

CHAPTER 130
LANDSCAPING, SCREENING AND BUFFER AREA
STANDARDS

Section 130-010 Purpose

The following standards are intended to enhance the appearance and natural beauty of the town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide shade and privacy from noise and visual intrusion and to prevent the erosion of the soil, excessive runoff of storm water, and the depletion of the groundwater table and the pollution of water bodies, watercourses, wetlands and aquifers.

Section 130-020 General Requirements

The following provisions shall apply to any use requiring a Special Permit or Site Plan Approval:

1. Landscaping, trees, and shrubs required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and shrubs which shall be shown on an approved site plan and which shall be in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material. Permanent watering systems shall be encouraged. Species of trees and shrubs planted should be reviewed by a licensed Arborist and certified in writing to the Zoning Commission.
2. All landscaping, trees, shrubs and other planting material adjacent to parking areas, loading areas or driveways shall be properly protected to prevent damage from vehicles.
3. To the extent possible, existing trees shall be saved; if grading is required in their vicinity, trees shall be appropriately welled or mounded to protect them from danger. Unique site features such as stone walls shall also be retained and protected during construction with protective fencing during activity. All fencing shall be removed after the ground has been stabilized.
4. All portions of non-residential properties which shall not be proposed as locations for buildings, structures, off street parking and loading areas, sidewalks or similar improvements, and are not portions of buffer areas to remain in a natural state, shall be landscaped and permanently maintained in such a manner as to minimize storm water runoff.

5. No trees eight inches (8") or greater in caliper measured three feet (3') above ground shall be removed unless so approved by the Commission. All trees recommended to be saved by the Zoning Enforcement Officer shall be tagged prior to any site work.
6. No widespread and invasive, restricted and invasive or potentially invasive plants as outlined in the publication "Non-Native Invasive and Potentially Invasive Vascular Plants in Connecticut" published March, 2001, and as periodically updated, shall be used in any planting plan.
7. Appendix D, Tree Planting Details shall be used as a guideline for all planting plans.
8. Trees shall be properly cared for by watering at least twice a week for two (2) months after planting and during dry spells thereafter. Trees shall be mulched with not more than three inches (3") of mulch and mulch should not come in contact with the tree trunk.
9. The Zoning Commission reserves the right to require alternate species of plantings, if the site conditions are not suitable for the species proposed by the applicant, based upon the recommendation of the Town Tree Warden or the Zoning Enforcement Officer. Native species are encouraged.
10. The total area of the site landscaping plus those areas left in a natural state must equal at least 30% of the total parcel area. This requirement shall not apply to parcels in the Village Center Zone.
11. A survey of existing trees greater than eight inches (8") in diameter shall be performed as determined to be necessary at the sole discretion of the Commission.
12. Trees planted under or adjacent to utility lines should be carefully selected and placed so that their mature height does not interfere with the lines.

Section 130-030 Parking Lot Landscaping Requirements

A. Front Landscape Areas

The purpose of a front landscape area is to enhance the appearance of the subject property and the street in all Business Zones (B-1, B-2, B-3, B-4), Industrial Zones (I, IC, RI), Multiple-Residence District (MR), Active Adult Community Zone (AACZ), and Major Planned Residential Development District (MPRDD). Front landscape areas, where required by these regulations, shall extend across the full width of the lot along the interior side of the front lot line except where driveway entrances and exits are located. The depth of the front landscape area shall be the depth of the required front setback, with the exception that in the Industrial (I) and Restricted Industrial (RI) Zones the depth

of the front landscape area shall be at least 50 feet. Access driveways may traverse the front landscape area only to gain access to the site, and may not horizontally or near horizontally traverse the front landscape area so as to decrease the depth of the required front landscape area. No structures, including but not limited to septic systems, stormwater detention basins, stormwater retention basins, water quality basins or infiltration systems may be located in any required front landscape areas, with the exception that the Commission may allow those items noted in Section 020-030(3). Every required front and street side landscape area shall be planted in lawn and/or ground cover and shall also contain at least one (1) deciduous canopy shade tree at least two and one half inches (2 ½") in caliper for each fifty feet (50') or part thereof of street frontage. For each canopy shade tree so planted, one (1) understory deciduous shade tree at least two inches (2") in caliper, one (1) evergreen tree at least six feet (6') in height, and six (6) shrubs shall also be required. A designed landscape berm of a height and configuration approved by the Commission shall be located within this front landscape area as a visual and traffic safety barrier.

(Amended Effective: July 23, 2014)

B. Landscape Islands

Any lot which contains parking facilities for more than ten (10) motor vehicles shall also provide landscaped areas within the parking lot equal to at least twenty five (25%) of the gross parking lot area. Each island shall have a suitable curb of concrete or granite. If the landscaped islands are proposed to be depressed to allow infiltration of parking lot stormwater runoff, the Commission may waive the curbing requirement. The landscaped islands shall conform to the following:

1. Landscaped End Islands shall be a minimum of 10' x 20' containing one (1) canopy tree and two (2) shrubs.
2. Landscaped Center Islands shall be a minimum of 15' x 20' to be placed at locations at the discretion of the Commission within the parking area, containing a minimum of one (1) canopy tree and other trees and shrubs, as appropriate. Larger islands are encouraged to create a more suitable growing environment for the trees, and for enjoyment of the public. Picnic tables or benches are encouraged on these larger islands.
3. In addition to the canopy trees, these islands shall be planted in a mixture of lawn, ground cover and low lying shrubs and may contain mulch and/or pavers at locations approved by the Commission. The level of mulch or grass within the curbed islands shall be 2-3 inches below the height of the curb. This is necessary for effective rain interception.

C. Stormwater Management

A storm-water-management plan shall be submitted with each application that encourages infiltration and incorporates the landscaping islands and vegetated areas in

storm water management.

Section 130-040 Buffer Areas

The purpose of a buffer area is to provide privacy from noise, headlight glare, and visual intrusion onto any lots currently used for single family and multiple-family residential uses located in a Single Family or Multiple-Family Residential Zone. A buffer area shall be provided by the owner/developer of any property located in the Industrial (I), Industrial Commercial (IC), Restricted Industrial (RI), Restricted Business Zone (B-1), General Business Zone (B-2), B-4 Zone, Lake Business Zone (B-3), Multiple-Residence District (MR) and the Airport District where any parcel in any of these zones is used for a use other than a single family residence and abuts a residentially zoned parcel containing a single family dwelling or a multi-family dwelling. Such buffer shall be implemented and located along the interior perimeter of a parcel utilized for non-residential uses where the property line adjoins a parcel zoned and utilized for residential purposes. A multi-family residence located within a Multiple Residence Zone shall be required to provide said buffer when abutting a parcel which is used for residential purposes and is located in a Single Family Residential Zone.

In addition, any special permit use outlined in Chapter 25 under sections 025-080, 025-100, and 025-070 which requires parking for more than 8 motor vehicles, and which parcel is located in a single family residential zone with abutting residential uses shall be required to provide the buffer described above.

1. The minimum depth of buffer areas shall be as follows:
 - a. Special Permit Uses in all Residential zones which will require parking for more than 8 motor vehicles: 60 feet
 - b. Business Zones (B-1, B-2, B-3, B-4): 60 feet. Properties 5 acres or less in the B-1 Zone may, subject to Site Plan Approval from the Zoning Commission, reduce the buffer to 40 feet if the number of evergreens required below in subsection (2) is doubled for each required "plant unit".
 - c. Industrial Zones (I, I/C, RI): 60 feet
 - d. When an industrially zoned (I, I/C, RI) or business zoned (B-1, B-2, B-3, B-4) parcel in excess of 5 acres abuts a residential zone where single family or multiple-family dwellings are currently located less than 150' to the adjoining property line, the required minimum buffer depth shall be 100' and the required number of plantings shall be proportionately adjusted.
 - e. Airport Zone: 60 feet
2. The buffer area shall be left in a natural condition or planted in lawn and/or ground cover and contain one (1) plant unit for each one hundred feet (100') of buffer length, or a portion thereof. For the purposes of this paragraph, "one plant unit" consists of:
 - a. Four (4) canopy trees

- b. Six (6) understory trees
 - c. Twenty four (24) shrubs
 - d. Twelve (12) evergreens
 - e. A berm
3. At the Commission's sole discretion, where the existing topography and/or landscaping provide natural screening, which satisfies the purpose of this regulation, no additional screening will be required.
 4. No structures, including but not limited to septic systems, stormwater detention basins, stormwater retention basins, water quality basins or infiltration systems may be located in any required buffer areas. The Commission may allow fencing or walls in the required buffer area if erection of such would assist in achieving the purpose of the buffer area.

(Section Amended Effective: June 8, 2018)

Section 130-050 Bonding

When a bond is required, it must be presented prior to the issuance of a zoning permit for all approved site plans. This bond shall be in an amount equal to the full value of the plant material and installation. The form of bond shall be a bank check, cash, or savings or certificate passbook account. All landscaping bonds shall be held for a period of three (3) growing seasons. Prior to the release of the landscaping bond, a licensed arborist shall inspect all plant material and certify that all plants will survive and are healthy.

Section 130-060 Definitions

Unless specifically defined below, words or phrases used in the landscaping regulations shall be interpreted so as to give them the meaning they have in other parts of the Zoning Regulations, or where not otherwise defined, the meaning they have in common usage.

1. Canopy Tree: A deciduous shade tree planted at least two and one half inches (2 ½") in caliper measured at three feet (3') off the ground with a mature height of at least thirty-five feet (35').
2. Understory Tree: A deciduous shade tree or fruit tree planted at least two inches (2") in caliper measured at three feet (3') off the ground with a mature height of twelve feet (12').
3. Evergreen Tree: A coniferous species tree planted at least six feet (6') in height at the time of planting.
4. Shrub: A plant of either deciduous species planted at two and one half feet (2 ½') in height with a mature height of at least six feet (6') or a coniferous species planted at two and one half feet (2 ½') in spread. Shrubs must be at least five (5) gallons in size at the time of planting.

5. Lawn: An area planted and maintained in perennial grass.
6. Ground Cover: Plant materials generally not in excess of ten inches (10”) high and used for decorative purposes or for their soil stabilization characteristics.
7. Berm: A raised, sloped landscape device made of earthen material designed to provide visual separation between areas and which may contain planted materials and such natural landscape architectural features as boulders, sculptures, timbers or stone walls all arranged to the satisfaction of the Commission.

Section 130-070 Modification of Standards

The Commission, in connection with the approval of a site plan under these regulations, may authorize modification of landscape requirements by special permit in accordance with the provisions of Chapter 180 as follows:

1. Additional Landscaping: The Commission may require additional landscaping or more mature plantings if unusual conditions dictate more extensive screening.
2. Reduced Landscaping: The Commission may reduce the landscaping requirements by not more than twenty five percent (25%) or elimination of a required berm, for excellence in building or space design. The Commission shall consider, among other features, the site characteristics, the compatibility of the proposed structure with surrounding architectural types, conservation of existing trees and site features, quality of building materials, and size and quality of landscape materials.
3. The Zoning Commission reserves the right to modify these specifications, in harmony with their general intent, in unique and unusual circumstances indicated by individual site conditions, technical complexities or by overriding considerations of safety and general welfare.
4. Where the subject property is located in an area of Danbury Road, which is not currently served by public sewer, and the applicant can demonstrate by means of documentation provided by the New Milford Sewer Commission that it is anticipated that the property will be served by public sewer within 5 years of the date of site plan approval, the Commission may allow a septic system to be installed in the front landscape area, provided that a bond is submitted to the Commission to cover the full anticipated cost of installing a landscape plan which complies with the zoning regulations in the event that the septic system location prevents installation of such.

(Chapter Amended Effective: July 21, 2003; September 5, 2005; July 23, 2014, June 8, 2018)