

(Bold is proposed new language. Sections that were deleted are denoted below)

Section 6-5 Definitions:

(26.1) Green Area Requirement shall mean the required percentage of a residentially zoned property as noted under Section 6-205, that is naturally occurring such as a wooded area, a rock outcrop, or grassed, manicured or landscaped areas. (3/2/2012)

(A) The following is permitted within the Green Area Requirement subject to the restrictions of Section 6-128 **and Section 6-181** regarding encroachments into yards: Synthetic turf playing fields for school or municipal uses only, rain gardens, patios, decks, window wells, small scale garden paths (stepping stones), and walkways less than 5' wide, mechanical equipment and mechanical equipment pads, septic systems and underground drainage systems with the purpose of retention, infiltration or water quality treatment. Any underground structure or impermeable surface that is covered by at least 3 feet of friable fill is permitted in the Green Area Requirement. **3 feet of friable soil shall include at least 4" minimum top layer of living soil with 3-6% of organic matter.** (3/2/2012; 6/1/2017)

DIVISION 17. LANDSCAPING.

DELETE SECTIONS 6-176 through 6-183 and replace with the following sections:

Sec. 6-176. PURPOSE OF DIVISION.

- (a) **The purpose of these landscape regulations is to preserve and protect all significant existing natural resources within the framework of feasible and prudent design parameters to respect the natural characteristics of the site in order to:**
- 1) Promote environmental sustainability;**
 - 2) Protect and enhance visual, aesthetic and natural characteristics;**
 - 3) Provide adequate screening;**
 - 4) Buffer residential uses from non-residential ones;**
 - 5) Enhance the biological carrying capacity of the landscape;**
 - 6) Assist with storm water management and water conservation/quality; and**
 - 7) Reduce invasive species, enhance viability of local flora and fauna.**

Sec. 6-177. USES REQUIRING LANDSCAPE PLANS.

- (a) Business uses in business zones.**
- (b) Multi-family uses in any zone.**
- (c) Mixed use residential in business zones.**
- (d) Parking for more than ten (10) cars.**
- (e) Any use requiring a special permit or special exception.**
- (f) Non-residential uses in residential zones.**
- (g) Residential property permitted for full demolition and re-build.**

Sec. 6-178. GENERAL REQUIREMENTS.

- (a) **The standards contained in this section are considered minimum standards and shall apply to all zoning districts, noting the following exceptions:**

- (1) The Commission in connection with any site plan review pursuant to the provisions of Sections 6-14 through 6-15 of these Regulations, may waive, in whole or in part, the screening requirements of Section 6-177(d) with respect to any land located in the WB Zone, upon a determination by the Commission that such screening will interfere with normal functioning of permitted uses within said WB Zone. (11/30/88).**
- (2) Commercial Agricultural uses shall be exempt from these requirements.**
- (b) Landscaping materials, trees, and other plants required by these Regulations shall be installed according to accepted horticultural practices and all plants shall be maintained in a healthy growing condition.**
- (c) Any landscaping, trees or plants in a condition that does not fulfill the intent of the approved landscaping plan, defined as at least 80% of plant material thriving, as determined by staff, shall be replaced by the property owner during the next planting season. The Commission or its designee may require a separate bond, in a form acceptable to the Commission, to ensure completion of the requirements, to be held by the Commission for two (2) years.**
- (d) A final certificate of occupancy will be issued only after it has been demonstrated to the Zoning Enforcement Officer that all landscaping has been installed in accordance with the approved landscape plan. If it is determined that planting of live material is hindered by adverse weather conditions, an extension of time may be granted for a period of up to six months or a bond can be provided.**
- (e) Any plantings within the Town right-of-way shall be referred to the Town Tree Warden for approval.**
- (f) Landscape plantings shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.**

Sec. 6-179 LANDSCAPE PLAN REQUIREMENTS.

- (a) A landscape plan is required pursuant to Section 6-177 and shall accompany any site development application.**
- (b) Landscape plans shall be prepared and/or reviewed by a Connecticut licensed landscape architect to confirm conformance with Section 6-181 and signed with their professional seal. The Commission may also require expertise from other design professionals to, for example, identify specimen trees (arborist), endangered species, species of special concern (ecologist) and/or significant geological features (geologist). At a minimum, the plan shall include the following:
 - (1) The date, scale, north arrow, title, and name of owner.**
 - (2) A minimum scale of not less than one-inch equals 20 feet.**
 - (3) All significant existing natural resources will be preserved or protected within the framework of feasible and prudent design parameters in order to respect the natural characteristics of the site, including, but not limited to, stone walls, steep slopes, large boulders or ledge outcroppings, specimen trees or stands of trees, including rare or unusual flora or fauna, endangered species, species of special concern, watercourses, ponds, wetlands, vistas, natural land cover types, ridgelines or other significant geological or unique site features.**
 - (4) All paved areas, planted areas, power poles, above ground utilities, fire hydrants, signs, fences, sidewalks, and other permanent features to be added and/or retained on the site.****

- (5) Locations and dimensions of all existing buildings, structures, fences, retaining walls, utility facilities, trees of six (6) inches or more in diameter at breast height, and other similar features. The location, DBH, size of canopy, drip line of species of all trees to be preserved or retained.
- (6) The location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features.
- (7) A delineation of the designated landscaped area.
- (8) A table showing the species, size, height, and quantity of all plant material to be used.
- (9) Calculations showing compliance with Green Area or Lot Coverage Requirements
- (10) If an automatic irrigation system is to be installed, provide calculations of anticipated seasonal water usage and confirmation of adequate available water supply. This calculation should be added to the water demand sign-off form required in Section 6-14(a)(15).
- (11) The name, address, and telephone number of the person or firm responsible for the preparation of the landscape plan.
- (12) A tree protection plan shall be provided.

Sec. 6-180. DEFINITIONS.

- (a) Caliper means a standard trunk diameter measurement for trees. Caliper measurements are taken twelve inches above the finished grade.
- (b) DBH means Diameter at Breast Height, a point on the tree stem four and one-half feet above ground level.
- (c) Development means any construction or grading activities to improved or unimproved real estate.
- (d) Disturbed area means an area where the ground cover is destroyed or removed and the topography is being modified.
- (e) Herbaceous plant means a plant without woody above-ground parts
- (f) Invasive species means any species that is not native to that ecosystem, including its seeds, eggs, spores, or other biological material capable of propagating that species, whose introduction does or is likely to cause economic or environmental harm or harm to human health.
- (g) Native species means a plant that is a part of the balance of nature that has developed over hundreds of years in New England.
- (h) Parking Island means a vegetated area with a minimum dimension of six (6) feet by twelve (12) feet.
- (i) Parking Lot means an area for the maneuvering and parking of automobiles.
- (j) Shrub means low woody plants, usually with multiple shoots or stems emanating from their bases.
- (k) Tree means any living species of woody perennial plant, including its root system.
 - (1) Evergreen means a tree that remains green for most part of the year and sheds leaves slowly throughout the year
 - (2) Shade tree means a large tree growing to over thirty (30) feet in height at maturity, usually deciduous and planted to provide canopy cover shade
 - (3) Ornamental Tree means a tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under forty (40) feet.

Sec. 6-181. SCHEDULE OF REQUIRED SCREENING AND PLANTING FOR RESIDENTIAL LOTS SUBJECT TO GREEN AREA REGULATIONS (See 6-5 (26.1) and 6-205).

- (a) Residential properties shall be landscaped or maintain naturally occurring plantings with a combination of evergreens, trees, shrubs, and herbaceous plants.**
- (b) Properties in the Coastal Area Management area shall show compliance with requirements of a vegetated buffer pursuant to Section 6-111(D)(6).**

Sec. 6-182. PLANTING SPECIFICATIONS.

- (a) The quantity and size shall be identified for all plants shown on a landscape plan and shall be designed to create a full and lush effect at the time of planting while allowing spacing for proper growth development. This is generally defined as:
 - (1) Shrubs: a minimum of #3 containers or greater**
 - (2) Trees:
 - i. Ornamental or Shade Tree: a minimum 2½ - 3 inch caliper**
 - ii. Evergreen Trees a minimum of 6-8 feet high****
 - (3) Herbaceous plantings and ground covers at typical industry recommended spacings****
- (b) The landscape plan shall demonstrate conformance to:
 - (1) To promote environmental sustainability, landscape plans shall:
 - i. Facilitate greenways and planting to support local fauna, including pollinators**
 - ii. Prioritize native species**
 - iii. Coastal areas planted consistent with the standards contained in Section 6-111 of these regulations**
 - iv. Wetland buffer zones consistent with the requirements of the Inland Wetlands and Watercourses Agency (IWWA)**
 - v. Watershed protection as required by CT Department of Energy and Environmental Protection (DEEP) or other regulatory body****
 - (2) To assist with storm water management and water conservation/quality, landscape plans shall:
 - i. Prioritize deep rooted plantings and shall minimize the use of water intensive species**
 - ii. Reduce sheet flow potential where possible, particularly regarding large areas of sloping lawn**
 - iii. Storm water filtration and treatment shall be considered in plant selection**
 - iv. Rain gardens shall be planted to optimize their bio-retention capability**
 - v. Maximum use of non-structural Low Impact Development (techniques) pursuant to Section 4.4 of the Town Drainage Manual****
 - (3) To reduce invasive species and enhance viability of local flora and fauna, landscape plans shall include:****

- i. An invasive species mitigation plan as applicable. Such plan shall prescribe low impact methods for removal of unwanted vegetation including a program for maintenance. The use of herbicide treatments may be included as part of the mitigation program only when no other alternative is feasible. In such circumstances, application must be done by a licensed applicator using herbicides specifically labeled for the target plant species according to the manufacturer’s label and instructions.
 - ii. Pollinator oriented areas and ways shall be incorporated into green areas.
- (4) To protect and enhance neighborhood visual and aesthetic characteristics, landscape plans shall:
- i. Be consistent with the standard contained in Section 6-15 (a)(3)(a) of these regulations: “A design in harmony with existing and/or proposed neighborhood appearance, as shown by the exterior appearance of the buildings, their location on the site, and their relationship to the natural terrain and vegetation and to other buildings in the immediate area.”
 - ii. For all special permit applications, landscape plans shall be consistent with the following standards of Section 6-17 (d) of these regulations: (3) “Not materially adversely affect adjacent areas in closest proximity to the use”; (5) “Preserve or enhance important open space and other features of the natural environment and protect against deterioration of the quality of the environment, as related to the public health, safety and welfare.”
 - iii. Minimize change in pre-existing topography
 - iv. Reference landscape patterns in the surrounding area
 - v. Enhance streetscape, and opportunities for shade
 - vi. Include provision for play and/or recreation areas in multi-family developments
 - vii. Be sensitive to watering requirements and applicable restrictions and usage regulations

Sec. 6-183. SCHEDULE OF REQUIRED SCREENING AND PLANTING FOR COMMERCIALY USED LOTS SUBJECT TO LOT COVERAGE (see 6-205).

- (a) Pursuant to Section 6-177, any portion of a developed lot that is not improved with buildings, structures, accessory uses, outside storage areas, off-street parking and loading areas, sidewalks or other paved or impervious areas, shall meet the specifications of Section 6-181 and the below schedule. The site shall be planted in accordance with an approved landscaping plan.
- (b) The schedule of required screening and planting for commercially used lots shall:
 - (1) Be landscaped or maintain naturally occurring plantings with a combination of evergreens, trees, shrubs, and herbaceous plants.
 - (2) The Commission may require more extensive plantings, or more mature plantings, if site conditions demand additional screening and noise abatement such as in the case of non-conforming uses or to further protect residential use and enjoyment from commercial uses. Upon written request

of the owner of the premises, the Commission may waive the requirements of the landscaping where existing natural growth will be preserved and maintained and provide suitable screening.

- (c) All landscaping materials, trees and plants adjacent to parking areas, loading areas or driveways shall be properly protected from damage by vehicles, barriers, curbs or other means. Where it is not feasible to comply with the requirements for a front landscaped area or landscaped parking area due to lot size and shape or existing structures, the Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs, and/or flowers to comply with the intent of these Regulations.
- (d) Screening within side and rear yards must meet the following:
 - (1) 75% of the landscaping must be native species
 - (2) There shall be no invasive plant materials
 - (3) To ensure adequate visual screening the planting shall be layered such that at least 75% of the site is screened from adjacent properties. At least 50% of those plantings shall be evergreen for year-round coverage.
- (e) Screening of specific site improvements must meet the following:
 - (1) All outdoor refuse/recycling collection receptacles shall be screened from view on all sides by a durable sight-obscuring enclosure consisting of a solid fence or wall 6 feet in height that matches the building materials of the principal building that it serves. The access shall be screened with an opaque gate 6 feet in height.
 - (2) Donation bins are not required to provide screening for the public access areas of the facility however the remaining three sides shall be screened from view on all sides by a durable sight-obscuring enclosure consisting of a solid fence or wall 6 feet in height that matches the building materials of the principal building on the property.
 - (3) Service and off-street loading areas shall be designed and located to reduce the visual and acoustic impacts of these functions on adjacent properties and public streets. Non enclosed service and off-street loading areas adjacent to residential properties and public streets shall be screened with opaque materials that are an integral part of the building architecture, including, durable, sight-obscuring walls and/or fences 6 feet in height. Screening materials shall be the same as, or of equal quality to, the materials used for the primary building. Landscaping shall also be incorporated to aid in screening the non-enclosed service and off-street loading areas and softening the appearance of the screening wall or fence.
 - (4) Ground-Mounted Mechanical Equipment and Utility Fixtures shall be screened by ornamental fences and by trees and shrubs that block at least 80 percent of the view. To the maximum extent practical, such equipment and fixtures shall not be installed within 100 feet of the intersection of 2 public streets.
 - (5) Non-Residential Outdoor Storage. Outdoor storage areas shall be screened from view from along all property lines and adjacent rights-of-way by a solid fence or wall between 6 and 8 feet in height.
- (f) Planting specifications for parking area must meet the following:
 - (1) Landscaped perimeter buffer areas and landscaped islands shall be planted with a mix of shrubs and trees as determined by the Commission with the advice of the Architectural Review Committee and Town Tree Warden.

- (2) Perimeter buffers are required to have a continuous planted screening that would adequately screen parking in all seasons with a mix of evergreen and deciduous plant materials as approved by the Architectural Review Committee and the Tree Warden. Evergreen trees shall be a minimum of 6-8 feet in height and deciduous trees a minimum of 2 – 3” caliper, based site conditions and environmental needs.**
- (3) A minimum of 1 tree per every 8 parking spaces that measures at least 2” to 3” in caliper shall be planted in parking islands and in perimeter plantings. There shall be a parking island every 10 parking spaces with at least 1 tree per island to break up large expanses of pavement and create a tree canopy for summer shade.**
- (4) A minimum of 2 shrubs per parking space, to be grouped in parking islands or around the parking lot perimeter. The landscaping shall be located to allow maintenance from either side. Shrubs shall be either deciduous species planted at 2½ feet in height or evergreen species planted at 2½ feet in spread. Trees and shrubs shall be placed such that they do not obstruct vehicle sight lines when fully grown.**
- (5) Any other planting must be covered year-round by mulch or similar soil erosion control cover so there is no exposed soil.**
- (6) Parking spaces shall not encroach into any required setback or landscape buffer area unless that parking area is part of a shared assemblage that crosses a property line.**
- (7) All lots used in a commercial zone shall provide landscaping within the entire front yard setback, which may include sidewalks, to create a cohesive streetscape with adjoining property owners, adjacent to and extending for the length of the street line.**

Sec. 6-184. APPROVAL OF SCREENING FOR NON-CONFORMING USES.

To reduce adverse effects of non-conforming uses in residential zones, such uses shall comply with these screening regulations by submitting a site plan showing required screening, to be referred to the Commission for approval. Such use shall conform to this plan within a period of three (3) years from the date of approval of this plan.