



STAFF REPORT

Application: ZBA-19-014

Application Type: Appeal of Zoning Enforcement Officer's Decision
Cease and Desist Order
3 Family Unit where no more than 2 are allowed

Appellant: Ty Sweet

Date: December 9, 2019

Procedure of Hearing and Decision

I have provided a summary of process that must be adhered to as originally compiled by Attorney Robin Pearson and provided as part of the Connecticut Bar Association's Land Use Law training course.

Appeal

The appeal has been submitted in response to a Cease and Desist Order that was hand delivered by a State Marshal on November 8, 2019 to Mr. Ty Sweet for violations that were found at property he owns at 7 Main Street in East Hampton Connecticut. East Hampton Zoning Regulations specify a 15 day appeal period. This appeal was submitted within the specified timeframe of 15 days after receipt of notice.

A Cease and Desist Order was initially mailed on August 13, 2019 to both Mr. Sweet's home address and the 7 Main Street address as listed on the Grand List. Both went unanswered and the certified mailings were returned to the office. The Cease and Desist Order was then hand delivered by a State Marshal to ensure Mr. Sweet was in receipt of the Order. Copies of all Ordered sent are provided to you.

Rationale for Cease and Desist Order:

After an emergency response crew was dispatched to 7 Main Street on August 7, 2019, I received an email regarding a third unit in the building from the Deputy Fire Marshal, which is attached. Upon review, it was discovered that there were no permits on file for the creation of a second unit on the second floor. Furthermore, review of the files led to the discovery that this property was cited and ordered to correct the same violation in 1984. Supporting documents are attached. A search of the minutes did not reveal that an appeal or variance application had ever been submitted for this property.

A review of the Zoning Regulations and Zoning Maps indicated that the property was in the RA-1 Zone in 1972 and still in the RA-1 Zone in 1984. This zone did not allow dwellings of more than two-families. Regulations and Maps are provided with this report.

In my role as Zoning Enforcement Officer, I no authority to approve any uses or locations for structures that are not allowed under the Zoning Regulations. Furthermore, it is my duty to act on violations once they are discovered, especially as they relate to the health, safety, and welfare of the residents of East Hampton. The second purpose listed in the Zoning Regulations is *"Providing adequate light, air and privacy; securing safety from fire and other danger; and preventing overcrowding of the land and undue concentration of population."* The Planning and Zoning

Commission had determined in the past that the area now known as the R-1 zone was suitable for structures with two residential units, but no more. Residences with more than two units tend to be more commercial in nature and are typically not expected to found in a residential zone. IN the Zoning Regulations, the Commission has defined criteria that must be met when constructing two family homes or converting single family residences to two-families. (Building and fire code requirements change dramatically in structures housing more than two residential units, and require oversight and inspections by the Fire Marshal.)

Another purpose of the Zoning Regulations listed within is *“Controlling development to an amount commensurate with the capacity of the land and the availability and capacity of public facilities and services, thereby facilitating adequate provision for vehicular and pedestrian circulation, water, sewerage, schools, parks and other public requirements.”* All properties in this portion of town, while served by sewer, are on individual private wells. Ensuring that adequate water supply is available is critical. To my knowledge based on my review of the property files, there has been no review by the Health District to ensure that this well is appropriate to be used for three residences.

While you will likely learn that this property was purchased many years ago by the current owner with the same number of units as it contains today, this does not negate the fact that it was in violation at the time, and is currently in violation, in my opinion. It has likely remained in violation since 1984 when it was initially discovered as being under construction.

Section 8-13a of the Connecticut General Statutes protects non-conforming structures after three years of their placement without action by the Town. My interpretation, and the generally accepted interpretation among ZEOs throughout the State is that this applied to building and structure placement, not use. Use does not appear to be protected under the Statute, and would therefore not apply to the third apartment unit at 7 Main Street. Subsection (b) pertains to certain use protections, but all conditions as listed must be satisfied. The text of that Statute is copied below:

Sec. 8-13a. Nonconforming buildings, structures and land uses. (a)(1) When a building or other structure is so situated on a lot that it violates a zoning regulation of a municipality that prescribes the location of such a building or structure in relation to the boundaries of the lot or when a building or structure is situated on a lot that violates a zoning regulation of a municipality that prescribes the minimum area of the lot, and when such building or structure has been so situated for three years without the institution of an action to enforce such regulation, such building or structure shall be deemed a nonconforming building or structure in relation to such boundaries or to the area of such lot, as the case may be. For purposes of this section, “structure” has the same meaning as in the zoning regulations for the municipality in which the structure is located or, if undefined by such regulations, “structure” means any combination of materials, other than a building, that is affixed to the land, including, without limitation, signs, fences, walls, pools, patios, tennis courts and decks.

(2) A property owner shall bear the burden of proving that a structure qualifies as a nonconforming structure pursuant to subdivision (1) of this subsection.

(b) When a use of land or building (1) is on a parcel that is fifteen or more acres, (2) is included in industry numbers 1795, 2951, 3272 or 4953 of the Standard Industrial Classification Manual, United States Office of Management and Budget, 1987 edition, (3) is not permitted by the zoning regulations of a municipality, (4) has been established and continued in reasonable reliance on the actions of the municipality, and (5) has been in existence for twenty years prior to July 8, 1997, without the institution of court action to enforce the regulations regarding the use, such use shall be deemed a legally existing

nonconforming use and may be continued. Nothing in this subsection shall be construed to exempt such use from the requirements of the general statutes or of any other municipal ordinance.

Although the specified considerations previously listed in the repealed statutes may no longer be applicable, the courts still require the ZBA to engage in a suitability analysis and find that the proposed location is suitable for the intended business or facility; the ZBA should not just approve the certificate once it is determined that the use is permitted within the zone. See One Elmcroft Stamford, LLC v. Zoning Board of Appeals of City of Stamford, 2017 WL 6949667 (Dec. 13, 2017).

See East Coast Towing LTD v. Zoning Board of Appeals of City of Stamford, 2011 WL 1087192 (March 2, 2011), 51 Conn. L. Rptr. 572, for an interesting discussion as to why the purportedly repealed statutes may not have been, in fact, repealed despite the recitation in the official statute book for many years that the statutes were repealed in whole. In this case Judge Tobin analyzes 2 inconsistent public acts from 2003, both addressing CGS §14-55, and concludes that the second of the public acts adopted that year amended, rather than repealed, §14-55 and the standards contained therein for determining site suitability are still applicable.

II. Procedural Aspects Governing Zoning Boards of Appeal

- A. Under C.G.S. §8-7, an appeal may be taken to the ZBA by any person aggrieved or by any officer, department, board or bureau of any municipality aggrieved. When such an appeal is taken, this section further provides that the following rules shall apply:
1. **Appeals must be taken within the time limits prescribed by a rule adopted by the board, or, if no such rule is adopted, within 30 days.** Such appeal period shall commence for an aggrieved person at the earliest of the following:
 - a. Upon receipt of the order, requirement or decision from which such person may appeal;
 - b. Upon the publication of a notice in accordance with subsection (f) of section 8-3; or,
 - c. Upon actual or constructive notice of such order, requirement or decision.

NOTE: If an appeal is not taken within the required time limit, the board has no jurisdiction to hear the appeal. Time limits cannot be waived by the board. But, see Munroe v. ZBA, 261 Conn. 263 (2002) which holds that the running of the time period for taking an appeal commences when the person seeking to take the appeal had actual knowledge of the ZEO's action. In that case, the plaintiffs first received notice of the issuance of a certificate of zoning compliance when their neighbor began physical site work, almost one year later (legal notice of the issuance was not published). See also Harrigan v. Ackerman, 2011 WL 1168566 (February 28, 2011) where written notice of the cease and desist order was found not to have been properly served on owner as required by C.G.S. §8-12 where sent by regular, not certified, mail to the address of the property, a summer residence,

after Labor Day. ZEO's injunctive action to enforce the order, was dismissed on motion. Court noted, however, that service by regular mail in and of itself, is not necessarily a violation of due process.

2. **Notice of Appeal must be filed with the zoning commission or the officer from whom the appeal has been taken (usually the ZEO) and with the board, specifying the grounds of the appeal.**
 - a. In Reidy v. Zoning Board of Appeals for Town of Salisbury, 2017 WL 951669 (Feb. 7, 2017), the court upheld the ZBA dismissal of an appeal for lack of subject matter jurisdiction for failure of the appellant to file the appeal with the commission or ZEO. In this case, Reidy filed an appeal (of the issuance of a zoning permit by the ZEO) with the ZBA and, in response to her inquiry of whether she needed to send a copy to the ZEO, the ZBA assistant stated that she would get a copy of the appeal to the ZEO. The assistant failed to do that. In addition, prior to filing the appeal, Reidy emailed the ZEO to tell her that she wanted to keep the commission up to date with respect to the appeal and asked the ZEO whether it was appropriate or required for her to send a copy of the appeal to her when it was filed. The ZEO responded that the ZBA assistant would notify her of the date of the hearing. The court found that this email exchange between Reidy and the ZEO did not constitute proper filing of notice of the appeal with the ZEO because it did not specify the grounds of the appeal. The court further concluded that Reidy could not rely on the representation of the ZBA assistant to deliver the notice to the ZEO to save the appeal under the theory of municipal estoppel. Instead, relying upon the established principle that “[a] statutory right of appeal may be taken advantage of only by strict compliance with the statutory provisions by which it is created” the court upheld the ZBA dismissal of the appeal.
 - b. An appeal may be taken from a decision or order of a building official to the ZBA only when the building official makes a decision concerning compliance with the zoning regulations, not when he or she makes a decision concerning compliance with the state building code or other non-zoning code violations.
 - c. Under C.G.S. §29-266, appeals from decisions of the building official dealing with his or her interpretation or enforcement of the building code are taken to the municipal board of appeals established pursuant to Chapter 541, State Building Code.

The ZBA does not have jurisdiction to hear an appeal of the issuance of a Certificate of Occupancy by the building official (even if the building official is also the ZEO) when there is no outstanding zoning issue, such as alleged noncompliance with the underlying zoning permit. Such an appeal of the issuance of the CO would be appealed to the municipal building board of appeals (CGS §29-266). Edelstein v. Zoning Board of Appeals of Groton Long Point Association, Inc., 2018 WL 6016881 (Oct. 25, 2018).

3. **The officer from whom the appeal has been taken must give the board all papers constituting the record** upon which the action appealed from was taken.
 4. Unless the board grants a stay, appeals will not stay any order, requirement or decision that prohibits further construction or expansion of a use in violation of the zoning regulations. However, an appeal from any other order, requirement or decision shall stay all proceedings in the action appealed from, unless the zoning commission or the officer from whom the appeal has been taken certifies to the board that a stay would cause imminent peril to life or property. In such a case, proceedings shall be stayed only by a restraining order granted by a court.
 5. **Notice of time and place of a public hearing on such appeal must be published by the board in a newspaper** having a substantial circulation in the municipality at least twice, at intervals of not less than 2 days. The first publication must be no more than 15 days or less than 10 days before such hearing. The second publication must be no less than 2 days before such hearing.
 - a. The board, by local zoning regulation, may also require notice to be mailed to owners of land adjacent to that which is the subject of the hearing.
 - b. Arrowhead Point Homeowners Association, Inc. v. Zoning Board of Appeals of Town of Brookfield, 2015 WL 1379791 (March 6, 2015). Court held that CGS §8-7d(a) requires an applicant to perform limited title searches of all property adjacent to the subject parcel to discern all owners entitled to notice, including owners of private road parcels or other parcels that might be omitted from the municipal tax map or grand list, and failure to provide left appeal period open for one year pursuant to CGA 8-8(r). BUT, amendment to CGS §8-7d(a) by Public Act 15-68, effective June 6, 2015, reverses this and specifically provides now that an applicant may rely on the tax records for abutters information and no title search is required.
 6. **At the hearing, any party may appear, in person or through representation by agent or attorney.**
- B. When acting on an application for a variance or any other formal petition, request or appeal on which a hearing is required, the board must comply with the following time periods provided under C.G.S. §8-7d:
1. **The hearing shall commence within 65 days** after the petition, application, request or appeal has been received.
 2. **The day of receipt of a petition, application, request or appeal** is either the day of the next regularly scheduled meeting of the board immediately following the day of submission to the board or thirty five days after such submission, whichever is sooner.

3. **The hearing must be completed within 35 days** after it commences.
 4. **A decision must be rendered within 65 days** after completion of the hearing.
 5. **The applicant may consent to one or more extensions of any of the time periods set forth above, provided the total extension of all periods does not exceed 65 days.**
 - a. The board cannot require that the applicant grant an extension.
 - b. If an extension is granted without stating a number of days, then the board may presume that the extension runs for 65 days.
- C. When an appeal from an "order, requirement or decision" of a ZEO is joined with an application for the granting of a variance, the board shall decide the appeal first. See C.G.S. §8-6a.**
- D. A quorum, i.e., a majority of all members, must be present in order for the ZBA to conduct business.**
1. A member is disqualified from discussing or voting on an application if (1) there is an appearance of a personal or financial conflict of interest or (2) there is insufficient familiarity with the application due to failure to attend previous discussions or hearings on the application (C.G.S. § 8-11)
 2. The member must make the decision whether or not to withdraw from participation.
- E. The ZBA shall provide notice to the clerk of any adjoining town of any application or request concerning any project on any site in which: (1) any portion of the property affected by a decision is within 500 feet of the boundary of the adjoining town; (2) a significant portion of the traffic to the completed project will use streets within the adjoining town to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project will flow through and significantly impact the drainage or sewerage system within the adjoining town; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining town. (C.G.S. § 8-7d(f)).**
1. Notice shall be sent by certified mail, return receipt requested, within 7 days of the date of receipt of the application.
 2. The adjoining town may, through a representative, appear and be heard at any hearing on any such application or request.
- F. A two prong test must be met in order for the ZBA to reverse a prior decision:**

1. Do the two applications seek the same relief and if so,
 2. Has there been a change in conditions or have other considerations intervened so as to allow a reversal. Vine vs. Zoning Board of Appeals of Town of North Branford, 102 Conn. App. 863, 873 (2007)
- G. Four concurring votes are required to (1) reverse a ZEO's order, requirement or decision, (2) grant variances, or (3) approve a special exception. See C.G.S. §8-7.**
1. Since four votes are required, the ZBA **may not act unless four qualified members are present and voting.** S.I.S. Enterprises, Inc. v. Zoning Board of Appeals of City of Bristol, 33 Conn. App. 281 (1993) (hospitalized member's absentee ballot ruled invalid and new hearing required even though 3 members were present and 1 absentee member, who had participated in the public hearing but was just not present at the subsequent voting session, all voted against variance).

Where a member is one of only four members present, and participates in the variance proceedings including the discussion, her ultimate abstention did not result in an insufficient number of members **present**. Plaintiff's claim that no valid vote was taken for lack of four members, was unavailing. However, her **abstention could not be considered as a vote in favor** where statute (C.G.S. §8-7) requires four affirmative votes. Green Falls Associates, LLC v Zoning Board of Appeals of Town of Montville, 138 Conn. App. 481 (2012).
 2. Note the distinction between voting requirements for special permit uses under the jurisdiction of PZC vs. voting requirements for special exception uses under the jurisdiction of ZBA.
- H. When acting on a location approval (for dealing in or repairing motor vehicles, gasoline stations or motor vehicle recycler's yard), approval only requires the affirmative vote of a majority of the board.** No statutory provision indicating so, but location approvals are not addressed in C.G.S. §8-7.
- I. The automatic approval doctrine (approval by operation of law) does not apply to a ZBA's failure to hold a public hearing within the statutory time period.** Leo Fedus and Sons Construction Company, Inc. v. Zoning Board of Appeals of Colchester, 225 Conn. 432 (1993) and R and R Pool and Patio, Inc. vs. Zoning Board of Appeals of Town of Ridgefield, 102 Conn.App. 351 (2007).
- J. When granting or denying a variance or special exception or sustaining or reversing any order, requirement or decision appealed from, the board must "state upon its records the reason for its decision and the zoning bylaw, ordinance or regulation which is varied in its application or to which an exception is granted and, when a variance is granted, describe specifically the exceptional difficulty or unusual hardship on which its decision is based."** See C.G.S. §8-7.

- K. **If reasons are not stated, the reviewing court is required to search the record to determine some basis for the action taken.** Moon v. Zoning Board of Appeals of Town of Madison, 291 Conn.16, 25 (2009); Graff v. Zoning Board of Appeals of Town of Killingworth, 277 Conn. 645, 670 (2006). However, see Tannenbaum vs. Zoning Board of Appeals of Town of Newtown, 2007 WL 2200508 (July 5, 2007), where the local zoning regulations required the ZBA to make written findings and its failure to do so resulted in the trial court's reversal of the ZBA decision. See also Gross v. Planning and Zoning Board of Appeals of Town of Greenwich, 171 Conn. 326 (1976).
- L. **Notice of the board's decision must be published in a newspaper having a substantial circulation in the municipality and sent by certified mail to any person who appealed to the board, both within 15 days after the decision has been rendered.**
1. **If the notice is not published within such 15-day period**, the applicant or the person who took the appeal may provide for the publication of the notice within 10 days thereafter.
 2. **Publication of the legal notice renders the decision final.** "There is a period of up to fifteen days between the date of decision" and the date of legal notice publication "within which the board may [re]open its decision for good cause to correct matters that were overlooked and were capable of speedy and practical correction." Sharp v. Zoning Board of Appeals of Town of Easton, 43 Conn. App. 512, 526 (1996) (Original variance approval reinstated where ZBA had reopened and reversed *after* publication). But where ZBA corrected the decision of a variance approval *after* original publication because there were only 3 votes in favor, court upheld the reversal. Coen v. Zoning Board of Appeals for Town of Ledyard, 48 Conn. L. Rptr., 88, 2008 WL 2232018 (June 24, 2009). But see Williamson v. Zoning Board of Appeals of Middletown, 61 Conn. L. Rptr. 628, 2016 WL 402051 (Jan. 8, 2016), wherein court held that ZBA could reconsider decision and overturn a cease and desist order (at next meeting following the meeting where a motion to overturn it failed) since there was no publication of notice of the prior action.
- M. **Special exceptions and variances become effective upon filing a copy in the office of the town clerk and by recording a copy in the land records, in accordance with the provisions of C.G.S. §8-3d.**

END

From: [Deputy Fire Marshal](#)
To: [DeCarli, Jeremy](#); [LeConche, Glen](#); [Don Michell](#); [Russell S. Melmed MPH](#)
Subject: 7 main street
Date: Wednesday, August 7, 2019 3:10:16 PM

Upon our inspection with the administrative search warrant of 7 main street today we discovered many code violations and that there is currently a third illegal apartment located on the second floor.

Joey Guest
Deputy Fire Marshal
Town of East Hampton
860-267-0088 office
860-267-5811 fax

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.



Office of the **Planning & Zoning Official**
Town of East Hampton
20 East High Street
East Hampton, CT 06424
(860)-267-7450
jdecarli@easthamptonct.gov

CERTIFIED MAIL: 7015 1660 0000 9839 4122 and Regular Mail

August 13, 2019

Ty Sweet
7 MAIN ST
EAST HAMPTON, CT 06424

Re: CEASE AND DESIST ORDER
7 MAIN ST
East Hampton, CT
Z-2019-013

Dear Ty Sweet,

Please be advised that you are found to be in violation of the East Hampton Zoning Regulations as follows:

An illegal third apartment unit has been installed and is being inhabited. This property lies within the R-1 Zone which does not allow more than two dwelling units on any one property.

The pertinent section of the regulation is included with this letter for your review.

Compliance may be achieved by undertaking the following actions:

1. Vacate illegal third apartment unit.
2. Remove electrical service for third apartment.
3. Remove kitchen area from third apartment.
4. Combine two apartments on the second floor into one unit.

You are hereby ordered to cease and desist the activity identified as zoning violations within 15 calendar days of your receipt of this Order. Your attention is directed to Connecticut General Statute Section 8-12, which authorizes the institution of a lawsuit to enforce the zoning regulations and provides for the assessment of fines, penalties, and costs. Fines may range from not less than ten nor more than one hundred dollars for each day such violation continues, and civil penalties may be awarded up to \$2,500.00. In addition, if the court finds that the offense is willful, the court may assess a higher fine of not less than one hundred dollars no more than two hundred and fifty dollars for each day that such violation continues.

You may appeal this Order to the East Hampton Zoning Board of Appeals (ZBA) in accordance with Section 8-7 of the Connecticut General Statutes and with any rules adopted by the ZBA. The appeal shall be taken on a form prescribed by the ZBA and shall be filed with the ZBA and with the Zoning Enforcement Officer in the Land Use Office at Town Hall, in accordance with office hours published. The appeal shall be filed not later than 30 calendar days after your receipt of this Order.

You may obtain an appeal form at the Land Use Office. Failure to appeal this Order or correct the violation within the timeframe prescribed herein will result in the referral of this matter to Town Counsel with a recommendation to initiate immediate legal action.

Should you wish to discuss this matter in detail, please contact me at (860) 267-7450.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeremy DeCarli".

Jeremy DeCarli, CZEO
Planning & Zoning Official

cc: Fire Marshal's Office
Building Department



Office of the **Planning & Zoning Official**
Town of East Hampton
20 East High Street
East Hampton, CT 06424
(860)-267-7450
jdecarli@easthamptonct.gov

CERTIFIED MAIL: 7015 1660 0000 9839 4115 and Regular Mail

August 13, 2019

Ty Sweet
34 Chestnut Hill Road
EAST HAMPTON, CT 06424

Re: CEASE AND DESIST ORDER
7 MAIN ST
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Z-2019-013

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Jeremy DeCarli, CZEO
Planning & Zoning Official

cc: Fire Marshal's Office
Building Department

OFFICER'S RETURN TO COURT

STATE OF CONNECTICUT:

:SS: EAST HAMPTON

NOVEMBER 12, 2019

COUNTY OF MIDDLESEX:

Then and by virtue hereof, I left a verified true and attested copy of the within original, **CEASE AND DESIST LETTER DATED NOVEMBER 8, 2019, ARTICLE 4, CONNECTICUT STATE FIRE SAFETY CODE ABATEMENT ORDER OF FIRE/LIFE SAFETY HAZARDS DATED NOVEMBER 8, 2019 and FIRE INSPECTION REPORT**, with and in the hands of the within named, **TY SWEET, 34 CHESTNUT HILL ROAD, EAST HAMPTON, CT 06424**.

The within is the original, **CEASE AND DESIST LETTER DATED NOVEMBER 8, 2019, ARTICLE 4, CONNECTICUT STATE FIRE SAFETY CODE ABATEMENT ORDER OF FIRE/LIFE SAFETY HAZARDS DATED NOVEMBER 8, 2019 and FIRE INSPECTION REPORT**, with my doings hereon endorsed.

FEES:

| | | |
|----------------------|----|--------------|
| SERVICE: | \$ | 40.00 |
| TRAVEL: | | 8.46 |
| PAGES: | | 8.00 |
| <u>ENDORSEMENTS:</u> | | <u>1.20</u> |
| | \$ | 57.66 |

ATTEST:



PATRICK J. MOYNIHAN
STATE MARSHAL
MIDDLESEX COUNTY



Office of the **Planning & Zoning Official**
Town of East Hampton
20 East High Street
East Hampton, CT 06424
(860)-267-7450
jdecarli@easthamptonct.gov

Hand Delivered

November 8, 2019

Ty Sweet
34 Chestnut Hill Road
EAST HAMPTON, CT 06424

Re: CEASE AND DESIST ORDER
7 MAIN ST
East Hampton, CT
Z-2019-013

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Sincerely,

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Jeremy DeCarli, CZEO
Planning & Zoning Official

cc: Fire Marshal's Office
Building Department

ARTICLE 4 - RESIDENTIAL ZONES

Section 4.1. R-1 Zone – Lakeside and Village Residential

A. Purpose

The primary purpose of this zone is to provide for residential use in the most established areas of town, principally in and around the Town central areas and in the immediate vicinity of Lake Pocotopaug. This area encompasses the major portion of the Town with lot sizes less than one (1) acre.

B. Uses Permitted As-Of-Right

The following uses are permitted in the R-1 Zone as of right:

1. Detached single family dwellings.
2. Dwellings for two families in accordance with the provisions of Section 4.6.
3. Accessory uses and buildings incidental and subordinate to a permitted residential use (Accessory buildings shall comply with Section 8.3.I).
4. Keeping of domestic livestock in accordance with Section 8.4.C.
5. Parking in accordance with Section 7.1.
6. Signs in accordance with Section 7.2.
7. Agricultural uses as described in Section 8.4.C.
8. Temporary Health Care Structure in accordance with Section 4.6.D and Public Act 17-155.

C. Uses Permitted With Site Plan Review

The following uses are permitted in the R-1 Zone following site plan review as described in Section 9.1:

1. Buildings used for the storing, processing and manufacture of site grown agricultural products and livestock as an accessory use of a farm
2. Buildings used for the storage of farm equipment and motor vehicles, when such equipment and vehicles are used in connection with the operation of such farm

D. Uses Permitted With Special Permit

The following are Special Permit uses, permitted in the R-1 Zone only when specifically approved by the Planning and Zoning Commission in accordance with the provisions of Section 9.2:

1. Uses providing essential community services including, but not limited to the following:
 - a. Fire or Police stations or other Municipal buildings
 - b. Public Utility buildings, structures or utility substations.
 - c. Schools.
 - d. Parks, playgrounds or public recreation areas.
 - e. Libraries, churches, museums or auditoriums.
 - f. Cemeteries and their extensions.
 - g. Hospitals.
2. Roadside stands for the seasonal sale of farm produce and products grown or produced on the parcel on which they stand. Such stands shall be located no closer than fifty (50') feet from any street or lot line.
3. Active Adult, congregate and Senior Housing, as defined and described in Section 8.5 (revised – effective date Dec. 6, 2003)
4. Commercial recreation as defined and described in Section 8.4.F.
5. Conversions of existing single family dwellings for use as two family dwellings in accordance with the provisions of Section 9.2 and the following requirements:
 - a. Building must have been built prior to 1941.

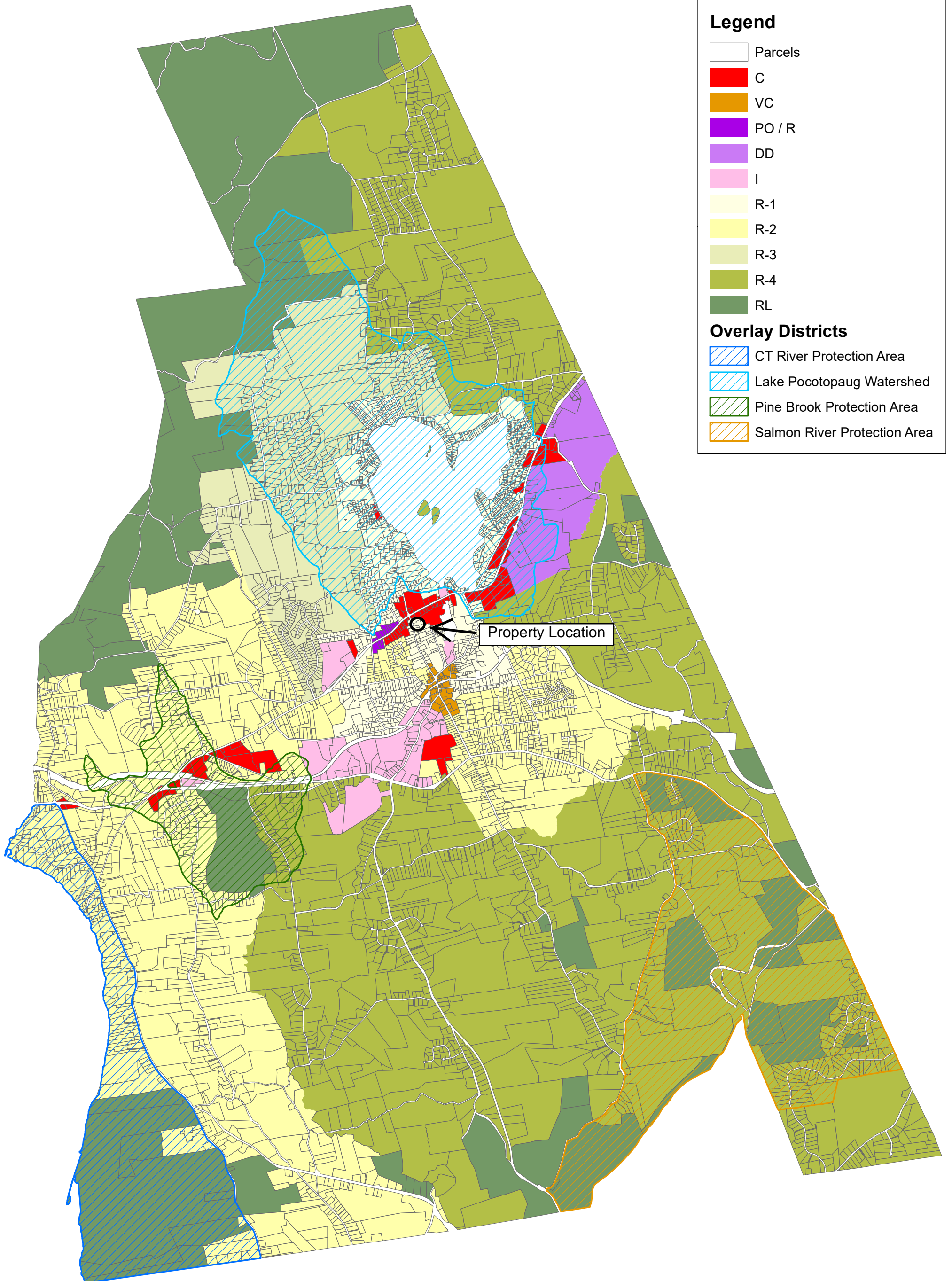
- b. The existing building must contain at least two thousand (2000) square feet of habitable space.
 - c. The proposal shall be such that no exterior evidence of multi-family use shall be visible.
 - d. All applications for approval shall include:
 - 1. Photographs of the existing building from all sides
 - 2. Plans and exterior details of proposed conversion
 - 3. Adequate parking in accordance with Section 7.1
 - 4. Adequate provisions for water supply and sewage disposal
6. Accessory Dwelling Units in accordance with Section 8.4.M.

E. Area and Dimensional Standards

| | With Sewer | Without Sewer |
|--------------------------------|------------|---------------|
| Minimum Lot Area (square feet) | 20,000 | 60,000 |
| Minimum Lot Width (feet) | 125 | 150 |
| Minimum Lot Depth (feet) | 125 | 200 |
| Minimum Lot Frontage (feet) | 100 | 100 |
| Maximum Lot Coverage (percent) | 20% | 10% |
| Minimum Front Setback (feet) | 25 | 50 |
| Minimum Side Setback (feet) | 15 | 25 |
| Minimum Rear Setback (feet) | 25 | 50 |
| Maximum Building Height (feet) | 30 | 30 |

See Section 3.3.E of these Regulations for possible exceptions to these standards.

East Hampton Zoning Map



Legend

- Parcels
- C
- VC
- PO / R
- DD
- I
- R-1
- R-2
- R-3
- R-4
- RL

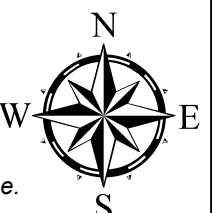
Overlay Districts

- CT River Protection Area
- Lake Pocotopaug Watershed
- Pine Brook Protection Area
- Salmon River Protection Area



East Hampton Planning and Zoning Commission
Adopted: April 4, 2018
Effective: April 20, 2018

0 0.25 0.5 1 1.5 Miles



This map is to be used for reference only and should not be used for conveyance.

ARTICLE 4 - RESIDENTIAL ZONES

Section 4.1. R-1 Zone – Lakeside and Village Residential

A. Purpose

The primary purpose of this zone is to provide for residential use in the most established areas of town, principally in and around the Town central areas and in the immediate vicinity of Lake Pocotopaug. This area encompasses the major portion of the Town with lot sizes less than one (1) acre.

B. Uses Permitted As-Of-Right

The following uses are permitted in the R-1 Zone as of right:

1. Detached single family dwellings.
2. Dwellings for two families in accordance with the provisions of Section 4.6.
3. Accessory uses and buildings incidental and subordinate to a permitted residential use (Accessory buildings shall comply with Section 8.3.I).
4. Keeping of domestic livestock in accordance with Section 8.4.C.
5. Parking in accordance with Section 7.1.
6. Signs in accordance with Section 7.2.
7. Agricultural uses as described in Section 8.4.C.
8. Temporary Health Care Structure in accordance with Section 4.6.D and Public Act 17-155.

C. Uses Permitted With Site Plan Review

The following uses are permitted in the R-1 Zone following site plan review as described in Section 9.1:

1. Buildings used for the storing, processing and manufacture of site grown agricultural products and livestock as an accessory use of a farm
2. Buildings used for the storage of farm equipment and motor vehicles, when such equipment and vehicles are used in connection with the operation of such farm

D. Uses Permitted With Special Permit

The following are Special Permit uses, permitted in the R-1 Zone only when specifically approved by the Planning and Zoning Commission in accordance with the provisions of Section 9.2:

1. Uses providing essential community services including, but not limited to the following:
 - a. Fire or Police stations or other Municipal buildings
 - b. Public Utility buildings, structures or utility substations.
 - c. Schools.
 - d. Parks, playgrounds or public recreation areas.
 - e. Libraries, churches, museums or auditoriums.
 - f. Cemeteries and their extensions.
 - g. Hospitals.
2. Roadside stands for the seasonal sale of farm produce and products grown or produced on the parcel on which they stand. Such stands shall be located no closer than fifty (50') feet from any street or lot line.
3. Active Adult, congregate and Senior Housing, as defined and described in Section 8.5 (revised – effective date Dec. 6, 2003)
4. Commercial recreation as defined and described in Section 8.4.F.
5. Conversions of existing single family dwellings for use as two family dwellings in accordance with the provisions of Section 9.2 and the following requirements:
 - a. Building must have been built prior to 1941.

- b. The existing building must contain at least two thousand (2000) square feet of habitable space.
- c. The proposal shall be such that no exterior evidence of multi-family use shall be visible.
- d. All applications for approval shall include:
 - 1. Photographs of the existing building from all sides
 - 2. Plans and exterior details of proposed conversion
 - 3. Adequate parking in accordance with Section 7.1
 - 4. Adequate provisions for water supply and sewage disposal
- 6. Accessory Dwelling Units in accordance with Section 8.4.M.

E. Area and Dimensional Standards

| | With Sewer | Without Sewer |
|--------------------------------|-------------------|----------------------|
| Minimum Lot Area (square feet) | 20,000 | 60,000 |
| Minimum Lot Width (feet) | 125 | 150 |
| Minimum Lot Depth (feet) | 125 | 200 |
| Minimum Lot Frontage (feet) | 100 | 100 |
| Maximum Lot Coverage (percent) | 20% | 10% |
| Minimum Front Setback (feet) | 25 | 50 |
| Minimum Side Setback (feet) | 15 | 25 |
| Minimum Rear Setback (feet) | 25 | 50 |
| Maximum Building Height (feet) | 30 | 30 |

See Section 3.3.E of these Regulations for possible exceptions to these standards.

Section 4.6. Special Provisions For Residential Zones

A. Two Family Dwellings/Duplexes

For the purpose of maintaining a balance of density in the R-1, R-3 and R-4 Zones, lots created after October 28, 1987 on which two family dwellings/duplexes are constructed shall contain twice the minimum area and frontage specified for the applicable zone.

B. Display Or Storage Of Materials

In all Residential zones, the permanent display, exhibition or storage of merchandise, material, vehicles or articles for sale in the required front yard and side yard (revision effective 7/8/06) shall be prohibited and the storage of such materials behind the building line shall be covered or screened from the street.

C. Access Driveways

1. A single access driveway shall service no more than two (2) residences.
2. A waiver may be granted by the Commission by a vote of three-fourths of all the members of the Commission. In no case shall a waiver be granted for access to more than three (3) residences, in which case the shared portion of the driveway shall be a minimum of 22 feet in width and shall be paved.
3. The Commission shall not grant a waiver unless it finds, based upon evidence presented to it in each specific case that:
 - a. The granting of the waiver will not have an adverse effect on adjacent property or on the public health or safety;
 - b. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other land in the area;
 - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the applicant would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out; and
 - d. The waiver will not in any manner vary the provisions of the Zoning Regulations or the intent of the Plan of Conservation and Development.
4. A request for any waiver shall be submitted in writing by the applicant at the time of application acceptance by the Commission. The request shall state fully the grounds for the request and all of the facts relied upon by the applicant.
5. The Commission shall state upon its records the reason for which a waiver is granted in each case. In approving a waiver the Commission may require such conditions that will, in its judgment, substantially conform to the objectives of the standards or requirements of these Regulations. (Effective: August 24, 2007)

M E M O

October 18, 1984

TO: Joseph Becker, Building Official
FROM: Alan H. Bergren
RE: Zoning Inspections for Violations

Members of the Planning and Zoning Commission, as well as the Selectmen, have expressed concern that there are two specific houses undergoing repairs/alterations right now that may place them in violation of our zoning ordinance. These are:

16 Lake View Street (the house next to the Heidelberg Inn on the left as you face the Inn).

7 Main Street (the house owned by Brady with four electric meter sockets (only two meters are in place)).

In order to determine if these are in violation, please have Steve Tuckerman accompany you on a building inspection within the next week no later than October 26th, so that he can report back to the Planning and Zoning Commission on the status of these structures.



Alan H. Bergren
Chief Administrative Officer

cc: Board of Selectmen
Planning and Zoning Commission
Steve Tuckerman

Town of East Hampton

20 EAST HIGH STREET

EAST HAMPTON, CONNECTICUT 06424

October 26, 1984

CERTIFIED MAIL

Mr. Kenneth Lee and Mrs. Theresa G. Brady
118 Wopowog Road
East Hampton, CT 06424

Re: Property at 7 Main Street

Dear Mr. and Mrs. Brady:

A "Stop-Work" order has been issued at 7 Main Street. The reason for this order is the violation of Section 6.4.1.3 of the Zoning Regulations, which provides for conversion to residential use for not more than two families in RA-1 zones. An inspection by myself and Building Official Joseph Becker on October 25 revealed two apartments on the second floor and one on the first, for a total of three. In addition, three separate electrical services were identified.

You are hereby ordered to commence the following work within fifteen (15) days of the receipt of this letter, and to complete the work within three (3) months:

1. Remove the electrical service serving the unfinished apartment at the top of the outside stairway.
2. Remove the plumbing serving the unfinished kitchen at the top of the outside stairway.
3. Combine two apartments on the second floor by creating interconnecting doors which do not require exiting the apartment to pass from one part to another.

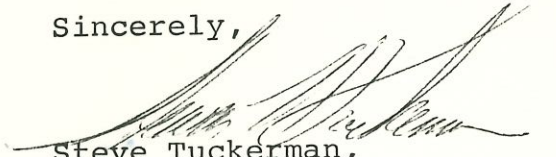
Please notify me at each stage of work so that I may certify zoning compliance. Also, please do not hesitate to contact me at 267-9601 if you have any questions.

Mr. Kenneth Lee and Mrs. Theresa G. Brady
Page 2
October 26, 1984

Please note that you have fifteen (15) days from the receipt of this order to file an appeal with the Zoning Board of Appeals. Please contact Mildred Nichols at 267-2510 should you wish to file an appeal.

Thank you in advance for your anticipated cooperation.

Sincerely,



Steve Tuckerman,
Zoning Enforcement Officer

ST/cm

cc: A. H. Bergren, CAO
Joseph Becker,
Building Official
Selectmen
P&Z Commission

Town of East Hampton

20 EAST HIGH STREET

EAST HAMPTON, CONNECTICUT 06424

October 30, 1984

Mr. Kenneth Brady
118 Wopowog Road
East Hampton, CT 06424

Re: Property at 7 Main Street

Dear Mr. Brady:

This letter confirms our conversation this morning at 7 Main Street. You have agreed to take the following steps:

1. Cut off and cap plumbing serving unfinished kitchen.
2. Hook electrical panel in unfinished upstairs apartment into wiring of other upstairs apartment, thereby placing the entire second floor under one electrical service.


You agreed to commence the above work shortly. Please call me at 267-9601 for inspection prior to reinstalling sheetrock. Joe Becker must inspect the property at this time.

3. When you are able to make arrangements with your upstairs tenant, you will place a door at the top or bottom of the inside stairway and remove the present locking doors. I understand that this may take time. Again, please call for inspection when this work is completed.

Also, according to Joe Becker, no building permits are required to install storm windows, so you may proceed with that work.

Thank you in advance for your continuing cooperation.

Sincerely,



Steve Tuckerman,
Town Planner

cc: A. H. Bergren, CAO
Joe Becker, Building Official
Selectmen
P & Z Commission

Town of East Hampton

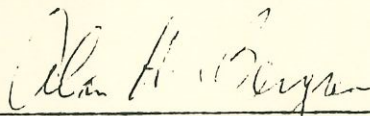
November 1, 1984

TO: Members of the Planning & Zoning Commission
FROM: Alan H. Bergren
RE: Zoning Violations

As you have expressed concern on potential zoning violations occurring on both 22 Lakeview Street and 7 Main Street, staff has completed inspections.

Confirmation letters to owners of the properties cited above have been sent out on October 29th and 30th respectively. Carbon copies were also given to you.

This memo conforms to your motion recently adopted to inform this office and receive a response within 30 days.



Alan H. Bergren
Chief Administrative Officer

cc: Board of Selectmen
Steve Tuckerman, Town Planner
Joseph Becker, Building Official

Town of East Hampton

20 EAST HIGH STREET

EAST HAMPTON, CONNECTICUT 06424

November 21, 1984

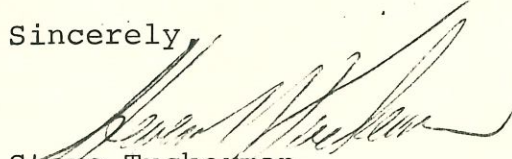
Mr. Kenneth Brady
118 Wopowog Road
East Hampton, CT 06424

Re: 7 Main Street

Dear Mr. Brady:

It appears from a site visit that an electric meter has been added to your property. It also appears that plumbing has been added, rather than removed, from the unfinished kitchen. I am reluctantly forced to insist that I be allowed in the building, including the basement, in the very near future. I must also inform you at this time that legal action is possible if you are in violation of our previous agreement.

Sincerely,



Steve Tuckerman,
Zoning Enforcement Officer

CC: A.H. Bergren, CAO
Joseph Becker, Jr.
Building Official

P 411 258 260

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

| | |
|---|----------------|
| Sent to | |
| Kenneth Lee & Theresa Brady | |
| Street and No. 118 Wopowog Rd. | |
| P.O., State and ZIP Code E. Hampton, CT 06424 | |
| Postage | \$ 1.20 |
| Certified Fee | .75 |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom and Date Delivered | .60 |
| Return Receipt Showing to Whom, Date, and Address of Delivery | |
| TOTAL Postage and Fees | \$ 1.55 |
| Postmark or Date OCT 29 1984 USPO | |

PS Form 3800, Feb. 1982

PS Form 3811, Dec. 1980
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one):
 Show to whom and date delivered —¢
 Show to whom, date, and address of delivery.. —¢

2. **RESTRICTED DELIVERY**
 (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. ARTICLE ADDRESSED TO:
 Kenneth Lee & Theresa G. Brady
 118 Wopowog Rd.
 E. Hampton, CT 06424

| | |
|--|----------------|
| 4. TYPE OF SERVICE: | ARTICLE NUMBER |
| <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED | P 411 258 260 |
| <input type="checkbox"/> CERTIFIED <input type="checkbox"/> COD | |
| <input type="checkbox"/> EXPRESS MAIL | |

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
J. Brady

| | |
|---------------------------------|---|
| 5. DATE OF DELIVERY 10-29-84 | POSTMARK EAST HAMPTON, CT OCT 29 1984 USPO |
|---------------------------------|---|

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS
NO

- 1 If you want this receipt postmarked, stick the gummed stub on the left portion of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
- 2 If you do not want this receipt postmarked, stick the gummed stub on the address side of the article, date, detach and retain the receipt, and mail the article
- 3 If you want a return receipt, write the certified-mail number and your name and address on address side of the article, date, detach and retain the receipt, and mail the article
4. If you want a return receipt, write the certified-mail number and your name and address on address side of the article, date, detach and retain the receipt, and mail the article
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt if space permits. Otherwise, affix to back of article
6. Save this receipt and present it if you make inquiry

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE.
CERTIFIED MAIL FEE AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see back)



PENALTY FOR PRIVATE
 USE TO AVOID PAYMENT
 OF POSTAGE, \$300

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
 Print your name, address, and ZIP Code in the space below.
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits,
 otherwise affix to back of article.
 • Endorse article "Return Receipt Requested"
 adjacent to number.

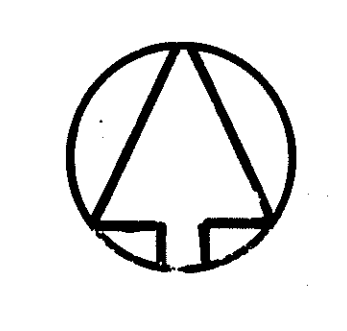
RETURN TO

Steve Tuckerman
 (Name of Sender)
 20 E. High St.
 E. Hampton, CT 06424
 (Street or P.O. Box)

 (City, State, and ZIP Code)

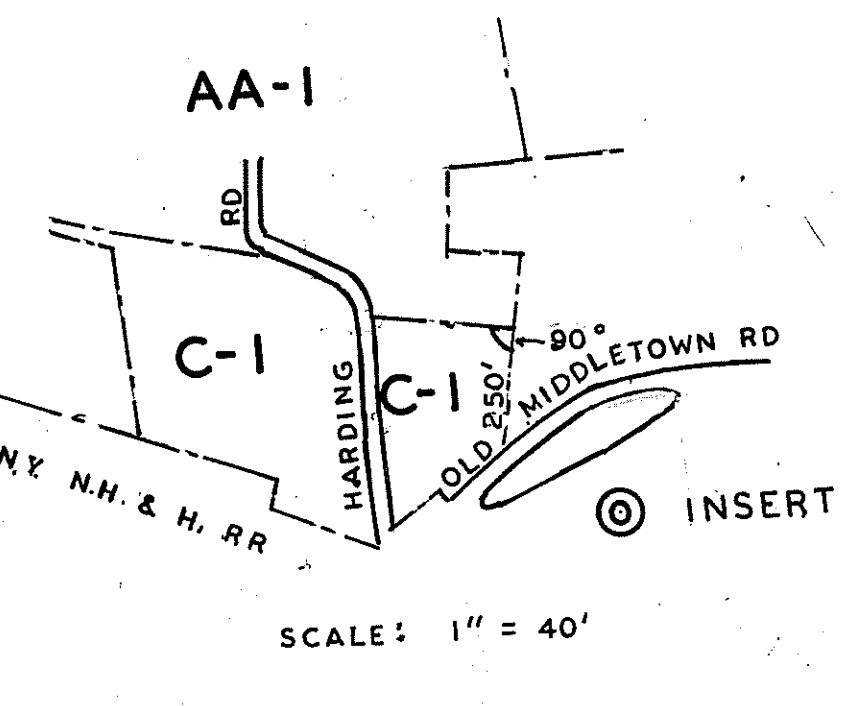
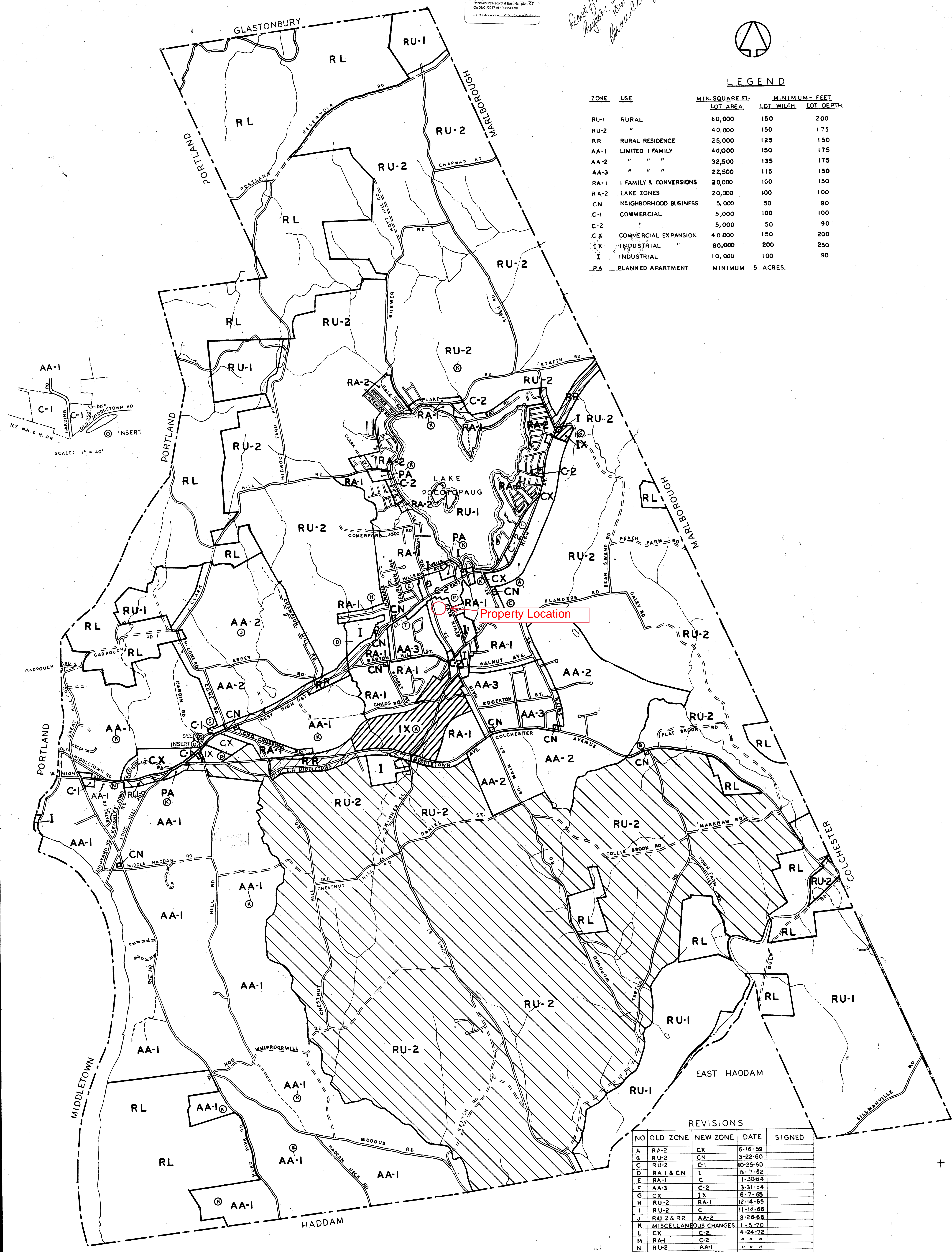
File No. 000000001 Type: P&P
 84 23
 Received for Record at East Hampton, CT
 On 08/01/2017 At 10:41:20 am

*Revised by 12/20/20
 August 2010
 10/14/2010
 Anna C. [unclear]*



LEGEND

| ZONE | USE | MIN. SQUARE FT. | | MINIMUM - FEET | |
|------|------------------------|-----------------|-----------|----------------|-----|
| | | LOT AREA | LOT WIDTH | LOT DEPTH | |
| RU-1 | RURAL | 60,000 | 150 | | 200 |
| RU-2 | " | 40,000 | 150 | | 175 |
| RR | RURAL RESIDENCE | 25,000 | 125 | | 150 |
| AA-1 | LIMITED 1 FAMILY | 40,000 | 150 | | 175 |
| AA-2 | " " " | 32,500 | 135 | | 175 |
| AA-3 | " " " | 22,500 | 115 | | 150 |
| RA-1 | 1 FAMILY & CONVERSIONS | 20,000 | 100 | | 150 |
| RA-2 | LAKE ZONES | 20,000 | 100 | | 100 |
| CN | NEIGHBORHOOD BUSINESS | 5,000 | 50 | | 90 |
| C-1 | COMMERCIAL | 5,000 | 100 | | 100 |
| C-2 | " | 5,000 | 50 | | 90 |
| CX | COMMERCIAL EXPANSION | 40,000 | 150 | | 200 |
| IX | INDUSTRIAL | 80,000 | 200 | | 250 |
| I | INDUSTRIAL | 10,000 | 100 | | 90 |
| PA | PLANNED APARTMENT | MINIMUM 5 ACRES | | | |



REVISIONS

| NO | OLD ZONE | NEW ZONE | DATE | SIGNED |
|----|------------------------------|----------|------------|--------|
| A | RA-2 | CX | 6-16-59 | |
| B | RU-2 | CN | 3-22-60 | |
| C | RU-2 | C-1 | 10-25-60 | |
| D | RA-1 & CN | I | 9-7-62 | |
| E | RA-1 | C | 1-30-64 | |
| F | AA-3 | C-2 | 3-31-64 | |
| G | CX | IX | 6-7-65 | |
| H | RU-2 | RA-1 | 12-14-65 | |
| I | RU-2 | C | 11-14-66 | |
| J | RU-2 & RR | AA-2 | 3-26-68 | |
| K | MISCELLANEOUS CHANGES 1-5-70 | | | |
| L | CX | C-2 | 4-24-72 | |
| M | RA-1 | C-2 | " " " | |
| N | RU-2 | AA-1 | " " " | |
| O | AA-1 | C-1 | SEE INSERT | |
| P | CX | IX | " " " | |
| Q | | | | |
| R | | | | |

EAST HAMPTON
 CONNECTICUT

P-69
 The preparation of this map was financially aided through a Federal grant from the Department of Housing and Urban Development, under the urban planning assistance program authorized by Section 705 of the Housing Act of 1949, as amended, under the Administration of the Department of Community Affairs.

ZONING MAP
TOWN OF EAST HAMPTON

ADOPTED: NOV. 25, 1958
 EFFECTIVE: DEC. 1, 1958

TECHNICAL PLANNING ASSOCIATES
 INCORPORATED
 NEW HAVEN CONNECTICUT

TOWN OF EAST HAMPTON, CONNECTICUT

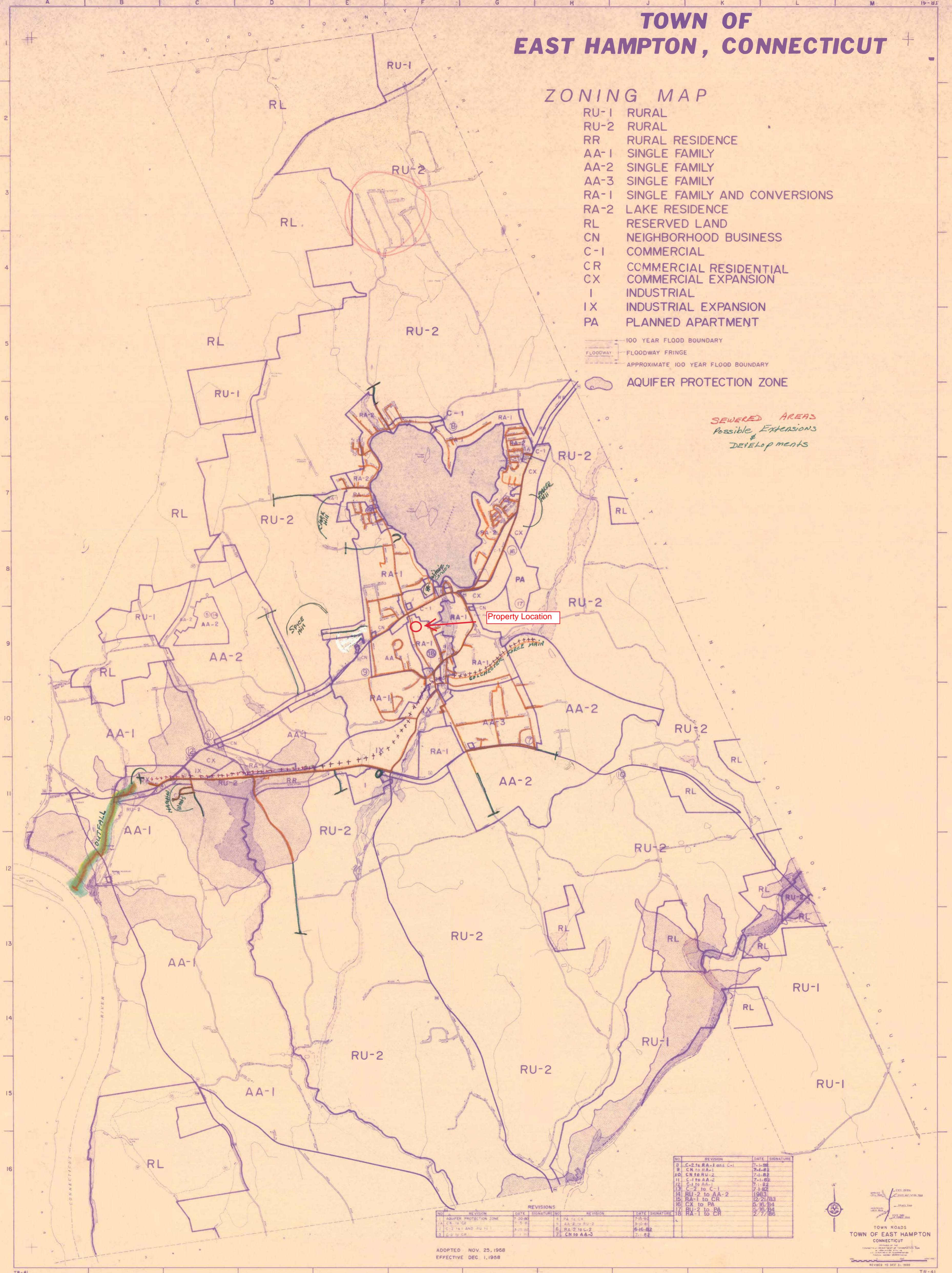
ZONING MAP

- RU-1 RURAL
- RU-2 RURAL
- RR RURAL RESIDENCE
- AA-1 SINGLE FAMILY
- AA-2 SINGLE FAMILY
- AA-3 SINGLE FAMILY
- RA-1 SINGLE FAMILY AND CONVERSIONS
- RA-2 LAKE RESIDENCE
- RL RESERVED LAND
- CN NEIGHBORHOOD BUSINESS
- C-1 COMMERCIAL
- CR COMMERCIAL RESIDENTIAL
- CX COMMERCIAL EXPANSION
- I INDUSTRIAL
- IX INDUSTRIAL EXPANSION
- PA PLANNED APARTMENT

- 100 YEAR FLOOD BOUNDARY
- FLOODWAY FLOODWAY FRINGE
- APPROXIMATE 100 YEAR FLOOD BOUNDARY
- AQUIFER PROTECTION ZONE

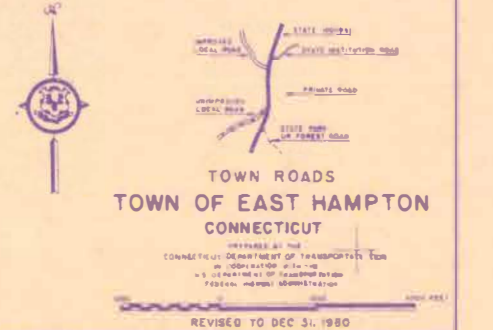
*SEWERED AREAS
Possible Extensions
&
DEVELOPMENTS*

Property Location



| NO. | REVISION | DATE | SIGNATURE |
|-----|---------------------|----------|-----------|
| 3 | C-2 to RA-1 and C-1 | 7-1-82 | |
| 9 | CN to RA-1 | 7-1-82 | |
| 10 | CN to RU-2 | 7-1-82 | |
| 11 | C-1 to AA-2 | 7-1-82 | |
| 12 | C-1 to AA-1 | 7-1-82 | |
| 13 | C-2 to C-1 | 7-1-82 | |
| 14 | RU-2 to AA-2 | 1983 | |
| 15 | RA-1 to CR | 12-21-83 | |
| 16 | CX to PA | 5-16-84 | |
| 17 | RU-2 to PA | 5-16-84 | |
| 18 | RA-1 to CR | 2-1-86 | |

ADOPTED NOV. 25, 1958
EFFECTIVE DEC. 1, 1958



site planning and landscaping, traffic safety, and to other standards established in these regulations, including:

- a. Fire or police station or other municipal building; public utility building or utility transformer station;
 - b. Park, playground, or recreational area operated by the Town of East Hampton;
 - c. Forest or wildlife reservation, park or playground not operated for profit;
 - d. Library, museum or auditorium not operated for profit;
 - e. Existing cemeteries, and their extensions;
 - f. Private school below junior high school grade, whether or not operated for profit;
 - g. Community house not operated for profit;
 - h. Uses accessory to any of "a" through "g" above.
5. Accessory uses incidental to a permitted use on the same premises, in accordance with Section 15.
 6. Signs in accordance with Section 18.
 7. Conversion of municipal building existing on the effective date of this regulation to residential use as special exceptions by the Planning and Zoning Commission following a public hearing, providing the following conditions are met:
 - a. The lot and building(s) conform to the minimum standards set forth in 5.1 except that lot coverage after conversion shall be permitted to a maximum of 25.0 percent.
 - b. Dwelling units comply with the floor area requirements of 5.15.2.
 - c. Alterations to the buildings affecting lot coverage shall not be used for residential units.
 - d. The effective date of this regulation shall be December 16, 1981.
 - e. Home Occupations as limited by Section 29.

6.4 Single Family RA-1 Zone

6.4.1 The following uses are permitted in the RA-1 zone as of right:

1. Single family dwellings.
2. Agricultural uses existing on the effective date of these regulations, and as limited in 6.1.1.3 above.

3. Conversion of existing buildings to residential use for not more than two families, provided:
 - a. The building is at least 25 years old, and
 - b. Contains a minimum of 1,550 square foot area of existing living quarters, and
 - c. The lot contains the minimum frontage, width, and lot area required in the applicable zone, and
 - d. The gross ground floor area after conversion does not exceed 20% of the lot area, and
 - e. Family dwelling units shall comply with the multifamily floor requirements of 5.15.2, and
 - f. All applicable sanitary requirements for the additional families are met.
 4. Accessory uses incidental to a permitted use on the same premises in accordance with Section 15.
 5. Signs in accordance with Section 18.
- 6.4.2 The following uses are permitted in the RA-1 Zone as special exceptions when specifically approved by the Planning and Zoning Commission in accordance with Section 24 following a public hearing:
1. Uses providing essential community services including, but not limited to, the following:
 - a. Fire or police station or other municipal building: public utility building or utility transformer station.
 - b. Park, playground, or recreational area.
 - c. Library, museum, or auditorium.
 - d. Existing cemeteries, and their extensions.
 - e. Community house.
 - f. Antennas, transmission towers, or relay towers, operated by a government regulated utility or governmental agency--all such towers shall have an anticlimbing device installed.
 - g. Medical Office building.
 - h. Uses accessory to any of "a" through "g" above.
 2. Hospitals as defined in Section 19a-490(b) of the Connecticut General Statutes, as amended.

Health care establishments as defined in Section 19a-490(c), as amended, are specifically prohibited.

3. A boarding or rooming house, or tourist home, for not more than six (6) boarders or roomers, but not including tourist cabins or trailer camps.
4. Home Occupations as limited by Section 29.

6.5 Lake Residence RA-2 Zone

6.5.1 The following uses are permitted in the RA-2 zone as of right:

1. Single family dwellings.
2. Conversion of seasonal cottages to permanent dwellings provided the Health Officer, after proper tests, shall certify the adequacy of sewage disposal and water supply for permanent use, and construction of the cottage, after conversion, shall conform to the Building Code.
 - a. The floor area after conversion of cottages existing on May 1, 1974 shall conform to 5.15.2.
 - b. The floor areas after conversion of cottages erected after May 1, 1974 shall conform to the requirements 5.15.1.
3. Existing agricultural uses provided in 6.1.4 above, and uses accessory to agricultural uses provided in 6.1.1.5 to 6.1.1.8 inclusive.
4. Accessory uses and buildings customary and incidental to a permitted use on the same premises, in accordance with Section 15.
5. Signs in accordance with Section 18.
6. Conversion of existing buildings to residential use for one or more families, provided:
 - a. The lot and building(s) conform to the minimum standards set forth in 5.1, except that lot coverage after conversion shall be permitted to a maximum of 25.0 percent.
 - b. Dwelling units comply with the multi-family floor area requirements of 5.15.2.
 - c. Compliance with all applicable sanitary requirements for all dwelling units is certified by the Town Health Department or Town Sanitarian.