) Control Plan.** Whenever plans for the proposed development show that it will result in the disturbance of more than one-half acre of land, the applicant will submit with the site plan an erosion and sediment control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S plan shall be based on "Connecticut Guidelines for Soil Erosion and Sediment Control," available from the natural Resources Center of the Connecticut Department of Environmental Protection. (7/10/85)

10.4.1. The E&S Control Plan shall include the following:

- a. Locations of areas to be stripped of vegetation.
- b. Locations of areas to be re-graded and contour data indicating existing and proposed grades.
- c. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like.
- d. Seeding, sodding, or re-vegetation plans and specifications for all unprotected or un-vegetated areas.

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- e. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.
 - f. A description of procedures to be followed to maintain sediment control measures.
 - g. The plan map shall show the words: "Erosion and Sediment Control Plan Certified by Vote of the Voluntown Planning and Zoning Commission on (date)," and a space for the signature of the Chairman or Secretary of the Commission.
- 10.4.2. After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. (A vote of the Commission to approve a site plan shall imply approval of the E&S plan as well.)
- 10.4.3. The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which site plans have been approved to verify that E&S controls are consistent with the certified plan.
- 10.5. **Bond.** For all zoning permit approvals, the Commission may require the applicant to post a bond to cover the cost of the site improvements, including the measures to be taken to control soil erosion and sedimentation. Such bond shall be in a form and amount satisfactory to the Commission. (7/1/98)
- 10.6. **Time Limits.** Whenever the approval of a site plan is the only requirement remaining to be met under these Regulations, a decision concerning the approval of such site plan shall be rendered within sixty-five (65) days after receipt of such site plan. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one further sixty-five (65) day period, or may withdraw such plan. (9/15/06)
- 10.7. **Site Plan Filing (Mylar).** The commission may require a mylar of a site plan to be filed in the office of the town clerk. Such determination shall be based on the need to document developments which propose new structure(s) and site re-grading to insure future compliance. Such plans shall, upon approval, be filed by the applicant in the office of the town clerk within ninety days of the expiration of the appeal period under Section 8-8 of the Connecticut General Statutes, or in the case of an appeal, within ninety days of the termination of such appeal. All such plans shall be delivered to the applicant for filing not less than thirty days after the time for taking an appeal from the action of the commission elapsed or termination of any appeal to the Court. No such plan shall be filed by the town clerk until its approval has been endorsed thereon by the chairman or secretary of the commission. (3/15/01)

SECTION 11. SIGNS.

- 11.1. **General.** Sign regulations applying to all districts:

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- 11.1.1. No sign or its illuminator shall, because of its size, shape, or method of illumination, be permitted to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of vehicular traffic.
- 11.1.2. No sign shall advertise a product, service or activity other than that which is produced, provided or conducted on the premises, except that no more than two (2) permanent directional signs shall be permitted off the premises, provided they conform to the other provisions of these Regulations.
- 11.1.3. No sign shall be equipped with flashing lights or movable parts.
- 11.1.4. The light source of an illuminated sign shall be shaded so as not to be viewed from off the premises.
- 11.1.5. No part of any sign shall project more than twenty-five (25') feet above the ground surface.

11.2. **Residential.** Signs permitted on residential lots:

- 11.2.1. One (1) sign, not exceeding two (2) square feet, identifying the occupant of the residence.
- 11.2.2. One (1) sign, not exceeding four (4) square feet and set back at least ten (10') feet from any property line, advertising a home business. (7/1/98)(3/15/01)
- 11.2.3. One (1) temporary sign of a contractor, builder, painter, or other artisan or a sign offering the premises for sale or lease, provided it shall not exceed four (4) square feet in size and be set back at least ten (10') feet from any property line.
- 11.2.4. One (1) sign not over sixteen (16) square feet for lawfully permitted uses in residential districts such as, farming, forestry, recreation or similar uses as determined by Commission. (3/1/12)

11.3. **Non-Residential.** Signs permitted on non-residential lots:

- 11.3.1. No sign shall be closer than five (5') feet from any travel portion of any road or from any property line.
- 11.3.2. No sign located within fifty (50') feet of a road right-of-way shall be larger than thirty-two (32) square feet.
- 11.3.3. No free-standing sign shall exceed one hundred (100) square feet in size.
- 11.3.4. A sign on a wall or canopy or attached to a building may exceed one hundred (100) square feet in size, provided the building is at least fifty (50') feet from any road right-of-way, but in no case shall any sign exceed two hundred (200) square feet in area.
- 11.3.5. Each non-residential use or activity shall have no more than one (1) permanent sign, except that two (2) signs are permitted where the total combined area of the signs does not exceed the limits described in 11.3.1, 11.3.2, 11.3.3, and 11.3.4, above.

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- 11.3.6. In any commercial or business complex or building containing two (2) or more activities, each individual use may have a sign, not exceeding twenty (20) square feet in size, attached to or projecting from the building, provided that such signs do not project more than ten (10') feet from the building. In addition, a commercial or business complex may have a directory sign no more than ten (10) feet wide, consisting of one sign no more than three (3') feet high identifying the complex and individual signs no more than one and one-half (1 1/2') feet high identifying the individual activities. (8/17/92)
- 11.4. **Permits.** A building permit must be obtained for any sign exceeding thirty-two (32) square feet in size unless the design and location of such sign is shown on a site development plan as approved by the Commission.

SECTION 12. NON-CONFORMING USES, BUILDINGS AND LOTS.

- 12.1. **Buildings and Uses.** Any use or building lawfully existing at the time of the effective date of these Regulations and which is not in conformity with the provisions of these Regulations shall be deemed a non-conforming use or building. Such use or building shall be permitted to continue provided it is not enlarged, abandoned for more than twelve (12) consecutive months, changed to another non-conforming use considered by the Commission to be more objectionable than the existing use, or destroyed beyond 50% of its fair market value.
- 12.1.1. When a building is located on a conforming lot and the building is non-conforming because it encroaches into a required yard, said building may be extended or expanded provided such extension or expansion does not further violate the yard requirement.
- 12.1.2. An accessory building may be located on a non-conforming lot without a variance provided the dimensional requirements of the district are complied with and provided the building is not larger than two hundred (200) square feet in area and ten (10') feet in height.
- 12.2. **Lots.** Any person who has, in good faith, acquired ownership of a lot which does not meet the area and lot width requirements of the district in which it is located due to the adoption of these regulations or an amendment thereto, may use said lot for the purposes permitted in that district, provided all yard requirements can be met and the Sanitarian approves the provisions made for water supply and sewage disposal and providing: (1/1/90; 9/15/06)
- a) The owner(s) of the lot do not also own adjoining property which, if merged with the nonconforming lot, would cause such lot to either become less nonconforming or comply with the provisions of these regulations; (9/15/06)
 - b) A statement is submitted by an owner of such lot(s) detailing by deed reference, date of ownership, and other information deemed appropriate by the Zoning Enforcement Officer, that such property has status under Section 12.2 of these regulations. (9/15/06)

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SECTION 13. APPEALS AND VARIANCES.

13.1. Any person contesting the enforcement of these Regulations, or any person seeking a variance from the literal enforcement of these Regulations because conditions especially affecting a particular parcel of land but not affecting generally the district in which it is situated would result in exceptional difficulty or unusual hardship, may appeal for relief to the Zoning Board of Appeals of the Town of Voluntown.

13.1.1. Such appeal or request for variance shall be made on a form prescribed by the Board and available from the Zoning Enforcement Officer and shall be accompanied by a fee as per Section 3.3 to cover the costs related to the required public hearing. (1/1/90; 7/1/98)

13.1.2. No variance shall be effective until a copy thereof, certified by the Chairman or Secretary of the Zoning Board of Appeals, containing a description of the premises to which it relates and specifying the nature of such variance, including the zoning regulation which is varied in its application, and stating the name of the owner of record, is recorded in the land records of the Town of Voluntown. The Town Clerk shall index the same in the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

SECTION 14. AMENDMENTS.

14.1. These Regulations may be amended by the Commission, after proper public notice and public hearing, in accordance with Section 8-3 of the General Statutes.

SECTION 15. SEPARABILITY.

15.1. Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 16. EFFECTIVE DATE.

16.1. These Regulations were effective on August 22, 1973. (8/17/92)

ZONING

345 Attachment 1

Town of Voluntown

PLANNING & ZONING COMMISSION
Town of Voluntown, 115 Main Street
Voluntown, Connecticut 06384

Zoning Application

Date of Submission: _____ Application Number: _____

Application Fee Paid: _____ D.E.P. Fee \$60 _____

- () Site Plan Approval () Zoning Regulation Amendment
() Special Exception () Zoning Map Amendment
() Home Business () Change of Use
() Other _____

Name, address and phone number of applicant:

Name and address of property owner: (if different than above)

Describe in detail what is being requested by this application: (attach all plans and sketches as required)

(Signature of Owner)

(Signature of Applicant)

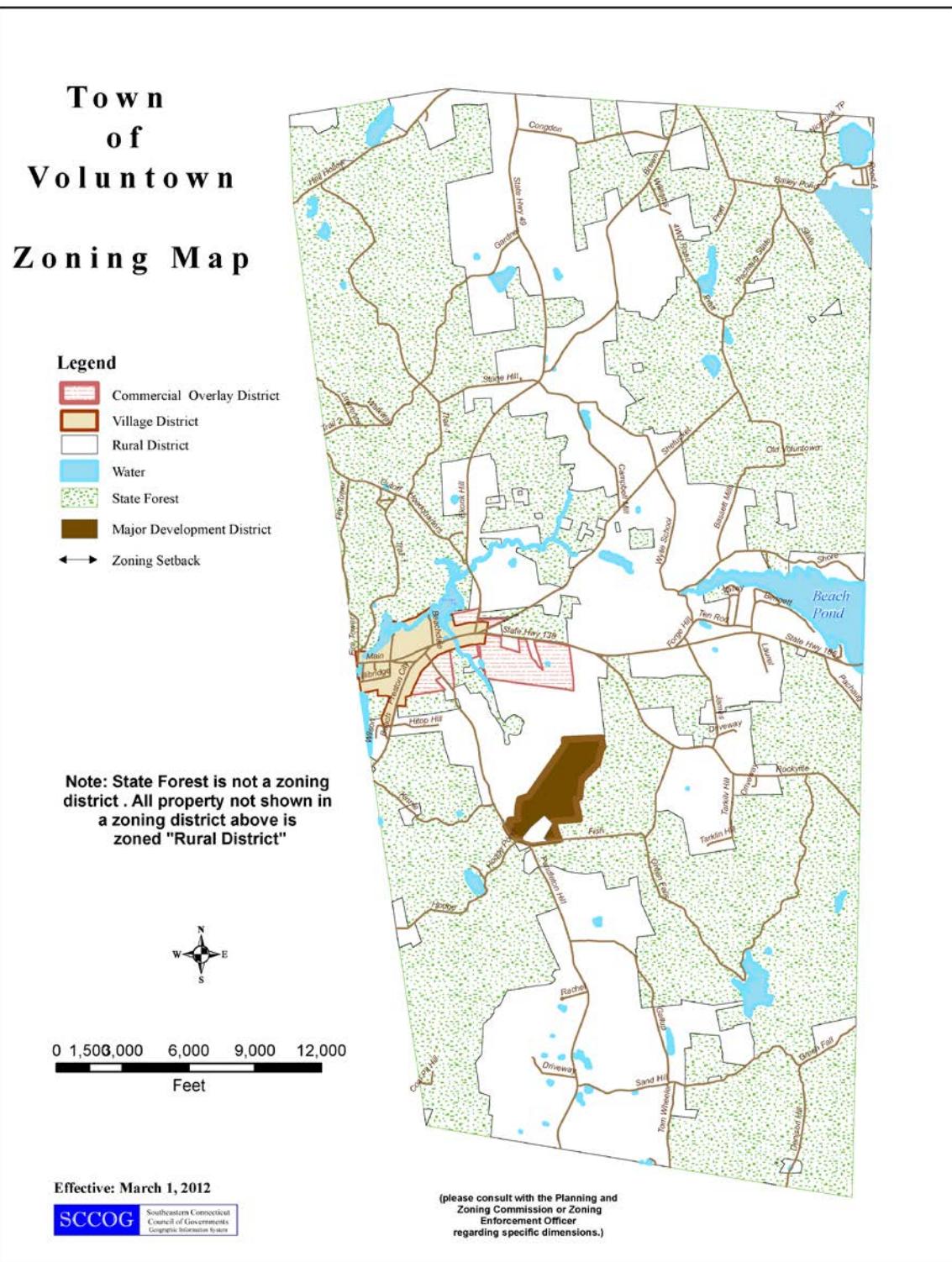
COMMISSION ACTION: () Approved; () Denied. Date: _____ Initialed: _____
OR

Z.E.O. ACTION WHEN APPLICABLE: () Approved; () Denied. Date: _____
Z.E.O. Signature: _____

ZONING

345 Attachment 2

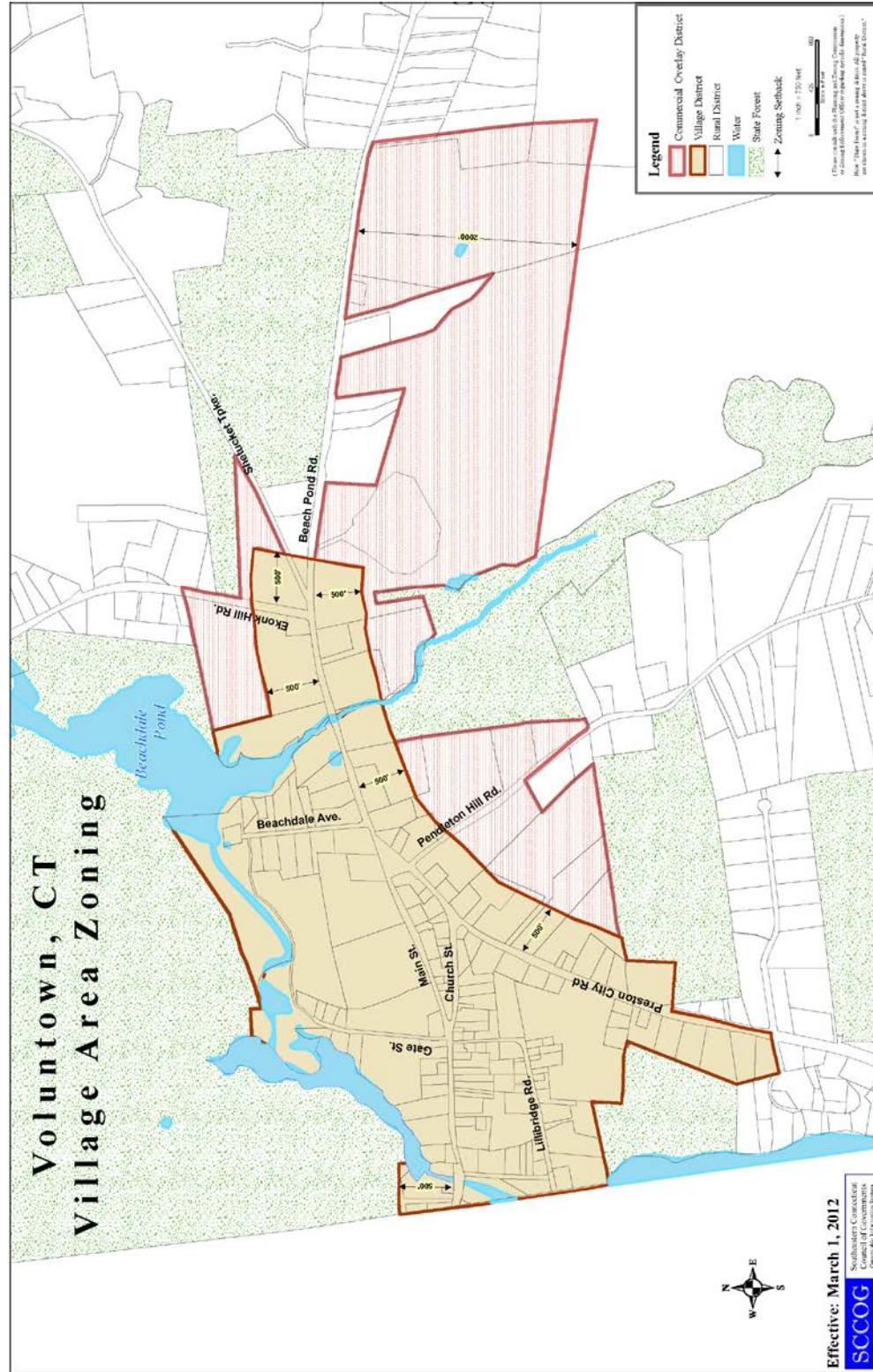
Town of Voluntown



ZONING

345 Attachment 3

Town of Voluntown



345 Attachment 3:1

Final Draft, May 2021

Chapter 410

SUBDIVISION REGULATIONS

**SECTION 1. TITLE, AUTHORITY,
PURPOSE AND
APPLICATION.**

SECTION 2. DEFINITIONS.

**SECTION 3. GENERAL
REQUIREMENTS AND
PROCEDURES.**

SECTION 4. PLAN CONTENTS.

**SECTION 5. SUBDIVISION DESIGN
REQUIREMENTS.**

**SECTION 6. SUBDIVISION
IMPROVEMENTS.**

**SECTION 7. DEDICATIONS AND
RESERVATIONS.**

SECTION 8. WAIVERS.

**SECTION 9. VIOLATIONS AND
PENALTIES.**

SECTION 10. SEPARABILITY.

SECTION 11. AMENDMENTS.

Subdivision Application

[**HISTORY:** Adopted by the Planning and Zoning Commission of the Town of Voluntown as amended through 7-1-2011. Amendments noted where applicable.]

SECTION 1. TITLE, AUTHORITY, PURPOSE AND APPLICATION.

- 1.1. **Title.** These rules and regulations of the Voluntown Planning and Zoning Commission shall be known and may be cited as the "Subdivision Regulations, Town of Voluntown, Connecticut," which herein are called "these Regulations."
- 1.2. **Authority.** Pursuant to the authority conferred by Chapter 126, Connecticut General Statutes, 1958 Revision, as amended, the Planning and Zoning Commission of the Town of Voluntown adopts the following Regulations controlling the subdivision and re-subdivision of land in the Town.
- 1.3. **Purpose.** The purposes of these Regulations are to promote and to insure the orderly development of land within the Town of Voluntown so that land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety; that proper provision shall be made for water, drainage and sewerage; that property provision shall be made for protective flood control measures in areas contiguous to brooks, rivers, or other bodies of water subject to flooding; that proposed streets are properly constructed and arranged in harmony with existing principal thoroughfares or those shown on the Plan of Development for Voluntown, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that proper provision is made for open spaces, parks, and playgrounds; that proper provision is made for open spaces, parks, and playgrounds; that proper provision is made for sedimentation control, and the control of erosion caused by wind and water; that the layout of the subdivision promotes and enhances the use of solar and other forms of energy and energy conservation; and to insure that subdivision improvements will be carried out without financial burden to the Town of Voluntown.

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- 1.4. **Application of Regulations.** The Regulations contained herein shall apply to any owner or agent of owner of any land located within the Town of Voluntown, who, subsequent to the effective date of these Regulations, subdivides a tract or parcel of land or who effects a resubdivision of a tract of land as will be hereinafter defined. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease until a plan of subdivision, prepared in accordance with the requirements of these Regulations, has been approved by the Commission.
- 1.5. **Enacting Clause.** These Regulations were originally adopted by the Voluntown Planning Commission on March 8, 1972. Subsequent revisions were effective on December 5, 1973, June 1, 1983, February 23, 1985, July 10, 1985, and September 2, 1987, and as revision dated.

SECTION 2. DEFINITIONS.

- 2.1. **Commission.** The Planning and Zoning Commission of the Town of Voluntown.
- 2.2. **Plan.** Shall mean the subdivision map, drawing or drawings, and related material prepared for approval by the Commission and filing in the Office of the Town Clerk.
- 2.3. **Re-subdivision.** A change in a map of an approved or recorded subdivision or re-subdivision, if such change (a) affects any street layout shown on such map, or (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map, or as the definition, "resubdivision" is used in Chapter 126 of the Connecticut General Statutes, or as it may hereafter be amended by statute.
- 2.4. **Street.** Shall mean an improved right-of-way accepted for public use by lawful procedure and suitable for two-way vehicular travel; or a proposed street shown on the subdivision plan under consideration or on one previously approved by the Commission.
- 2.5. **Subdivision.** The division of a tract or parcel of land in the Town of Voluntown into three (3) or more parts or lots made subsequent to March 8, 1972, for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and includes re-subdivisions.

SECTION 3. GENERAL REQUIREMENTS AND PROCEDURES.

- 3.1. **Application Submission.** Any person intending to subdivide land in the Town of Voluntown is urged to informally review his intentions with the Commission by submitting and discussion a pre-application site plan, as described in Section 4.1 and Section 7-159b of the Connecticut General Statutes. After discussing of the sketch plan, or, if no sketch plan is submitted, the applicant shall submit an application as prescribed in Section 4.3 to the Chairman of the Commission or the Town Clerk in the Voluntown Town Hall. Three (3) copies of the plan shall be submitted, along with the completed application form and the required fee. Application forms are available from the office of the Zoning Enforcement Officer or the Town Clerk. (9/15/06)

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<p>3.1.1. The day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or the Town Clerk of such application or thirty-five (35) days after such submission, whichever is sooner.</p> <p>3.1.2. The applicant is responsible for submitting a copy of the subdivision plan to the Southeastern Connecticut Water Authority when it is the intention of the applicant to develop a well water supply on the basis studies which indicates a maximum requirement in excess of fifty (50) gallons per minute, or when the tract to be subdivided contains fifty (50) acres or more and is intended to contain two (2) or more dwelling units to be served by a single water supply.</p> <p>3.2. Fees. All applications shall be submitted with check or money order made payable to the Treasurer, Town of Voluntown. The amount of the fee shall be as listed below and is in addition to the charge required by Section 22a-27j of the Connecticut General Statutes. See fee Schedule in Zoning Office. (7/1/98)(3/15/01)(9/15/06)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="padding: 5px;">Public Hearing Fee: (Any application which results in a public hearing being scheduled such as application for re-subdivision, or change of Subdivision Regulation, or subdivision which is scheduled for public hearing as per Section 3.3 of these regulations) (3/15/01)</td><td style="padding: 5px; text-align: right;">\$300 (9/15/06)</td></tr> <tr> <td colspan="2" style="padding: 5px;">PLUS</td></tr> <tr> <td style="padding: 5px;">Subdivision or Re-subdivision Plan</td><td style="padding: 5px; text-align: right;">\$75 minimum or \$25.00 per lot whichever is greater</td></tr> <tr> <td colspan="2" style="padding: 5px;">PLUS (if applicable)</td></tr> <tr> <td style="padding: 5px;">Engineering review of design of new or rebuilt roads, drainage improvements and other site improvements</td><td style="padding: 5px; text-align: right;">\$1 per linear foot with a \$500 Minimum (9/15/06)</td></tr> <tr> <td colspan="2" style="padding: 5px;">PLUS (if applicable)</td></tr> <tr> <td style="padding: 5px;">Inspection and Supervision of the construction of new or rebuilt roads, drainage and other site improvements</td><td style="padding: 5px; text-align: right;">4% of estimated costs (9/15/06)</td></tr> <tr> <td colspan="2" style="padding: 5px;">PLUS (if applicable)</td></tr> <tr> <td style="padding: 5px;">Inspection of Sedimentation and Erosion Control measures</td><td style="padding: 5px; text-align: right;">\$30 per lot plus \$30 for each acre of disturbed area excluding lot</td></tr> </tbody> </table>	Public Hearing Fee: (Any application which results in a public hearing being scheduled such as application for re-subdivision, or change of Subdivision Regulation, or subdivision which is scheduled for public hearing as per Section 3.3 of these regulations) (3/15/01)	\$300 (9/15/06)	PLUS		Subdivision or Re-subdivision Plan	\$75 minimum or \$25.00 per lot whichever is greater	PLUS (if applicable)		Engineering review of design of new or rebuilt roads, drainage improvements and other site improvements	\$1 per linear foot with a \$500 Minimum (9/15/06)	PLUS (if applicable)		Inspection and Supervision of the construction of new or rebuilt roads, drainage and other site improvements	4% of estimated costs (9/15/06)	PLUS (if applicable)		Inspection of Sedimentation and Erosion Control measures	\$30 per lot plus \$30 for each acre of disturbed area excluding lot
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Inspection of Sedimentation and Erosion Control measures	\$30 per lot plus \$30 for each acre of disturbed area excluding lot																		

"Site Improvements", for the purposes of this section, includes but is not limited to the construction of water and sewer lines, the setting aside of open space and recreation areas, planting of trees or other landscaping, the installation of retaining walls or other structures.

- 3.3. **Hearing.** The Commission may hold a public hearing regarding any subdivision proposal within sixty-five (65) days after receipt thereof, if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be approved by the

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Commission without a public hearing. Notice of a hearing shall be published in a newspaper of general circulation in the Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days prior to the date of the hearing, and by sending a copy thereof by registered or certified mail to the applicant. The hearing shall be completed within thirty-five (35) days after it commences. (9/15/06)

- 3.4. **Regional Planning Agency Referral.** Whenever a subdivision of land is planned, the area of which will abut or include land in another municipality, the Commission shall, before approving the plan, submit it to the regional planning agency (SCCOG) in which it and the other municipality (NECCOG) are located. Such notice shall be made by certified mail, return receipt requested not later than thirty (30) days before the public hearing. The Regional Planning Agency shall, within thirty (30) days, report to the Commission its findings on the intermunicipal aspects of the proposed subdivision. If such report is not submitted within thirty (30) days after the referral from the Commission, it shall be presumed that the Agency does not disapprove of the proposed subdivision. The Regional Planning Agency's report shall be purely advisory. (9/15/06)
- 3.4A. **Referral to Adjoining Municipality.** The Commission shall notify the clerk of the adjoining municipality of the pendency of any subdivision application on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail and shall be mailed within seven days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan. (1/1/90)(9/15/06)
- 3.5. **Wetlands Referrals.** If an application involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the Connecticut General Statutes, the applicant shall submit an application to the Voluntown Inland Wetlands Commission no later than the day the application is filed for the subdivision. The Commission shall not render a decision until the Wetlands Commission has submitted a report with its final decision to the Commission. In making its decision, the Commission shall give due consideration to the report of the Wetlands Commission. (1/1/90)
- 3.6. **Action by the Commission.** The Commission shall vote to approve, modify and approve, or disapprove any subdivision application or maps and plans submitted therewith within sixty-five (65) days after the public hearing thereon, or, if no public hearing is held, within sixty-five (65) days after the day or receipt thereof. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town and addressed by certified mail to the applicant by its secretary or clerk, under his or her signature within fifteen (15) days after such decision has been rendered. The failure of the Commission to act thereon shall be considered as an

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approval, and a certificate to that effect shall be issued by the Commission on demand. The applicant may consent to one (1) or more extensions of any period specified in this subsection, provided all such extensions shall not be longer than sixty-five (65) days, or may withdraw such application. The grounds for the action of the Commission shall be stated in the records of the Commission. (7/1/98)(9/15/06)

- 3.7. **Posting of Bonds.** Prior to endorsement of the plan, the Commission shall accept from the applicant a performance bond from a bonding company licensed to conduct business in Connecticut, or other surety with conditions satisfactory to the Commission securing to the Town of Voluntown the actual construction and installation of all improvements as required by these Regulations, including the construction of streets, drainage features street signs, the installation of monuments and markets, the grading and improvement of recreation facilities, clean up of the premises and measures to be taken to control soil erosion and sedimentation likely to occur from the proposed subdivision. The amount of the bond shall be estimated by the applicant who shall provide the Commission with the basis for the estimate. The Commission shall review the estimate with the First Selectman prior to approving the amount of the bond.
- 3.7.1. The bond shall be accepted by the Commission and deposited with the Town Treasurer until its release is voted by the Commission. The bond shall not be released until improvements have been completed, until as-built plans are submitted to the Commission, and, where new streets are involved, until such streets are certified as completed by the First Selectman. Before release of the performance bond, a maintenance bond shall be submitted which shall be in an amount equal to ten percent (10%) of the performance bond or \$2,500, whichever amount is greater, and which shall be retained by the Town for one (1) year. The purpose of the maintenance bond is to guarantee correction of any construction failures related to the subdivision.
- 3.8. **Endorsement of the plan.** If the Commission votes to approve a plan or modify and approve a plan, its approval with the date thereof, shall be endorsed and signed by the Chairman or Secretary of the Commission in the space provided for such purpose on each sheet of a mylar copy of the plan provided by the applicant after the posting of a bond as outlined in Section 3.7 above. In addition to the mylar copy of the plan, the applicant shall provide four (4) paper copies of the endorsed plan. (7/1/98)(3/15/01)
- 3.8.1. The Chairman or Secretary of the Commission shall, when endorsing the plan, indicate on the plan the date of endorsement and the date by which all improvements shown on the plan shall be completed, as required in Section 3.10 below. The plan shall be delivered to the applicant for filing promptly after the fifteen-day period, which period commences on the date of publication of the Commission's action to approve the plan.
- 3.9. **Filing the Plan.** The endorsed mylar copy of the plan shall be filed by the applicant in the office of the Voluntown Town Clerk and any plan not so filed within ninety (90) days of the expiration of the appeal period under section 8-8 of the Connecticut General Statutes, or in the case of an appeal, within ninety days of the termination of such appeal, and any plan not so filed or recorded within the prescribed time shall become null and void, except that the commission may extend the time for such filing for two (2) additional periods of ninety days and the plan shall remain valid until the expiration

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of such extended time. All such plans shall be delivered to the applicant for filing or recording not less than thirty days after the time for taking an appeal from the action of the commission has elapsed, and in the event of an appeal, not less than thirty days after the termination of such appeal by dismissal, withdrawal or judgement in favor of the applicant. No such plan shall be recorded or filed by the town clerk or district clerk or other officer authorized to record or file plans until its approval has been endorsed thereon by the chairman or secretary of the commission, and the filing or recording of a subdivision plan without such approval shall be void. Prior to endorsement the applicant shall obtain the appropriate street addresses from the town assessor and utilize them on the final mylar. (7/1/98)(3/15/01)

- 3.10. **Time Limit on Completion.** Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the Commission's vote to approve the plan for such subdivision, which completion date shall be noted on the plan by the Chairman or Secretary of the Commission at the time of endorsement of the approved plan.

3.10.1. Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such plan, provided the Commission shall file on the land records of the Town of Voluntown notice of such expiration and shall state such expiration on the subdivision plan on file in the office of the Town Clerk, and no additional lots shall be conveyed in the subdivision by the subdivider except with approval by the Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five (5) year period, the Commission shall call the bond or other surety on said subdivision to the extent necessary to complete the work required to serve those lots. "Work" for purposes of this section means all physical improvements required by the approval of the plan, other than the staking out of lots, and includes but is not limited to the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electrical services, planting of trees or other landscaping, and installation of retaining walls or other structures.

3.10.2. The subdivider or his successor in interest may apply for and the commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the time for all extensions under this subsection shall not exceed ten years from the date the subdivision was approved. If the commission grants an extension of an approval, the commission may condition the approval on a determination of the adequacy of the amount of the bond or other surety furnished under section 8-25 of the Connecticut General Statutes, securing to the municipality the actual completion of work. (7/1/98)

- 3.11. **Land Deeded to Town.** The applicant shall submit a "Certificate of Title" acceptable to the Commission and Town Attorney prior to the conveyance of any land to the Town. (9/15/06)

SECTION 4. PLAN CONTENTS.

- 4.1. **Pre-Application Sketch Plan.** The pre-application sketch plan is a general layout of a proposed subdivision submitted by the subdivider for informal consideration by the

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commission prior to a formal submission of an application for approval. A pre-application sketch plan shall not be a required requisite to submission of an application, but applicants are encouraged to preview potential subdivision requests with the Commission before formal submission an application to ensure that basic requirements can be met prior to incurring engineering, application and legal fees involved with submission of an application and plan. It should be clearly understood that the pre-application sketch plan enjoys no official status and that consent with regard to feasibility of the pre-application sketch plan on the part of the Commission in no way predicates approval of the required plan. A pre-application sketch plan is encourage in the interest of improved communication between the applicant and the Commission with regard to intent and general design, but is at the sole discretion of the applicant.

- 4.2. **Contents of the Pre-Application Sketch Plan.** The pre-application sketch plan may be drawn on tracing paper with pencil at a suitable scale which will show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Final Plan. The pre-application sketch plan should show:

- 4.2.1. The subdivision name, boundaries, true north point, date, scale.
- 4.2.2. The names and address of record owner and the applicant.
- 4.2.3. All major site features such as existing streams, waterbodies, stone walls, fences, large trees, rock ridges, outcroppings.
- 4.2.4. The names, approximate location of existing adjacent streets and proposed streets.
- 4.2.5. The total site area, the total number of proposed lots, the general configuration of the proposed lot boundary lines and approximate area of each proposed lot.

- 4.3. **Contents of the required plan.** The following requirements shall be met at the time of submission of an application for a subdivision.

- 4.3.1. The subdivider shall submit a completed application form and three (3) copies of the plan prepared by a registered land surveyor, engineer, or landscape architect, reproduced by black and white print or similar process, for use of the Commission on sheets no larger than 25' x 37" and at a scale approved by the Commission but not less than 100' x 1". (3/15/01)

Said plan shall contain the following:

- a. Name of owner of land or record.
- b. Name of subdivision, if any.
- c. Name and certificate of registered land surveyor or seal of civil engineer or landscape architect licensed in the State of Connecticut. If the subdivision includes construction of features such as roads, sidewalks, drainage or retaining walls, such plans shall be sealed by a licensed civil engineer.
- d. North point, scale of map, original data, and date of all revisions.
- e. Boundary lines of subdivision with accurate distance and bearings.

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	<p>f. Names of abutting property owners.</p> <p>g. Layouts of lots, showing for each lot the total area in square feet, accurate bearings, dimensions, angles, and building lines; and the locations of the monuments or markers indicating the lot boundaries.</p> <p>h. The location of existing and proposed streets and street monuments.</p> <p>i. Profiles of proposed new streets, and locations of existing and proposed easements, rights-of-way, including those for utilities, for parks, playgrounds, or other common separate uses.</p> <p>j. Accurate bearings and dimensions and the arc length, radii, and central angles of all new street curves.</p> <p>k. The location of all proposed and existing wells and sewerage disposal systems on each lot and so far as can be determined, on abutting land.</p> <p>l. Contours of the land to be subdivided in sufficient detail to show general topography, watercourses, and drains. Contours shall be shown at not more than five-foot (5') intervals. If grading of lots is to be carried out by the subdivider, the finished grade shall also be shown.</p> <p>m. The locations and sizes of all existing and proposed sewers, catch basins, manholes, bridges, and culverts, with invert elevations of all drainage structures.</p> <p>n. Location of all wetlands, watercourses, land subject to flooding, outcroppings, or, in general, features that add to the attractiveness of the property including trees in excess of two (2') feet in diameter, stone walls, and architecturally and/or historically significant buildings.</p> <p>o. A place for the approval by the Voluntown Planning and Zoning Commission Chairman or Secretary, with date, and, where improvements are proposed, a place for the Chairman or Secretary to indicate the date by which all improvements will be completed.</p> <p>p. A general locational map at a scale not smaller than 1" = 2,000' which shall show the location of the proposed subdivision in relation to surrounding streets and other features.</p> <p>q. An indication of the zoning district in which the proposed subdivision is located. (1/1/90)</p> <p>r. The conceptual layout (including proposed grading) of houses, septic systems, driveways and wells for proposed subdivision lots. (7/1/98)</p>	

4.4. **Erosion and Sediment (E&S) Control Plan.** Whenever plans for a subdivision show construction of improvements or buildings related to the subdivision that will result in the disturbance of more than one-half acre of land, the applicant will submit, as part of the subdivision plan, an E&S Control Plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S Plan shall be based on "Connecticut Guidelines for Soil Erosion

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and Sediment Control," available from the Natural Resources Center of the Connecticut Department of Environmental Protection. (7/10/85)

4.4.1. The E&S Control Plan shall include the following:

- a. A description of the project and a schedule of the major activities to be constructed on the land.
 - b. Locations of areas to be stripped of vegetation.
 - c. Locations of acres to be regraded and contour data indicating existing and proposed grades.
 - d. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like.
 - e. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.
 - f. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.
 - g. A description of procedures to be followed to maintain sediment control measures.
 - h. The plan map shall show the words: "Erosion and Sediment Control Plan Certified by vote of the Voluntown Planning and Zoning Commission on (date)," and a space for the signature of the Chairman or Secretary of the Commission.

4.4.2. After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. (A vote of the Commission to approve a subdivision plan shall imply approval of the E&S plan as well.)

4.4.3. The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which E&S plans have been certified to verify that erosion and sediment controls are consistent with the certified plan.

4.4.4. The performance bond required for improvements in connection with the proposed subdivision shall be required to be sufficient to cover the costs of accomplishing the E&S control measures.

4.5. **Water and sewerage report.** Before approval of the subdivision, a written report endorsed by the Town Health Officer, shall be submitted to the Commission concerning the adequacy of plans for proposed private sewage disposal facilities and water supply. Adequacy of plans for subsurface sewage disposal shall be based on deep test pits and percolation tests conducted in manner and number satisfactory to the Health Officer and the Commission, but in no case shall the number of deep test pits be less than one (1) for every proposed lot in the proposed subdivision. The Health Officer shall be given

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sufficient notice of the time of such tests to enable him to be present when they are made. Copies of all test pit and percolation test logs shall be submitted to the Commission before final approval of the subdivision and locations of such tests shall be shown on the plan of subdivision. Where results of such tests indicate a need for larger lots because of sewage disposal requirements, final approval will not be granted until such larger lots as required are shown on the map. All installations of private sewage disposal systems shall conform with the standards and requirements of the Connecticut State Department of Health. If a public water supply is planned, a letter from the Southeastern Connecticut Water Authority, where applicable or the State Department of Health stating that the water plan for the proposed subdivision is acceptable shall be submitted to the Commission.

- 4.6. **Water Company Expansions.** No plan shall be approved by the Commission that involves the construction or expansion of a water company serving not less than fifteen (15) service connections or twenty-five (25) persons nor more than two hundred fifty (250) service connections or one thousand (1,000) persons unless such water company has been issued a Certificate of Public Convenience and Necessity by the Connecticut Departments of Public Utility Control and Health Services, as required by Connecticut Public Act 84-330. (2/23/85)
- 4.7. **State Highway Department Report.** If the subdivision will result in new street or driveway access to a state highway, the applicant shall submit, prior to approval, a written report from the Connecticut Department of Transportation indicating that the highway access plans are satisfactory or identifying those measures required to provide satisfactory access to the state highway. (9/2/87)

SECTION 5. SUBDIVISION DESIGN REQUIREMENTS.

- 5.1. **Lots.** Proposed building lots shall be designed and arranged to make the best use of the natural terrain, avoiding unnecessary regrading and to preserve trees and woods. In order to control the possibility of danger to health or public safety, particularly with respect to water, drainage and sewerage, the shape of the proposed building lots shall be of reasonable proportion in relation to the lot area minimum required by the Zoning Regulations or to the size of any larger lot, if required.
 - 5.1.1. All lots shall front on a street. Except where prevented by topography or existing property lines, lots shall be generally rectangular in shape and side lot lines shall be generally perpendicular to the street on which the lot fronts or radial to curved street lines. (9/2/87)
 - 5.1.2. A parcel of land owned separately from adjoining parcels and not having frontage on an existing street at the time of the adoption of these Regulations may be divided into not more than three (3) lots under the following conditions: 1) all such lots are accessible to a street by way of an easement or other right-of-way which is at least twenty-five (25') feet wide for its entire length, 2) all such lots conform to the size and dimensional requirements of the Zoning Regulations, 3) the Commission finds that the location, construction, (including materials used and width), and proposed maintenance of any such right-of-way will be such that emergency vehicle access will not be hampered and 4) a letter, statement, or other form of sign-off from the public utility concurring that the proposed right-of-way

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width is adequate to allow service to the proposed lot shall be submitted to the Commission. The Commission may require a fifty-foot (50') right-of-way if it deems that the right-of-way is likely to serve more than three (3) lots in the future. (7/1/98)(9/15/06)

- 5.1.3. To the maximum extent possible, lots shall be generally rectangular in shape and excessively deep or irregularly-shaped lots shall be avoided. (7/1/98)
- 5.2. **Streets.** No subdivision of land requiring the layout and establishment of new streets shall be made unless the proposed layout of new streets is in harmony with existing or proposed streets, particularly in regard to safe intersections, and so arranged as to provide an adequate and convenient system for present and prospective traffic and maintenance needs. The following general design standards shall apply to all proposed streets in a subdivision.
 - 5.2.1. Street Widths - Streets shall be centered in the right-of-way and designed with a minimum right-of-way and road bed (including shoulders, curbs, and gutters) of 50 feet, in accordance with these regulations. (7/1/98)
 - 5.2.2. Where the proposed subdivision contains lots fronting on an existing street that does not meet the dimensional and improvement requirements of these Regulations the subdivider shall dedicate to the Town of Voluntown all land within a minimum of twenty-five (25) feet from the centerline of the traveled portion of existing roads and streets and this shall be so noted on the map presented to the Commission for approval. Additionally, the subdivider may be required to make such improvements within the right-of-way of the street as deemed appropriate by the Commission to provide for the safe movement of traffic and protect abutting properties from water runoff. (7/1/98)
- 5.3. **Reserve Strip.** No reserve strip controlling access to adjoining properties or to land dedicated or to be dedicated to public use, including open spaces, parks, playgrounds, or public ways will be permitted.
- 5.4. **Flooding Considerations.** Any development activities within Special Flood Hazard Areas as shown on the Flood Insurance Rate Maps must be conducted in accordance with the Voluntown "Flood Damage Prevention Ordinance" and these regulations. The Commission shall determine that proposed subdivisions are reasonably safe from flooding. When a subdivision is proposed in an A or AE Zone on the Town's Flood Insurance Rate Map, it shall be reviewed to assure the following: (7/1/98)(7/1/11)
 - 5.4.1. That all proposals are consistent with the need to minimize flood damage within the flood-prone areas.
 - 5.4.2. That all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - 5.4.3. That adequate drainage is provided to reduce exposure to flood hazards.
 - 5.4.4. That new and replacement water supply systems are designed to minimize or eliminate infiltration of flood waters into the systems.

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- 5.4.5. That new and replacement sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems or discharges from the systems into flood waters.
- 5.4.6. That on-site sewage disposal systems are located to avoid impairment of them or contamination from them during flooding.
- 5.4.7. When the subdivision includes any portion of a watercourse that is located within an A OR AE Zone on the Flood Insurance Rate Map for Voluntown and the subdivision would result in the alteration or relocation of that watercourse, the applicant shall submit a hydrological design by a registered professional engineer that indicates that the flood-carrying capacity of the watercourse will not be impaired by any construction or additional runoff resulting from the subdivision. (7/1/11)
- 5.4.8. In any Special Flood Hazard Area, base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots whichever occurs first.
- 5.5. **Solar Access.** The applicant shall demonstrate to the Commission that he has considered, in developing the plan, using passive solar energy techniques which (a) maximize solar heat gain; (b) minimize heat loss and preserve any opportunity for providing thermal storage within buildings during the heating season; (c) minimize heat gain and preserve any opportunity for achieving natural ventilation during the cooling season. Such techniques shall include, but not be limited to, house orientation, street and lot layout, vegetation, natural and manmade topographical features, and protection of solar access within the subdivision.
- 5.6. **Fire Wells and Ponds.** Where, in the opinion of the Commission (or the Fire Marshall), a fire well or pond is deemed necessary and is in accordance with the policies and intent of these regulations, such fire well or pond shall be installed at the expense of the developer and the cost of such shall be included in the bond. Such fire well or pond shall be constructed in accordance with good engineering practices and approved by the Board of Selectmen or its authorized agent. (7/1/98)
- 5.7. **References.** The State of Connecticut, Department of Transportation's "Standard Specifications for Road, Bridges and Incidental Construction", Form 814A (or latest edition and any subsequent amendments or issues), shall be considered part of these regulations as referenced. Engineers and contractors working on projects in the Town of Voluntown shall be expected to have a copy available for their reference. (7/1/98)
- 5.8. **Standard Drawings.** (7/1/98)
- 1) Typical street cross-section layout.
 - 2) Typical cul-de-sac layout.
- The above standard drawings are located at the end of these regulations and are intended as guidance in the interpretation of the roadway design criteria of these regulations.

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SECTION 6. SUBDIVISION IMPROVEMENTS.

6.1. **Monuments and Markers.** Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points as shown on the plan and where, in the opinion of the Commission, permanent monuments are necessary.

6.1.1. Street monuments shall be made of granite or concrete and shall be of thirty (30") inches in length dressed to four (4") inches square at the top with a three-eighth (3/8") inch drilled hole in the center, shall be set at least four (4") inches above finish grade as shown on the plan. One monument meeting these specifications shall also be placed on at least one (1) front corner of each lot.

6.1.2. No permanent monuments shall be installed until all construction which could destroy or disturb the monuments is completed.

6.1.3. Lot markers shall be permanent pipe markers at least thirty-six (36") inches long installed at least six (6") inches above finish grade at all points of direction change on each lot shown on the plan, except on one (1) front corner of each lot where a lot monument as described above shall be required.

6.2. **Streets.** All street improvements shall be designed and constructed in accordance with these regulations and the standards and requirements of the Town of Voluntown Road Ordinance. (3/15/01)

No subdivision of land, requiring the layout and establishment of new streets, shall be made, unless the proposed layout of new streets is in harmony with existing or proposed streets, particularly in regard to safe intersections, and so arranged as to provide an adequate, safe, and convenient system for present and future traffic and access needs.

6.2.1. All proposed streets shall connect with one (1) or more approved Town streets or state highways, except that any part of a subdivision containing more than (20) residential lots shall be accessible from at least two directions.

6.2.2. Streets shall be laid out to provide connections with existing streets on adjacent properties, where possible. Consideration shall be given to connecting with future streets on adjacent property where future subdivision appears probable.

6.2.3. All new streets shall have a minimum right-of-way width of fifty (50) feet which shall be deeded to the Town of Voluntown in fee simple by warranty deed free of all encumbrances and certified by an attorney. The paved wearing surface shall be thirty (30) feet as measured between the curb backs.

6.2.4. A dead-end street shall be provided with a circular turn-around area at the closed end having a radius of at least fifty (50) feet, of which forty (40) feet is paved. Such streets will be permitted only where an alternative street layout is deemed by the Commission to be impractical because of the dimensions, shape or physical conditions of the property. A dead-end street shall not exceed 1,000 feet in length unless it is of a temporary nature and is planned for extension and can reasonably be expected to connect with an existing or proposed road on adjoining land.

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6.2.5. Curvilinear street arrangements which follow the contour of the natural terrain shall be used where practicable in preference to street patterns which follow the slope, in order to improve the control of storm water runoff and to facilitate bad weather driving conditions.

6.2.6. Intersections.

1) Spacing of Intersections. Intersections of subcollector, local, and minor roads shall be spaced a minimum of 150' (one hundred and fifty feet) apart, measured from the points of intersection of the centerline. Intersections of arterial and collector streets shall be spaced as deemed necessary by the Commission. Streets intersecting on opposite sides of a street shall intersect exactly opposite one another or shall have the minimum spacing required above.

6.2.7. Where the proposed subdivision contains lots fronting on an existing street that does not meet the dimensional and improvement requirements of these Regulations, the applicant shall be required to deed sufficient land to the Town of Voluntown to permit widening of the street and shall be required to make such improvements within the right-of-way of the street, as deemed appropriate by the Commission to maintain public safety.

6.2.8. No duplication of street names is permitted except where a proposed street extends an existing street. The Commission shall approve all street names.

6.2.9. New streets shall be arranged, to the extent possible, in a manner that allows lots fronting on them to provide maximum opportunity for future buildings to use the sun for active and passive solar energy and heating systems. (Maximum exposure is usually achieved when a building axis is oriented east/west, which, in turn, normally requires predominantly east/west street directions.)

6.3. **Sidewalks.** Sidewalks shall be installed by the applicant along one (1) of the outer edges of each street right-of-way with any subdivision constructing a new street or streets, unless the Commission determines that such a requirement would be detrimental to public safety due to characteristics of the site and/or surrounding properties as per Section 8 of these regulations. (3/15/01)

- A) Sidewalks unrelated to new roads may be required by the Commission during the issuance of a zoning permit for non-residential activities such as a Commercial site plan review, where pedestrian access to schools, shopping, or employment is possible.
- B) All sidewalks shall be constructed in accordance with the requirements of the Town of Voluntown Road Ordinance.

6.4. **Inspection of Improvements.** The work of constructing any street or any storm or surface water drainage installation shall be subject in all respects to the inspection and approval of the authorized officials of the Town of Voluntown having proper jurisdiction. (3/15/01)

6.4.1. Prior to any actual construction work undertaken on the installation of any required improvement, the applicant shall notify the Board of Selectmen.

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SECTION 7. DEDICATIONS AND RESERVATIONS.

7.1. **Land for Open Space and Recreation.** The Commission shall require land for open spaces, parks or playgrounds when and in locations it may deem proper. Each area reserved for such purpose shall be suitable in area, dimensions, topography, and natural character for the purposes of a park or playground. The Commission may require that the area or areas so reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable future subdivisions. The total amount of area to be reserved for open space, parks and playgrounds shall not be less than one (1) acre per twenty (20) lots or a minimum of ten percent (10%) of the gross site, except by mutual agreement between the applicant and the Commission. Any land so reserved shall be graded to properly dispose of surface water unless specifically designed to hold impounded water and shall be left in condition for the purpose and intent as required by the Commission. The disposition of such area shall be subject to approval of the Commission and shall be as follows: (7/1/98)

7.1.1. The open spaces shall either be conveyed by warranty deed to the Town of Voluntown after all improvements have been completed, or

7.1.2. The open spaces may be conveyed by warranty deed to a homeowners association within the subdivision upon such terms and conditions as specified by the Town of Voluntown for the protection of the public welfare and assured continued use for the purpose to which it was dedicated or reserved. If open space areas are to be conveyed in such a manner, a copy of the bylaws of the homeowners association and the covenants of the warranty deed guaranteeing right to full use and maintenance by the members of the homeowners association shall be submitted as part of the application for subdivision, or

7.1.3. The open spaces may be conveyed by warranty deed to a conservation land trust suitable to the Commission.

7.2. **Easements.** Easements for utilities which cross lots shall be placed along rear or side lot lines and shall be at least twelve (12') feet wide.

7.2.1. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Commission may require that there be provided a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel or stream, and to provide for construction of any features needed to contain such drainage.

7.3. **Fee in Lieu of Land for Open Space, Parks and Playgrounds.** The commission may require the applicant to pay a fee to the Town of Voluntown or pay a fee and transfer land to the Town of Voluntown in lieu of providing open spaces, parks and playgrounds. (7/1/98)

7.3.1. Such payment or combination of payment and the fair market value transferred shall be equal to ten (10) percent of the fair market value as undeveloped land of the land to be subdivided prior to the approval of the subdivision.

7.3.2. The fair market value shall be determined jointly by the applicant and the Commission. The applicant shall submit the names of three appraisers doing

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business in New London County. The Commission shall select one of the three to conduct the appraisal of the land to be subdivided. The costs of the appraisal shall be borne by the applicant.

- 7.3.3. A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision, shall be made at the time of the sale of each approved parcel of land in the subdivision.
- 7.3.4. Said payment shall be deposited with the Treasurer of the Town of Voluntown in a fund which shall be used by the Town of Voluntown for the purposes of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.
- 7.4. **Exemptions from Open Space and Recreation Land Requirements.** The open space and recreation land requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent or more of the total housing to be constructed in such subdivision. (7/1/98)

SECTION 8. WAIVERS.

- 8.1. **Conditions for Waivers.** The Commission may waive certain requirements of these Regulations in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. No waiver shall be granted unless one or more of the following conditions exist:
 - 8.1.1. The proposed subdivision includes land in a neighboring municipality.
 - 8.1.2. Strict adherence to the requirements of these Regulations would result in the alteration or destruction of a significant or unique natural feature, such as a large tree, a watercourse, a wetland or a rock formation.
 - 8.1.3. Strict adherence to the requirements of these Regulations would result in significant alteration of the natural land contour in a manner that would aggravate natural drainage or cause erosion and sedimentation problems that would be difficult to control or correct.
 - 8.1.4. Strict adherence to the requirements of these Regulations would place a substantial limitation on the development potential of the property.
 - 8.1.5. Contour information and a water and sewer report from the Town Health Officer may be waived where the subdivision contains less than five (5) lots and each lot contains three (3) or more acres, except that one or more members of the Commission shall have visually inspected the proposed subdivision and shall attest that the land appears to be generally suitable for building purposes, and it shall be noted on the plan that percolation tests and deep test holes have not been conducted.

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- 8.2. **Vote Requirements.** A waiver may be granted only by a three-quarters vote of all the members of the Commission.
- 8.3. **Recording.** The Commission shall state upon its records the reasons for which a waiver is granted in each case.

SECTION 9. VIOLATIONS AND PENALTIES.

- 9.1. Any person, firm, or corporation making any subdivision of land without the approval of the Planning and Zoning Commission of the Town of Voluntown shall be fined not more than \$500 for each lot sold or offered for sale or so subdivided. Said penalty is pursuant to Section 8-25 of the Connecticut General Statutes, as amended.

SECTION 10. SEPARABILITY.

- 10.1. If any section, subsection, sentence, or portion of these Regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of these Regulations.

SECTION 11. AMENDMENTS.

- 11.1. These Regulations may be amended from time to time in accordance with the procedures specified in Section 8-25, Chapter 126 of the General Statutes 1958 Revision, as amended.

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410 Attachment 1

Town of Voluntown

Subdivision Application

PLANNING & ZONING COMMISSION
Town of Voluntown,
115 Main Street
Voluntown, Connecticut 06384

Date of Submission: _____ Application Number: _____

Application Fee Paid: _____ D.E.P. Fee (See Zoning Office) _____

Type of Application:

Subdivision Re-subdivision Regulation change

Name, address and phone number of applicant:

Name, address and phone number of property owner: (if different than above)

Location of property: _____

Total area to be subdivided: _____ acres

Number of new lots proposed: _____

Length of new street(s) proposed: _____

If new Street(s) are proposed the requirements of the Town of Voluntown Subdivision Regulations and the Town of Voluntown Road Ordinance are applicable. An applicant should consult both documents. Complete sets of plans shall be submitted to both the Planning and Zoning Commission and the Board of Selectman for review and permit.

Signature of Applicant/or Agent _____ Date _____

COMMISSION ACTION: APPROVED DENIED DATE: _____

Conditions: _____

INITIALED: _____

APPENDIX

DISPOSITION

LIST

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