RPC Representatives

Bethany: Sharon Huxley

Branford: Charles Andres

East Haven: David Anderson

Guilford: Michael Scott

Hamden: Joseph McDonagh

Madison: Christopher Traugh (Secretary)

Meriden: Vacant

Milford: Susan Shaw

New Haven: Karyn Gilvarg

North Branford: Vacant

North Haven: Brian Cummings (Vice-chair)

Orange: Paul Kaplan

Wallingford: James Fitzsimmons

West Haven: John Panza

Woodbridge: Peggy Rubens-Duhl (Chair)

AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, May 13, 2010 RPC Meeting, 5:15pm @ SCRCOG Conference Room; 127 Washington Ave, 4th Floor West, North Haven, CT 06473

1. Administration

1.1. Minutes of the April 8, 2010 RPC Meeting

2. Statutory Referrals – May Action Items

2.1. Town of Branford: Connecticut Department of Environmental Protection Open Space Grant Application. The Grant Application is to acquire a 24 acre parcel known as 99 Laurel Hill Rd.

2.2. City of Meriden: Connecticut Department of Environmental Protection Open Space Grant Application. The Grant Application is to acquire a 2.54 acre parcel known as 628 Finch Avenue currently zoned R-R.

2.3. Town of Madison: Connecticut Department of Environmental Protection Open Space Grant Application. The Trust for Public Land (TPL), in partnership with the Town of Madison, is planning to purchase and preserve the Griswold Airport property. While the closing on the purchase is scheduled for May 4th, it is the intention of both the town and TPL to continue to secure funding to help the town offset its costs in purchasing the property.

2.4. Town of Madison: Connecticut Department of Environmental Protection Open Space Grant Application. The Trust for Public Land (TPL), in partnership with the Madison Land & Conservation Trust, hopes to preserve approximately 80 acres of land at the northeast corner of Route 80 and Summer Hill Road, currently owned by the beneficiaries of the Bauermeister Estate.

2.5. Town of Orange: Proposed Zoning Regulation Amendment to permit an Affordable Single Family Design District (ASFDD). Submitted by: Private Applicant. Received: April 12, 2010. Public Hearing: June 1, 2010.

2.6. Town of Orange: Proposed Zoning Map Amendment for an ASFDD. Submitted by: Private Applicant. Received: April 12, 2010. Public Hearing: June 1, 2010.

2.7. Town of Bethany: Proposed Zoning Regulation Amendments to Bethany Floodplain Management Regulations. Submitted by: Town of Bethany. Received: April 14, 2010. Public Hearing: May 5, 2010 (requested comment period be held open to receive RPC comments)

2.8. Town of Woodbridge: Proposed Zoning Regulation Revisions to the Flood Hazard Area Regulations. Submitted by: Town of Woodbridge. Received: May 4, 2010. Public Hearing: June 7, 2010.

2.9. Town of Woodbridge: Proposed Zoning Regulation Revisions to the Signs and Artificial Lighting Regulations. Submitted by: Town of Woodbridge. Received: May 4, 2010. Public Hearing: June 7, 2010.

2.10. City of Shelton: Proposed Zoning Regulation Amendments to Section 49 – Distributed Wind Energy Facilities to the City's Zoning Code. Submitted by: Private Applicant. Received: April 26, 2010. Public Hearing: May 26, 2010.

2.11. Town of Durham: Proposed Zoning Amendments to the Home Occupation Zoning Regulations. Submitted by: Town of Durham. Received: April 28, 2010. Public Hearing: May 19, 2010.

2.12. Town of Clinton: Proposed Zoning Regulation Amendments to the Incentive Housing Zone Regulations. Submitted by: Town of Clinton. Received: May 6, 2010. Public Hearing: June 7, 2010.

3. Other Business

RPC Representatives

Bethany:
Sharon Huxley

Branford:
Charles Andres

East Haven:
David Anderson

Guilford:
Michael Scott

Hamden:
Joseph McDonagh

Madison:
Christopher Traugh
(Secretary)

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(Vice-chair)

Orange:
Paul Kaplan

Wallingford:
James Fitzsimmons

West Haven:
John Panza

Woodbridge:
Peggy Rubens-Duhl
(Chair)

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Supplemental Information for Thursday, May 13, 2010 RPC Meeting, 5:15pm

RPC Representatives:

Staff Recommendations and Background Information for the proposed Incentive Housing Zone Regulations from the Town of Clinton will be emailed to you early next week and a hard copy will be provided during the RPC meeting. If you have any questions, please do not hesitate to contact me.

Sincerely,

Eugene Livshits
Regional Land Use Planner
South Central Regional Council of Governments
127 Washington Ave.
North Haven, CT 06473
(203) 234-7555

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, April 8, 2010 Meeting

Present: Peggy Rubens-Duhl, Brian Cummings, Christopher Traugh, Sharon Huxley, David Anderson, Susan Shaw, Eugene Livshits.

1 Administration

1.1 Minutes of the March 11, 2010 RPC meeting. Motion to accept the minutes as presented: Sharon Huxley. Second: Christopher Traugh. Vote: Unanimous. Abstain: Susan Shaw

2 Statutory Referrals

2.1 Town of East Haven: Small Cities Community Development Block Grant Application for Home Rehabilitation Revolving Loan Fund.

The South Central Regional Planning Commission (RPC) is writing to indicate our strong support of the application by the Town of East Haven for a Small Cities Community Development Block Grant to continue to fund the Town's Housing Rehabilitation Loan fund. The success of the program can be seen in the 35 rehabilitations, for low to moderate income households completed since 2008.

By resolution, the RPC recommends that the Department of Community and Economic Development award the Town of East Haven a grant to continue to fund this important and successful program as the application proposal meets important housing goals identified in the South Central Regional Plan of Conservation and Development of providing a diverse and affordable housing stock. Motion: Sharon Huxley. Second: Susan Shaw. Vote: Unanimous.

2.2 City of Meriden: Proposed Zoning Regulation Amendment to add Section 213-26.7 "Interstate Development District" to the City's Zoning Code.

By resolution, the RPC has determined that due to the broad scope and scale of the permitted uses in the proposed Zoning Regulation Amendment, it is difficult to assess any potential inter-municipal impacts and/or impacts to the habitat and ecosystem of the Long Island Sound at this time. Motion: Christopher Traugh. Second: Sharon Huxley. Vote: Unanimous.

There was a discussion on the potential locations of a development under the proposed and the broad array of uses permitted in "Interstate Development District". The Commission came to an agreement that at this time it would be difficult to assess the potential impacts of the proposed Zoning Regulations, with-out a clear focus on what type of development could be approved in the proposed district.

2.3 Town of Beacon Falls: Proposed Zoning Regulation Amendments to Section 10 of the Town's Zoning Code.

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Sharon Huxley. Second: David Anderson. Vote: Unanimous.

2.4 Town of Clinton: Proposed Zoning Regulation Amendments to Sections 9.20.4 (b) (3) (i) – Gathering events and Section 29.3.25 (e) – Outdoor Event Parking.

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Susan Shaw. Second: Sharon Huxley. Vote: Unanimous.

2.5 Town of Southington: Proposed Zoning Text Revisions to Sections 2, 4 and 11-17 of the Town's Zoning Regulations.

By resolution, the RPC has determined that the proposed Zoning Text Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Susan Shaw. Second: Brian Cummings. Vote: Unanimous.

3 Other Business

Motion to Adjourn: Sharon Huxley. Second: Brian Cummings. Vote: Unanimous.

Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Phone:
(860) 424-3000
Voice/TTY

Directions

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Open Space and Watershed Land Acquisition Grant Program (C.G.S. Section 7-131d to 7-131k, inclusive)

The Open Space and Watershed Land Acquisition Grant Program provides financial assistance to municipalities and nonprofit land conservation organizations to acquire land for open space and to water companies to acquire land to be classified as Class I or Class II water supply property.

Grants may be for the purchase of land that is: 1) valuable for recreation, forestry, fishing, conservation of wildlife or natural resources; 2) a prime natural feature of the state's landscape; 3) habitat for native plant or animal species listed as threatened, endangered or of special concern; 4) a relatively undisturbed outstanding example of a native ecological community which is uncommon; 5) important for enhancing and conserving water quality; 6) valuable for preserving local agricultural heritage; or 7) eligible to be classified as Class I or Class II watershed land.

Careful attention should be given to the criteria previously listed and to: 1) protection of land adjacent to and complementary to existing open space, preserved agricultural land or Class I or Class II water company land; 2) proximity to urban areas; 3) land vulnerable to development; 4) consistency with the state's plan of conservation and development; and 5) lands with multiple values such as water supply protection and recreation, or forest preservation and fishing access. Linkages between open spaces are an important consideration as are multi-town projects such as greenways. Cooperative efforts should be fostered between towns, land conservation organizations and local community groups. Emphasis will be given to open space acquisitions that comply with local and regional open space or conservation and development plans.

Land acquired shall be preserved in perpetuity: 1) predominately in its natural scenic and open condition or; 2) for the protection or provision of potable water or; 3) for agriculture. A permanent conservation easement shall be provided to the State to ensure that the property remains in a natural and open condition for the conservation, open space, agriculture or water supply purpose for which it was acquired. The easement shall include a requirement that the property be made available to the general public for appropriate recreational purposes. Where development rights have been purchased or where general public access would be disruptive of agricultural activity, an exception to the provision for public recreational access may be made. Where development rights are proposed to be purchased, the purchased rights will be assigned to the State of Connecticut as a substitute to the easement.

No grant may be made for: 1) land to be used for commercial purposes or for recreational purposes requiring intensive development except for forest management or agricultural use; 2) land with environmental contamination ; 3) land which has already been committed for public use; 4) development costs; 5) land to be acquired by eminent domain; 6) reimbursement of in-kind services or incidental expenses; 7) or for property acquired by the grant applicant prior to the grant application deadline.

Referral 2.1: Town of Branford & Branford Land Trust

Subject: Open Space and Watershed Land Grant Application for the Acquisition of 99 Laurel Hill Road

Staff Recommendation: The RPC should strongly support the acquisition of 99 Laurel Hill Road as it is consistent with and meets important open space goals of the Regional Plan of Conservation and Development. The preservation of the property will contribute to the development of existing regional trails and protection and conservation of water quality of the state's lakes, rivers, and coastal waters. In addition, it will maintain a comprehensive sustainable local habitat and ecosystems. (See attached draft letter of support)

Background: The Connecticut Department of Environmental Protection administers the Open Space and Watershed Land Acquisition Grant Program. The grant program established by the Connecticut General Statutes (Section 7-131d to 7-131k) provides financial assistance to municipalities and nonprofit land conservation organization to acquire land for open space. The summary of the program from the Connecticut Department of Environmental Protection website is provided in the Agenda Packet. The grant program requires an advisory report and recommendations from the appropriate regional planning agency.

The acquisition of 99 Laurel Hill Road meets the criteria required by the program of being adjacent and complementary to existing open space and conservation of land valuable for wildlife habitat and natural resources. The acquisition of the property is consistent with and meets the important goals of the Regional Plan of Conservation and Development of maintaining comprehensive sustainable local habitat and ecosystems in the region and the protection of water quality. In addition, the preservation of the property will contribute to the development of existing regional trails.

RPC Representatives

Bethany: Sharon Huxley

Branford: Charles Andres

East Haven: David Anderson

Guilford: Michael Scott

Hamden: Joseph McDonagh

Madison: Christopher Traugh (Secretary)

Meriden: Vacant

Milford: Susan Shaw

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North Haven: Brian Cummings (Vice-chair)

Orange: Paul Kaplan

Wallingford: James Fitzsimmons

West Haven: John Panza

Woodbridge: Peggy Rubens-Duhl (Chair)

May 13, 2010

Mr. Terence Elton
Economic Development – Special Projects
P.O Box 150
Branford, CT 06405

Re: Open Space and Watershed Land Grant Application by the Town of Branford for the Acquisition of 99 Laurel Hill Road

Dear Mr. Elton:

The South Central Regional Planning Commission (RPC) is writing to indicate our strong support of the application by the Town of Branford for the acquisition of 99 Laurel Hill Road.

As established by the Grant Program - the proposed acquisition of the site, which will complement existing preserved open space, meets important state and regional goal of protecting land valuable for conservation of wildlife and natural resources. The 24 acre site located in Branford's Pisgah Brook/Supply Ponds watershed is a valuable resource for recreation as it will contribute to the development of an existing greenway. The acquisition of the property will conserve and protect the water quality of the State's Lakes, Rivers and coastal waters.

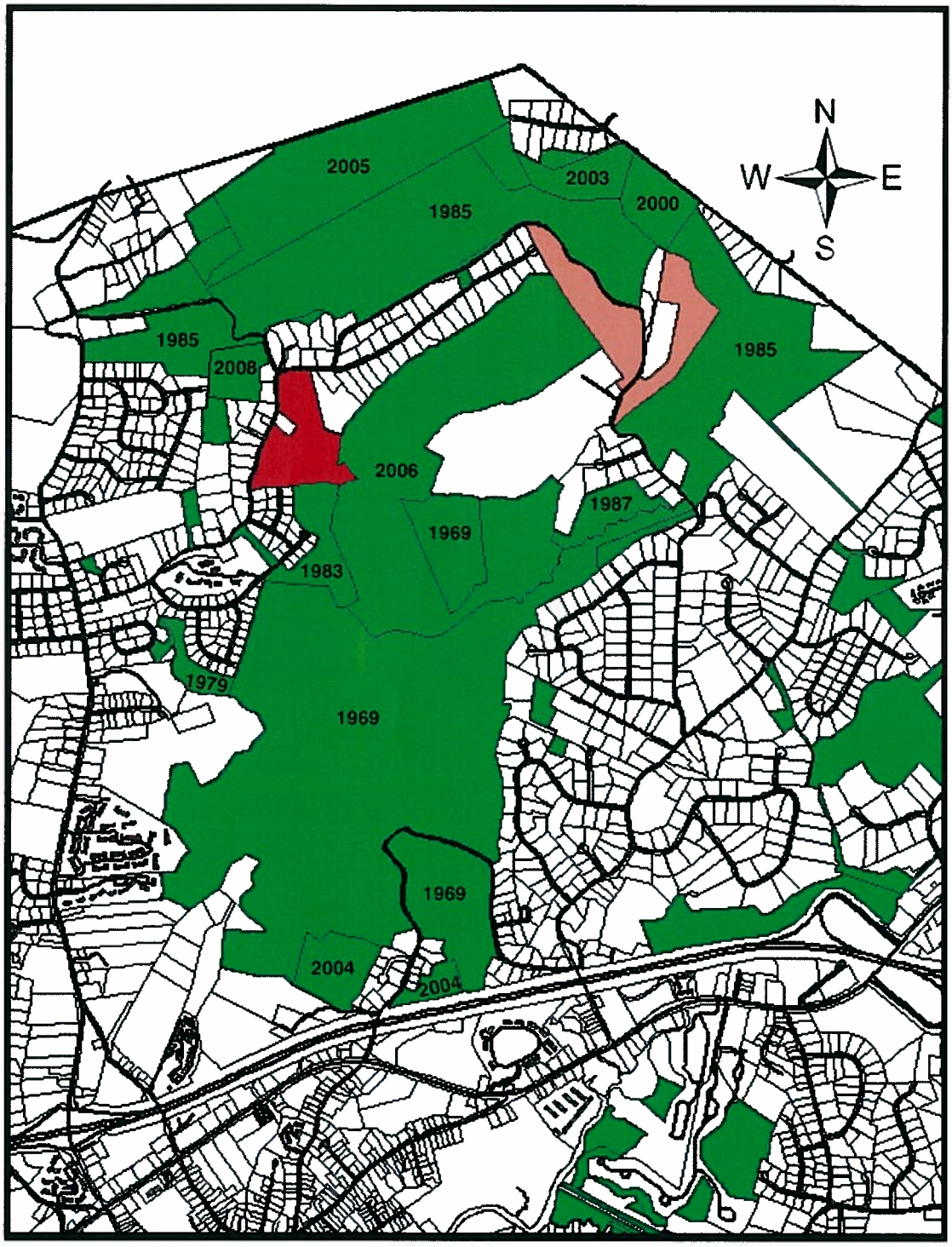
By resolution, the RPC has determined that the application for the acquisition of 99 Laurel Hill Rd is consistent with and meets the important goals of the Regional Plan of Conservation and Development to maintain comprehensive sustainable local habitat and ecosystems in the region and conserving water quality. In addition, the preservation of the property will contribute to the development of existing regional trails.

Please contact us if we can provide any additional information about this important open space property.

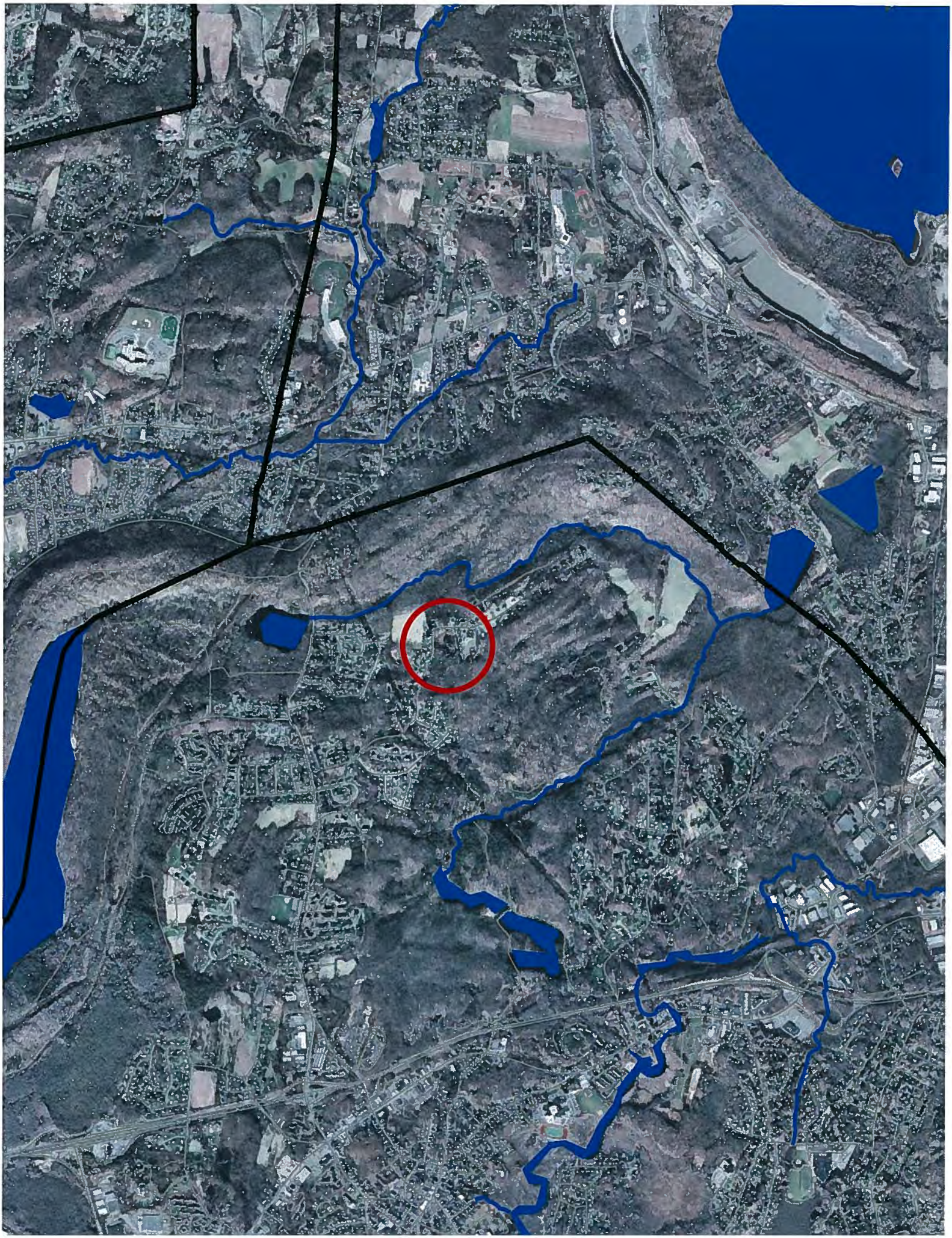
Sincerely,

Peggy Rubens-Duhl

Chairwoman
Regional Planning Commission



The Pieper property (red) is the latest acquisition in the forty year-long progressive protection of the Pisgah Brook-Supply Ponds watershed by the Town of Branford and the Branford Land Trust that began with the Town's purchase of the Supply Pond Preserve from the New Haven Water Company in 1969. The Town and Land Trust are also now working to protect the nearby Johnson Farm (shown in pink).



Referral 2.2: City of Meriden

Subject: Open Space and Watershed Land Grant Application for the acquisition of 628 Finch Ave

Staff Recommendation: The RPC should strongly support the acquisition of 628 Finch Ave as it is consistent with and meets important open space goals of the Regional Plan of Conservation and Development. The preservation of the property will provide a connection between protected open spaces and support for regional trails. In addition, the acquisition of the property will protect and preserve environmentally sensitive lands and waterways. (See attached draft letter of support)

Background: The Connecticut Department of Environmental Protection administers the Open Space and Watershed Land Acquisition Grant Program. The grant program established by the Connecticut General Statutes (Section 7-131d to 7-131k) provides financial assistance to municipalities and nonprofit land conservation organization to acquire land for open space. The summary of the program from the Connecticut Department of Environmental Protection website is provided in the Agenda Packet. The grant program requires an advisory report and recommendations from the appropriate regional planning agency.

The acquisition of 628 Finch Ave meets the criteria required by the program of enhancing and conserving wildlife habitat and water quality of the state's rivers. The acquisition of the property is consistent with and meets the important goals of the Regional Plan of Conservation and Development of connecting protected open spaces and providing support for regional trails. In addition, the acquisition of the property will protect and preserve environmentally sensitive lands and waterways.

South Central Connecticut
Regional Planning Commission

RPC Representatives

Bethany: Sharon Huxley

Branford: Charles Andres

East Haven: David Anderson

Guilford: Michael Scott

Hamden: Joseph McDonagh

Madison: Christopher Traugh (Secretary)

Meriden: Vacant

Milford: Susan Shaw

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Orange: Paul Kaplan

Wallingford: James Fitzsimmons

West Haven: John Panza

Woodbridge: Peggy Rubens-Duhl (Chair)

May 13, 2010

Ms. Julia Burdelski
Grants Administrator
142 East Main Street
Meriden, CT 06450

Re: Open Space and Watershed Land Grant Application by the City of Meriden for the acquisition of 628 Finch Ave.

Dear Ms. Burdelski:

The South Central Regional Planning Commission (RPC) is writing to indicate our strong support of the application by the City of Meriden for the acquisition of 628 Finch Ave.

As established by the Grant Program - the proposed acquisition of the site which is contiguous to property owned by the City meets important state and regional goals of enhancing and conserving wildlife habitat and water quality of the state's rivers. The preservation of the 2.54 acre site is consistent with Meriden's Plan of Conservation and Development and is necessary to maintain the Quinnipiac River Wildlife Corridor. The acquisition of the property would protect the Quinnipiac River and the Quinnipiac Linear Trail.

By resolution, the RPC has determined that the application for the acquisition of 628 Finch Ave, a 2.54 acre parcel is consistent with and meets important goals of Regional Plan of Conservation and Development of providing connections between protected open space and enhancing regional trails. In addition, the preservation of site will contribute to protecting environmentally sensitive lands and waterways.

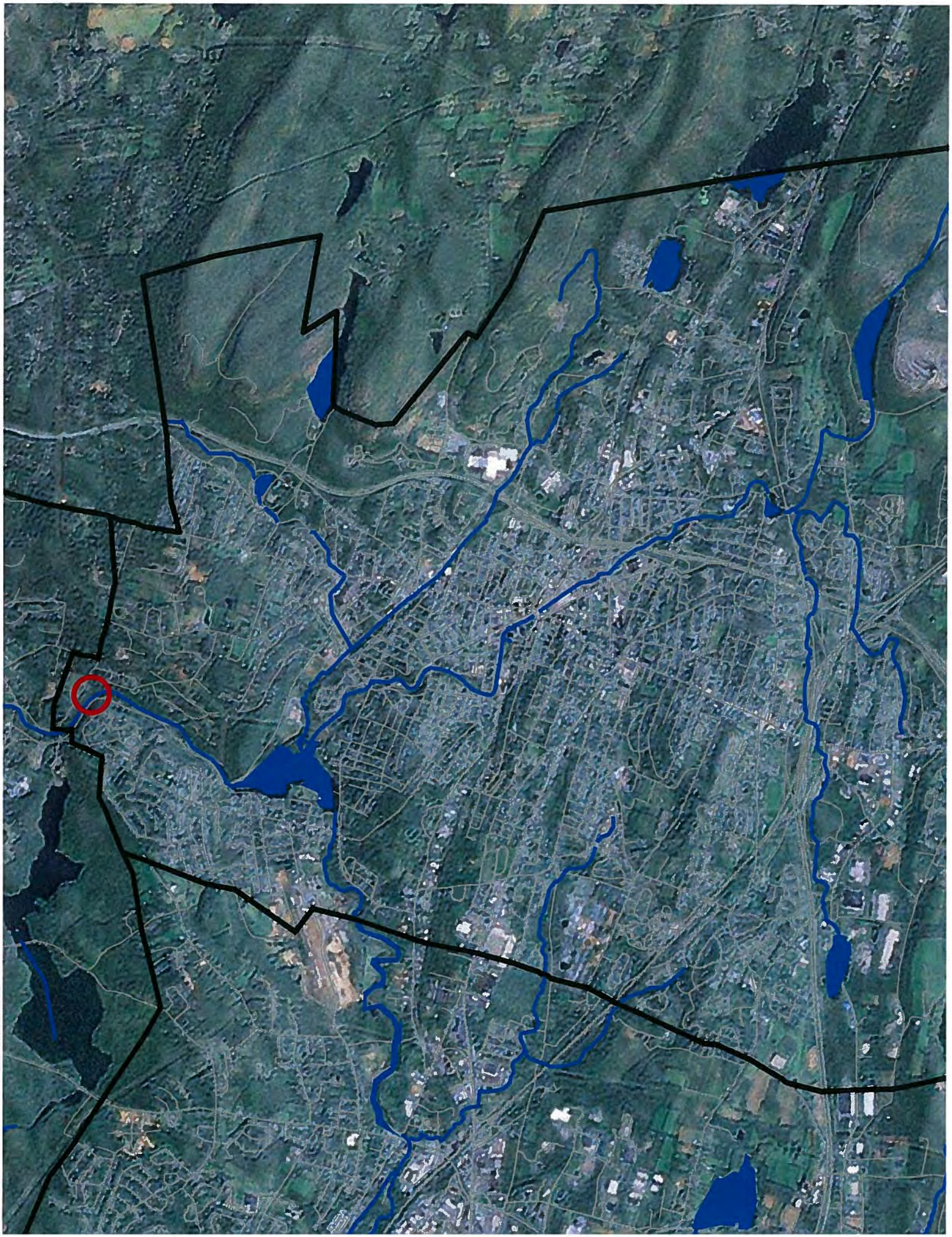
Please contact us if we can provide any additional information about this important open space property.

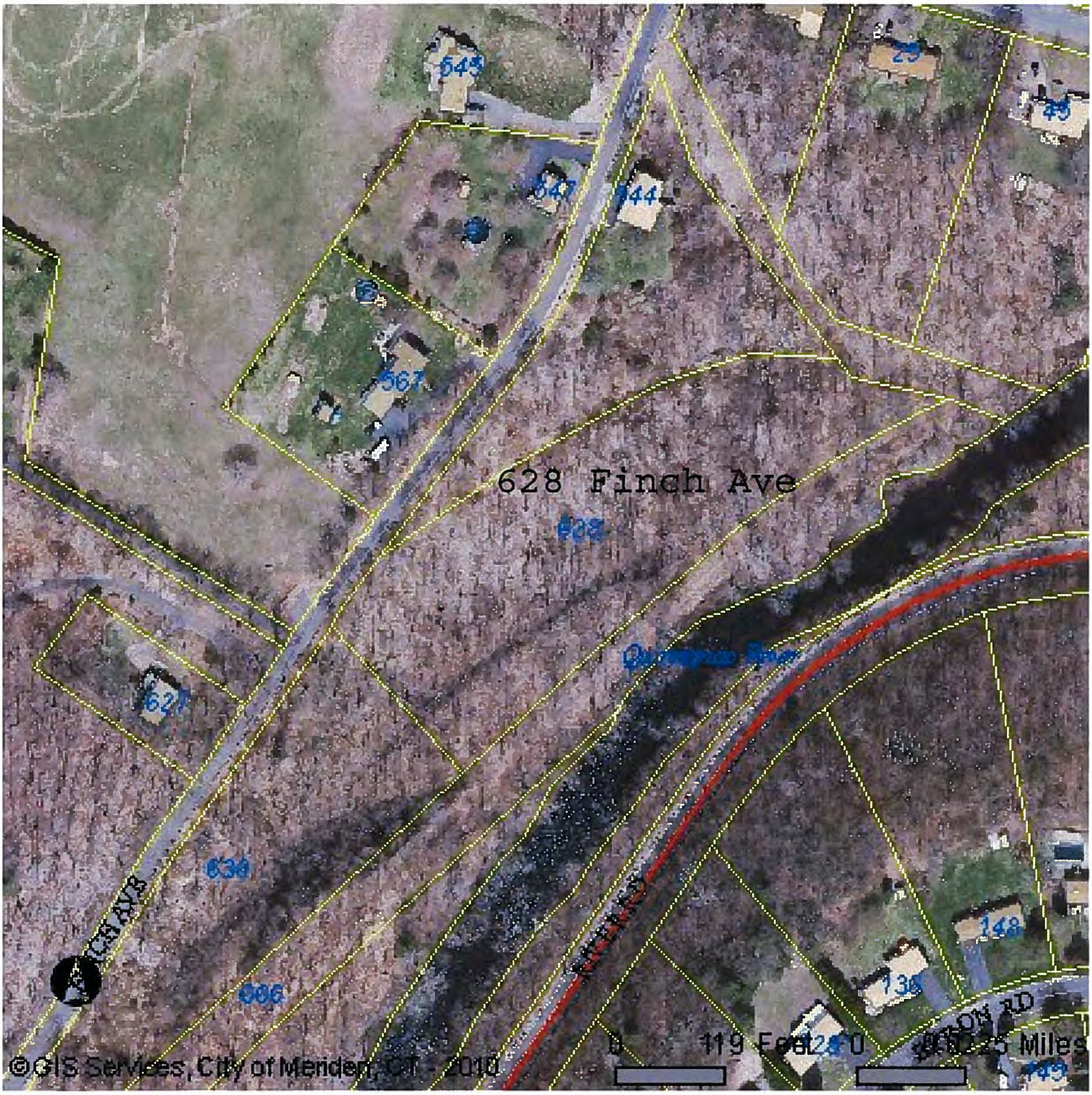
Sincerely,

Peggy Rubens-Duhl

Chairwoman
Regional Planning Commission

South Central Regional Council of Governments. 127 Washington Avenue, Fourth Floor West
North Haven, CT 06473-1715 (t) 203-234-7555 (f) 203-234-9850 (e) elivshits@scrcog.org
www: http://www.scrcog.org




628 Finch Ave
119 Feet
0.025 Miles
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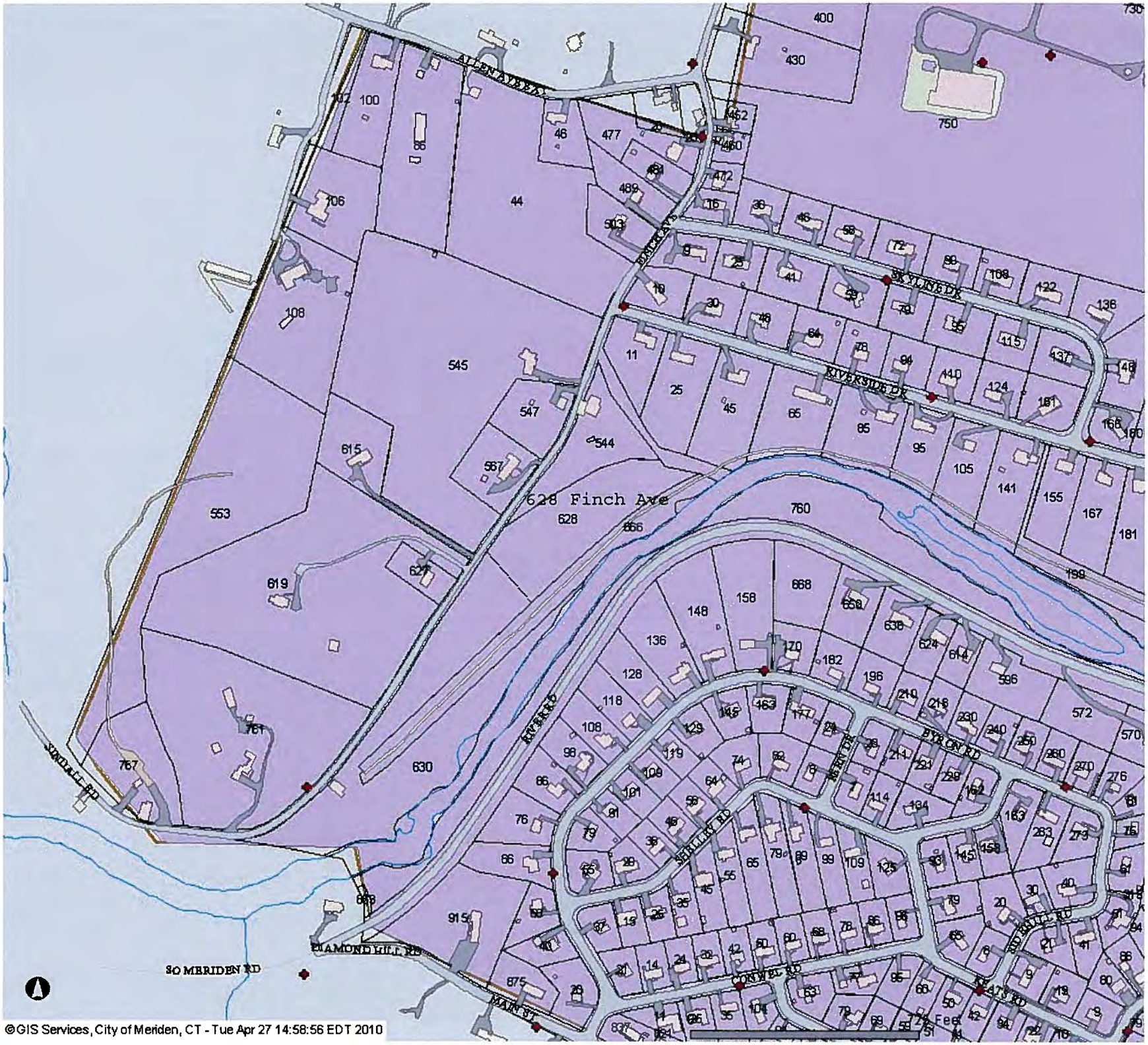

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Referral 2.3: Town of Madison and the Trust for Public Land

Subject: Open Space and Watershed Land Grant Application for the acquisition of the Griswold Airport Property

Staff Recommendation: The RPC should strongly support the acquisition of the Griswold Airport Property as it is consistent with and meets important open space goals of the Regional Plan of Conservation and Development. The preservation of the property is important to maintaining comprehensive sustainable local habitats and ecosystems, protecting and preserving environmentally sensitive lands and water quality of the Long Island Sound and creating connections between existing open spaces. (See attached draft letter of support)

Background: The Connecticut Department of Environmental Protection administers the Open Space and Watershed Land Acquisition Grant Program. The grant program established by the Connecticut General Statutes (Section 7-131d to 7-131k) provides financial assistance to municipalities and nonprofit land conservation organization to acquire land for open space. The summary of the program from the Connecticut Department of Environmental Protection website is provided in the Agenda Packet. The grant program requires an advisory report and recommendations from the appropriate regional planning agency.

The acquisition of the Griswold Airport Property meets the criteria required by the program of enhancing and conserving natural habitat and the water quality of the Long Island Sound. The acquisition of the property is consistent with and meets the important goals of the Regional Plan of Conservation and Development of maintaining comprehensive sustainable local habitats and ecosystems, protecting and preserving environmentally sensitive lands and water quality of the Long Island Sound and creating connections between existing open spaces.

South Central Connecticut
Regional Planning Commission

RPC Representatives

Bethany: Sharon Huxley

Branford: Charles Andres

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May 13, 2010

Mr. David Styger
Municipal Grant-In-Aid Coordinator
Department of Environmental Protection
79 Elm Street, 6th Floor
Hartford, CT 06106-5127

Re: Open Space and Watershed Land Grant Application by the Trust for Public Land, in partnership with the Town of Madison for the acquisition of the Griswold Airport Property

Dear Mr. Styger:

The South Central Regional Planning Commission (RPC) is writing to indicate our strong support of the application by the Trust for Public Land, in partnership with the Town of Madison for the acquisition of the Griswold Airport Property.

As established by the Grant Program - the proposed acquisition of the site meets important state and regional goals of enhancing and conserving natural habitat and the water quality of the Long Island Sound. The 42 acre site has frontage along the Hammonasset River and shares a wetland border with the Hammonasset Beach State Park. The acquisition of the Griswold Airport property through the Open Space and Watershed Land Acquisition Program would preserve critical habitat for migratory birds, prime wetlands and native coastal forest which exist on the site.

By resolution, the RPC has determined that the application for the acquisition of the Griswold Airport Property is consistent with and meets important goals of the Regional Plan of Conservation and Development of maintaining comprehensive sustainable local habitats and ecosystems, protecting and preserving environmentally sensitive lands and water quality of the Long Island Sound and creating connections between existing open spaces.

Please contact us if we can provide any additional information about this important open space property.

Sincerely,

Peggy Rubens-Duhl

Chairwoman
Regional Planning Commission

South Central Regional Council of Governments. 127 Washington Avenue, Fourth Floor West
North Haven, CT 06473-1715 (t) 203-234-7555 (f) 203-234-9850 (e) elivshits@scrcog.org
www: http://www.scrcog.org

Mill Road
Cottage Road
Lane
(U.S. Route One)
Boston Post Road
Dudley
State Park Access Roadway
N/F State of Connecticut
N/F State of Connecticut
N/F Marine Ventures III, LLC
N/F SM Realty, Inc.
N/F State of Connecticut
River
Total Parcel Area 41.4 ± Ac.
N/F Charles R. Young
Town of Clinton
Proposed Conservation Area 17.4± Ac.
N/F State of Connecticut Hammonasset Beach State Park
N/F State of Connecticut Hammonasset Beach State Park
Hammonasset
Former Griswold Airport Property
May 1, 2010
Scale: 1"=300'
0 100' 200' 400'
Town of Madison, Connecticut
Department of Public Works & Engineering
Reference: 2004 Statewide Digital Orthophotography

Referral 2.4: Town of Madison and the Trust for Public Land

Subject: Open Space and Watershed Land Grant Application for the acquisition of approximately 80 acres of land at the northeast corner of Route 80 and Summer Hill Road

Staff Recommendation: The RPC should strongly support the acquisition of 80 acres of land at the northeast corner of Route 80 and Summer Hill Road as it is consistent with and meets important open space goals of the Regional Plan of Conservation and Development. The preservation of the property is important to maintaining comprehensive sustainable local habitats and ecosystems and enhancing connectivity between protected open spaces. (See attached draft letter of support)

Background: The Connecticut Department of Environmental Protection administers the Open Space and Watershed Land Acquisition Grant Program. The grant program established by the Connecticut General Statutes (Section 7-131d to 7-131k) provides financial assistance to municipalities and nonprofit land conservation organization to acquire land for open space. The summary of the program from the Connecticut Department of Environmental Protection website is provided in the Agenda Packet. The grant program requires an advisory report and recommendations from the appropriate regional planning agency.

The acquisition of 80 acres of land at the northeast corner of Route 80 and Summer Hill Road meets the criteria required by the program of protecting land valuable to forestry, conservation of wildlife habitat and natural resources. The acquisition of the property is consistent with and meets the important goals of the Regional Plan of Conservation and Development of maintaining comprehensive sustainable local habitats and ecosystems and enhancing connectivity between protected open spaces.

RPC Representatives

Bethany: Sharon Huxley

Branford: Charles Andres

East Haven: David Anderson

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North Haven: Brian Cummings (Vice-chair)

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Wallingford: James Fitzsimmons

West Haven: John Panza

Woodbridge: Peggy Rubens-Duhl (Chair)

May 13, 2010

Mr. David Styger
Municipal Grant-In-Aid Coordinator
Department of Environmental Protection
79 Elm Street, 6th Floor
Hartford, CT 06106-5127

Re: Open Space and Watershed Land Grant Application by the Trust for Public Land, in partnership with the Town of Madison for the acquisition of approximately 80 acres of land at the northeast corner of Route 80 and Summer Hill Road

Dear Mr. Styger:

The South Central Regional Planning Commission (RPC) is writing to indicate our strong support of the application by the Trust for Public Land, in partnership with the Town of Madison for the acquisition of approximately 80 acres of land at the northeast corner of Route 80 and Summer Hill Road.

As established by the Grant Program - the proposed acquisition of the site which is mostly forested land located in the Hammonasset Watershed meets important state and regional goal of protecting land valuable to forestry, conservation of wildlife habitat and natural resources. The approximately 80 acre site abuts Regional Water Authority Land and is nearby properties owned by the Madison Land and Conservation Trust. The acquisition of the property will enhance the connectivity within a belt of protected open space located in the North Summer Hill Area.

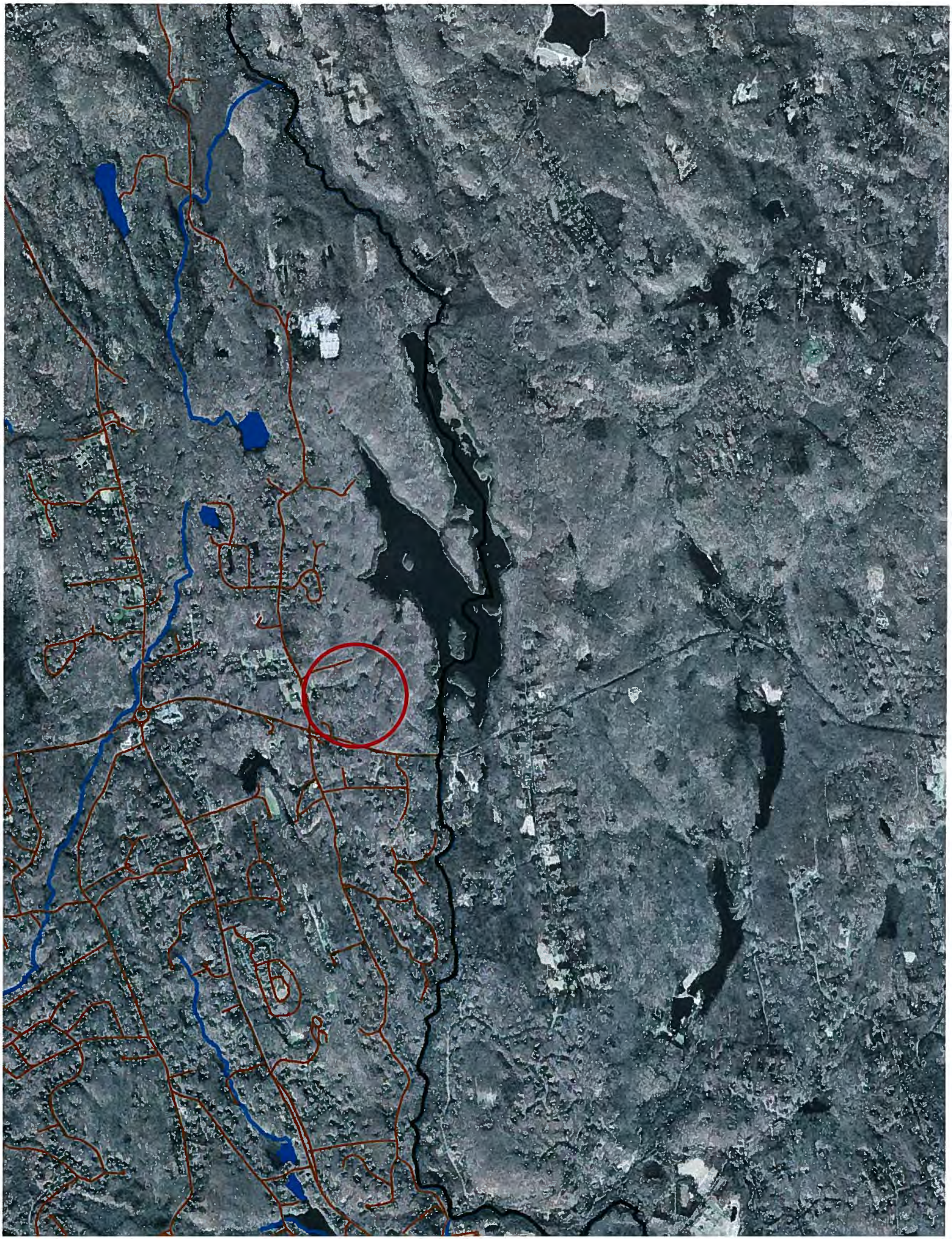
By resolution, the RPC has determined that the application for the acquisition of approximately 80 acres of land at the northeast corner of Route 80 and Summer Hill Road is consistent with and meets important goals of the Regional Plan of Conservation and Development of maintaining comprehensive sustainable local habitats and ecosystems and enhancing connectivity between protected open spaces.

Please contact us if we can provide any additional information about this important open space property.

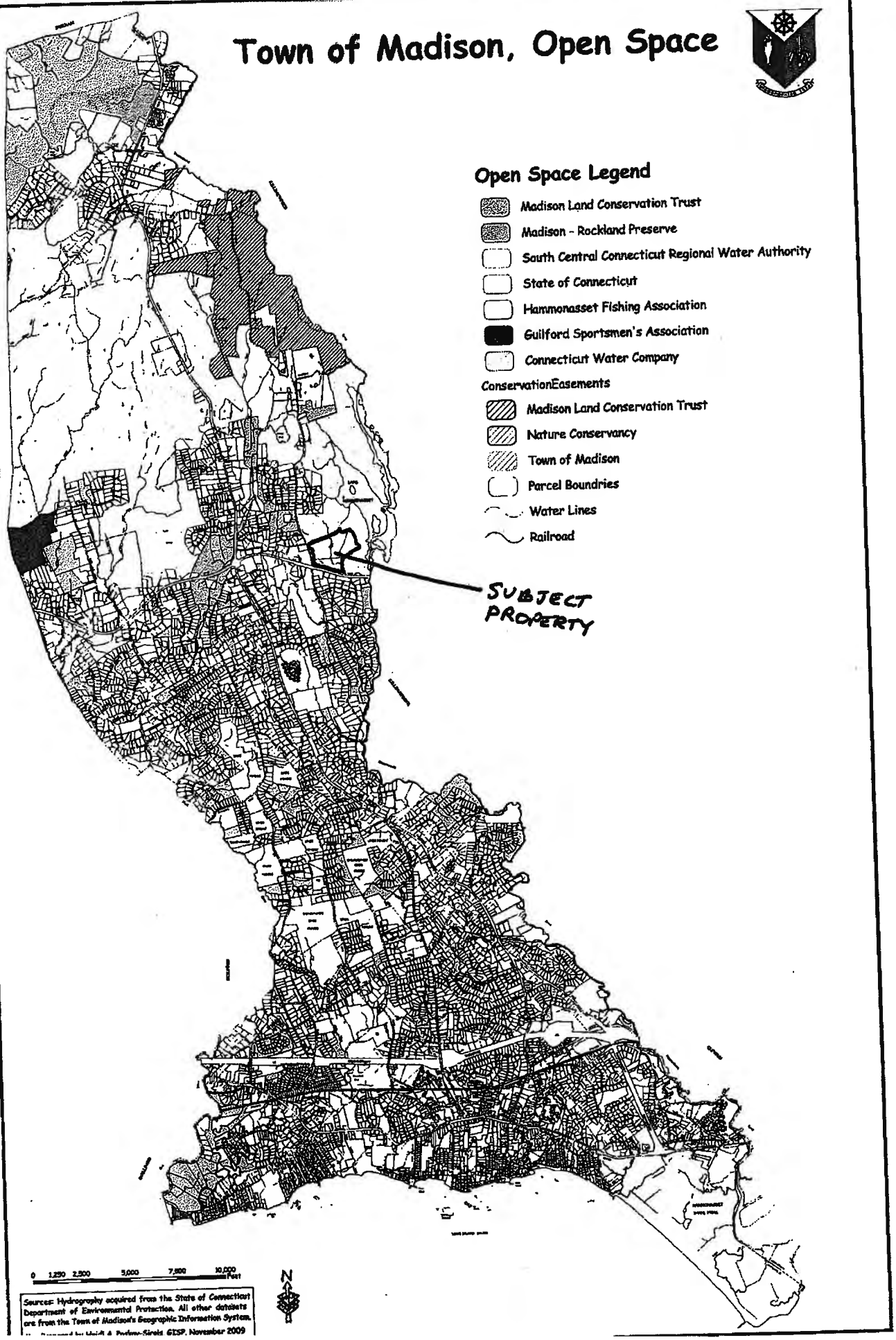
Sincerely,

Peggy Rubens-Duhl

Chairwoman
Regional Planning Commission



Town of Madison, Open Space



Referral 2.5: Town of Orange

Subject: Proposed Zoning Regulation Amendment to add "Affordable Single Family Design District (ASFDD)" to the Town's Zoning Code

Staff Recommendation: The proposed Zoning Regulation Amendments may cause negative inter-municipal traffic impacts due to the potential scale of the development and the lack of a requirement for a traffic analysis. There may be potential impact to the habitat of ecosystem of the Long Island Sound if development occurs on wetlands which drain into waterways that are tributary to Long Island Sound.

The proposed regulations make a public hearing optional for future Zone Changes which will not give the Regional Planning Commission an opportunity to review potential developments that can occur within 500' of a municipality in the South Central Region.

Background: A private applicant has proposed to add an Affordable Single Family Design District in the Town of Orange. Section A of the proposed regulation defines the purpose and states that the district will be limited to unattached single family homes at a development density suitable for the particular site. Section B defines the applicable terms in the proposed regulations. The permitted uses in this district are an open space affordable housing development (multiple, unattached single family dwellings that qualify as an affordable housing development), home occupations, model home and an active adult community.

A development in the proposed district would need to be 150 to 450 acres, have adequate access to an improved public roadway (no minimum frontage), maximum 2.5 stories (35') and density requirement of 1 home per 1.5 acres of gross development or 1 home per 1 acre of net development whichever is lower. The proposed regulations require a minimum of 2 off-street parking spaces per single family home and visitor parking at a rate of 1 space per 4 single family homes. A minimum of 50% of the total development site would need to be designated as open space. The impervious surfaces cannot exceed 12% of the gross development site. In Subsection 13 of Section D – General Design Standard the regulations permit attached single family residences on sites 250 acres or greater. This is contradictory to a couple other provisions in the regulations, which only permit detached single family homes.

The application procedures of the regulations create a two step process for approval, a submittal of an application for a change of zone and a conceptual site plan. A conceptual site plan is not required to include detailed site grading, utility and drainage design, comprehensive soil testing, sewage disposable system design, potable water supply, fire protection design and detailed soil and erosion control plans. The items above which the regulations do not require are essential in reviewing the impacts of the potential zone change and development applications. A few of these studies/reports are accounted for in the Final Site Plan but this after the proposed zone change and development are already approved.

Another missing and critical component of the conceptual site plan is a traffic impact study, which the Town Orange Regulation requires as part of a Site Plan Review involving 50 or more new parking spaces. Considering the scale of potential development permitted in the proposed Zoning District it is important to examine any potential traffic impact the development may have. The conceptual site plan only requires an illustration of internal roadways, which will not necessarily depict connections and accessibility to the public roadways. The approval of a zone change in the proposed regulations states that a public hearing may, but need not be held. This is contradictory to Section 8-3 of the Connecticut General Statutes which requires a public hearing when a zoning district is established or changed. The proposed regulations only have a provision in the final site plan section which protects environmentally sensitive lands, but only when it is feasible. The proposed regulations do not have necessary provisions in place prior to approval to adequately analyze and illustrate environmentally sensitive lands in a potential development site plan.

Communication: In researching this proposal, I spoke to the Zoning Administrator in Orange and notified the adjacent municipalities in the South Central Region (Milford, West Haven, and Woodbridge)

Town of Orange, Connecticut

Zoning Department

TOWN HALL
617 ORANGE CENTER ROAD
ORANGE, CONNECTICUT 06477-2499

PHONE: (203) 891-2122, ext.743
FAX: (203) 891-2185
www.orange-ct.gov

April 8, 2010
CERTIFIED MAIL

Ms. Judy Gott, Executive Director
Council of Governments
127 Washington Avenue
4th Floor - West
North Haven, CT 06473-1715

REFERRAL OF PETITION TO AMEND
THE ORANGE ZONING REGULATIONS & ORANGE ZONING MAP
-SUBMITTED BY HUBBELL INCORPORATED

1. ***To propose regulations to permit an Affordable Single Family Design District: ASFDD.***
2. ***Petition to change the Orange Zoning Map for an Affordable Single Family Design District.***

Dear Ms. Gott:

In accordance with the Connecticut General Statutes, enclosed for your review are proposed changes to the Orange Zoning Regulations and a request for Zone Change. A public hearing on this matter is tentatively scheduled for June 1, 2010.

If you have any questions, please contact me at 203-891-4743.

Very truly yours,

Paul Dinice

Paul Dinice, Zoning Administrator
& Enforcement Officer

enclosures (2)
cc: TPZC Members
V. Marino, Esq.
J. Zeoli, First Selectman
B. Miller, Consultant Planner

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COUNCIL OF GOVERNMENTS

ORANGE TOWN PLAN & ZONING COMMISSION

PETITION TO AMEND ZONING REGULATIONS AND/OR ZONING MAP
(public hearing required)

Applicant Hubbell Incorporated

Mailing Address 584 Derby Milford Road

Orange, Connecticut **Zip** 06477

Telephone 203-799-4100 **Fax** N/A

Property Owner Hubbell Incorporated (formerly known as Harvey Hubbell Incorporated) and Wepawaug Development, LLC

Mailing Address 584 Derby Milford Road

Orange, Connecticut **Zip** 06477

Telephone 203-799-4100 **Fax** N/A

PETITION TO AMEND REGULATIONS? X Hubbell Incorporated **ZONING MAP?** X Hubbell Incorporated

By: _____
Signature of Property Owner *
James H. Biggart Jr.
Its: Vice President

April 5, 2010
Date

By: _____
Signature of Applicant
James H. Biggart, Jr.
Its: Vice President

April 5, 2010
Date

FOR OFFICE USE ONLY:

Date Received RECEIVED APR 06 2010 *Application Fee Paid* _____

Meeting Scheduled _____ *Action Taken* _____

Applicant Notified _____ *Date of Publication* _____

*Wepawaug Development, LLC
By Hubbell Incorporated, Its Member

By: _____
James H. Biggart, Jr.
Its: Vice President

CHECK LIST

PETITIONS TO AMEND THE TEXT OF THE ZONING REGULATIONS

The following information is required:

1. **Fifteen (15) copies of this completed application form** — X
2. **Fifteen (15) copies of the precise wording of the existing text** — Not Applicable
3. **Fifteen (15) copies of the proposed text** — X

PETITIONS TO AMEND THE ZONING MAP

The following information is required:

1. **Fifteen (15) copies of this completed application form** — X
2. **Fifteen (15) copies of a map drawn to a scale of not less than 200 feet to the inch, covering that area of the proposed zone change and all area in the Town of Orange within 500 feet of the proposed change, displaying the existing and proposed zoning district boundary lines, the existing property lines and the names of the current property owners as indicated by the Town of Orange Assessor's records** — X
3. **Existing Zone** Residence (R-1) and Office Park (OP) Districts **Proposed Zone** Affordable Single Family Design District (ASFDD)
4. **List of adjoining property owners** (see page 3) — X
5. **Narrative description of the subject property and its boundaries.**

See attached legal description.

For Petitions to Amend the Zoning Map, please provide names and mailing addresses of adjoining property owners, including those across the street. The applicant must obtain this current information from the Orange Assessor's Office. Please use an additional sheet if necessary.

NAME See Attached.

ADDRESS _____ **ZIP** _____

NAME _____

ADDRESS _____ **ZIP** _____

NAME _____

ADDRESS _____ **ZIP** _____

NAME _____

ADDRESS _____ **ZIP** _____

NAME _____

ADDRESS _____ **ZIP** _____

NAME _____

ADDRESS _____ **ZIP** _____

NAME _____

ADDRESS _____ **ZIP** _____

RECEIVED
APR 12 2010
SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

ARTICLE XXIV

AFFORDABLE SINGLE FAMILY DESIGN DISTRICT: ASFDD

A. SECTION 383-215 Purpose: An ASFDD zone is a low to medium density single family residential district. The purpose is to encourage: (i) the appropriate use of real property, including the provision of open space and the preservation of significant natural features (including trees, steep slopes, inland wetlands) by allowing flexibility in housing construction and the modification of traditional subdivision constraints, (ii) the planning and construction of single family housing that is "affordable" as defined by state statutes to assist the Town in meeting the need for affordable, residential housing. The following factors shall be considered in establishing an ASFDD zone: (i) conserving the inherent natural resource systems of the land to the extent practicable, (ii) encouraging the most appropriate use of the land with reasonable consideration of the character of the neighborhood, and (iii) meeting the housing needs of the community and of the region.

An ASFDD zone shall be limited to unattached single family homes at a development density which is suitable for the particular site but not to exceed the maximum number of homes determined in accordance with the provisions of Paragraph D(4) of this section 383-215.

B. Definitions:

(1) "Affordable Housing Development" means a proposed housing development, as defined by Section 8-30g(a) of the Connecticut General Statutes, (A) which is "assisted housing" as defined in Section 8-30g(a)(3) of the Connecticut General Statutes; or (B) a "set-aside development" as defined in Section 8-30g(a)(6) of the Connecticut General Statutes.

(2) "Open Space Affordable Housing Development," as used in this Section, means a residential development consisting of multiple, unattached single family dwellings that qualifies as an Affordable Housing Development and further satisfies the requirements of this section of the regulations.

(3) "Affordable Housing Unit." As used in this Section, "Affordable Housing Unit" means housing for which qualified persons and families pay thirty percent (30%) or less of their annual

income, where such income is less than or equal to the median income as defined in Section 8-30g(a)(7) of the Connecticut General Statutes.

(4) "Open Space" means that portion of a development site designated by the applicant which is either conserved in its natural or existing condition for the protection of plant and animal habitat and the protection of wetlands, watercourses, flood plains, steep slopes and other significant natural features or which, where appropriate, is developed and maintained for passive or active outdoor recreation including, without limitation, tennis courts, playing fields and playgrounds. There shall be no limit on the percentage of open space which may consist of flood plains, wetlands, water-bodies, steep slopes, or outdoor recreational facilities.

C. Permitted Uses: Subject to site plan review and approval by the Commission, the following principal use shall be permitted in the ASFDD zone: an open space affordable housing development. The following additional uses shall be allowed as of right: (i) a home occupation or home office in accordance with the provisions of section 383-26 J of the Orange zoning regulations, (ii) model home or model home with sales office in accordance with the provisions of section 383-26 K of the Orange zoning regulations, and (iii) an active adult community, but not subject to the provisions of section 383-143.4 of the Orange zoning regulations. No other section of the Orange zoning regulations shall apply to an open space affordable housing development unless specifically incorporated in this section 383-215 by reference. If there is a conflict between a standard of another section of these zoning regulations and this section 383-215, the standards of this section shall control and apply to the proposed site development.

D. General Design Standards: Each open space affordable housing development proposed in the ASFDD zone shall conform to the following general standards:

(1) The aggregate size for an open space affordable housing development site shall be not less than one hundred-fifty (150) acres nor more than four hundred-fifty (450) acres. An open space affordable housing development site may consist of several contiguous lots, or parcels of land, each of which may, individually, be less than the minimum aggregate site size, which are proposed to be developed in accordance with a common development plan as a common interest community pursuant to chapter 828 of the Connecticut General Statutes.

(2) The open space affordable housing development must be located on, or have adequate access to, an improved public roadway. There shall be no minimum frontage required on a public roadway.

(3) No building shall exceed thirty-five feet (35') in height or consist of more than two and one-half (2.5) stories, excluding basement. For purposes of this section 383-215 only, (i) "building height" is defined as the vertical distance from the average proposed grade to the midpoint of the peak of the roof and the eves and (ii) "basement" is defined as that portion of a building that is partly or completely below grade.

(4) The maximum number of single family homes in an open space affordable housing development shall not exceed the lesser of (i) one (1) home per 1.5 acres of gross development site or (ii) one (1) home per 1.0 acre of net development site. For the purpose of this section 383-215 only, "net development site" shall mean the area of the gross development site less fifty percent (50%) of the area of all state designated inland-wetlands and natural slopes greater than twenty-five degrees (25°) on the site.

(5) All principal buildings shall be setback a minimum of fifty (50) feet from a perimeter property line and a minimum of twenty-five (25) feet from a private or public roadway.

(6) All accessory structures, not including pedestrian paths, and roadways, shall be setback a minimum of ten (10) feet from a property line.

(7) Adequate off-street parking shall be provided for all uses and buildings, with a minimum of 2.0 off-street parking spaces per single family home. Driveways shall constitute parking spaces in determining conformance with the parking standards for a single family home. In addition, parking for visitors shall be provided at the rate of one (1) space per four (4) single family homes. Driveways, garages or carports serving a particular single family home shall not be used for determining conformance with visitor parking standards.

(8) A minimum of fifty percent (50%) of the total development site as designated by the applicant shall be dedicated and preserved as open space in perpetuity. The open space shall be retained

in private ownership by the common interest community subject to the provisions of a conservation easement enforceable by the homeowners association and the town.

(9) Spacing: The space between principal buildings located on the development site shall be not less than twenty-five (25) feet.

(10) An adequate number of fire hydrants shall be provided so that no building shall be more than five hundred (500) feet from a hydrant.

(11) Each building shall be served by public water in accordance with the requirements of the South Central Connecticut Regional Water Authority.

(12) Each building shall be served by either: (i) public sanitary sewer, (ii) community subsurface sewage disposal system, or (iii) private subsurface sewage disposal system or (iv) any combination of the above.

(13) On development sites of two hundred fifty (250) acres or greater, up to forty percent (40%) of the proposed single family homes may be attached, not to exceed two (2) single family residences per building, provided said attached single family homes shall be designed and arranged on the site in a manner which is harmonious and consistent with the balance of the affordable housing development.

(14) All utilities within the development site shall be placed underground.

(15) Internal roadways shall be designed to facilitate traffic circulation and emergency vehicle movement, including the provision of cul-de-sac or other appropriate turnarounds at dead end roadways. Internal access roadways may be public or private, or a combination thereof, and shall be a minimum of twenty-two (22) feet in width. There shall be at least two points of entry into the proposed open space affordable housing development.

(16) Sidewalks shall be provided on at least one side of all internal roadways to provide a continuous pedestrian network. Sidewalks shall be four feet wide and constructed of cement concrete unless an alternative surface is approved by the Commission. Pedestrian paths are encouraged as an amenity to residents to provide

additional recreation opportunities or to connect recreation, open space and other common use areas for residents.

(17) The amount of impervious surfaces shall not exceed twelve percent (12%) of the gross development site.

(18) The amount of building coverage shall not exceed five percent (5%) of the gross development site.

E. Application Procedure.

(1) In order to streamline the process and to avoid unnecessary costs, all open space affordable housing developments shall be approved in a two-step process. The proponent of an open space affordable housing development shall submit an application to the Commission for a change of zone to ASFDD accompanied by a conceptual site plan. Plans and maps shall be prepared by a registered professional engineer or licensed landscape architect at a scale of not less than one inch equals one hundred feet (1" = 100') (except for the zone change map which may be at a scale of 1" = 200'). The conceptual site plan shall be for the limited purpose of (i) illustrating overall site density and design intent, and (ii) determining compliance with the general design standards of this section 383-215 and with the provisions of Connecticut General Statutes Section 8-30g and shall not be construed as a site plan requiring other regulatory approvals, including, without limitation, pursuant to Connecticut General Statutes Section 8-3(g).

(2) A conceptual site plan shall include the following information and elements:

(a) A summary table showing compliance with the general design standards of this section of the zoning regulations.

(b) The number of single family homes and their arrangement on the development site, the proposed internal roadways, traffic circulation and any parking areas other than those associated with a specific home.

(c) A zone change map in accordance with section 383-210 of the Orange zoning regulations.

(d) An existing conditions map showing the boundaries of the gross

development site, topography at two (2) feet intervals and depicting all existing easements, approximate inland-wetland areas and watercourses.

(e) Conceptual house and building floor plans and exterior elevations shall be provided.

(f) Information regarding zoning and existing land uses of adjoining properties.

(g) Any proposed pedestrian circulation system, including its interrelationships with the vehicle circulation system, open space and other areas of common use.

(h) Designation of open space.

(i) A brief written statement of the intended ownership arrangements for the open space affordable housing development, including common facilities, the means of open space reservation and whether internal roadways are to be public or private; and

(j) An affordability plan which meets the requirements of the Connecticut General Statutes and any regulations promulgated thereunder by the Connecticut Department of Economic and Community Development.

(k) The approximate location and size of inland-wetlands based upon the published U.S. Department of Agriculture New Haven County Soil Survey refined and confirmed by observation and graphic delineation by a certified soil scientist.

3. A conceptual site plan shall not be required to include the following information and elements: detailed site grading, utility and drainage design, including, without limitation, comprehensive soil testing and sewage disposal system design, potable water supply and fire protection design, and detailed soil and erosion control plans.

***F. Approval of Zone Change**

(1) The Planning and Zoning Commission may, but need not, hold a public hearing on an application for a change of zone to ASFDD, which shall include review of the conceptual site plan.

(2) In granting the requested change of zone, the Commission shall either approve or modify and approve the conceptual site plan for the open space affordable housing development in accordance with the standards set forth in Connecticut General Statutes Section 8-30g provided the purposes and standards of this section 383-215 for an open space affordable housing development have been satisfied. In the event the Commission believes, in good faith, that the conceptual site plan requires additional information to demonstrate that the purposes and standards of this section 383-215 of the zoning regulations have been met, it shall not deny the application but may request reasonable additional information regarding the open space affordable housing development from the applicant in accordance with the provisions of this section of the zoning regulations.

(3) The approved ASFDD zone and conceptual site plan shall be endorsed by the Planning and Zoning Commission and notice of such approval shall be recorded in the office of the Orange Town Clerk within one hundred-twenty (120) days of approval unless the time for recording is extended by the Planning and Zoning Commission at the request of the applicant.

G. <u>Submission of Final Site Plan</u>:

(1) Before development can begin: (i) an application for final site plan approval must be submitted to, and approved by, the Commission in accordance with the provisions of this section 383-215 of the zoning regulations and the standards set forth in Connecticut General Statutes Section 8-30g and (ii) the applicant must obtain a permit from the Orange Inland-Wetlands and Watercourses Commission for any proposed activity regulated pursuant to Connecticut General Statutes Section 22a-36 et. seq. The Commission shall not issue a final decision on an application for final site plan approval until the Orange Inland-Wetlands and Watercourses Commission has submitted its final decision with respect to that portion of the open space affordable housing development for which final site plan approval is being sought.

(2) Application for a final site plan approval may be for all or only a portion of the approved conceptual site plan. If the site is to be developed in phases, each phase shall require a final site plan approval. The final site plan shall substantially conform to the approved conceptual site plan as determined in good faith by the

Commission.

(3) The final site plan application shall include such detailed plans, studies, reports and calculations as are typically requested for similar site plan applications and shall include, without limitation, the following:

(a) The information required by section 383-117 of the Orange zoning regulations, as applicable, including, without limitation, a detailed soil and erosion control plan and detailed utility and drainage systems.

(b) Identification of any historic structures or features on the development site.

(c) Applicable deed restrictions for the Affordable Housing Units as specified in this section 383-215 of the zoning regulations.

(d) All required legal documents referred to in this section of the zoning regulations, including the proposed declaration of common interest community.

(e) The location and nature of any proposed common amenities.

(4) The Planning & Zoning Commission shall not conduct a public hearing with respect to any application for final site plan approval. A final site plan for at least the first phase of the open space affordable housing development must be submitted for approval within ten (10) years from the date of the initial conceptual site plan approval, provided final site plan approval for all remaining phases of the development site must be obtained, and all work associated with the affordable housing development must be finished, prior to the expiration of development rights and special declarant rights reserved in the declaration of common interest community under Chapter 828 of the Connecticut General Statutes. The Commission may approve one or more extensions of time for submittal.

(5) The final site plan shall be prepared by a registered professional engineer or licensed landscape architect at a scale of 1" = 40'.

(6) All roads which are proposed to be public roads and all improvements which are proposed to be constructed within any public right-of-way, or which are proposed to be dedicated to the

Town of Orange, shall be constructed in accordance with applicable town standards.

(7) All uses shall be served by public water and by either public sanitary sewers or, provided the characteristics of the soil on the site are suitable, private individual subsurface sewage disposal systems, or private community subsurface sewage disposal systems, or a combination of the above. The proposed subsurface sewage disposal systems shall be approved by either the Town Sanitarian, Connecticut Department of Public Health or Connecticut Department of Environmental Protection, as applicable.

(8) The development site shall be designed and developed in such a manner as to preserve its natural state insofar as is practicable by:

(a) minimizing soil and tree removal;

(b) designing grade changes which will blend harmoniously with the natural and undisturbed landscape;

(c) whenever possible, site improvements and storm water management systems shall incorporate low impact design features.;

(d) treating disturbed surfaces to encourage plant growth and soil stabilization by providing top soil and the planting of appropriate trees, shrubs and grass;

(e) except where not feasible or practical, preserving natural features such as steep slopes, rock outcrops, wetlands, and vistas; and

(f) implementing measures to minimize soil erosion and to prevent the pollution of watercourses.

(9) All internal roadways, driveways and parking areas shall be designed to facilitate traffic circulation and emergency vehicle movement, including the provision of cul-de-sacs or other appropriate turn arounds at all dead-ends.

(10) Except where not feasible, all private roadways shall be a minimum of twenty-two feet (22') in width and designed to accommodate two-way traffic.

H. Compliance with Chapter 126a of the Connecticut General Statutes:

(1) Affordable Housing Units shall be of a construction quality and size that is comparable to market-rate units within the open space affordable housing development, and shall be dispersed throughout the development.

(2) If the open space affordable housing development is to be built in phases, the Affordable Housing Units will be built on a pro rata basis as construction proceeds.

(3) An Affordable Housing Unit shall be occupied only by a qualified purchaser or tenant as his or her primary residence. Nothing in this provision shall preclude the use of an Affordable Housing Unit for a home occupation or a home office in accordance with Section 383-26 J of the zoning regulations.

(4) The applicant or its successors and assigns may change the designation of which units within the development shall be set aside as affordable, provided that the minimum thirty percent (30%) set aside shall be maintained for a forty (40) year period, and the open space affordable housing development as a whole shall continue to comply with the provisions of this section of the regulations.

(5) The forty (40) year affordability period shall be calculated separately for each Affordable Housing Unit and shall begin on the date a certificate of occupancy is first issued for the Affordable Housing Unit.

(6) The Commission may, as a condition of approval, require an annual report from the applicant or its successors and assigns verifying unit occupant income and compliance with the requirements of this section of the regulations.

I. Accessory Uses: The following accessory uses shall be allowed in an open space affordable housing development:

(1) Accessory buildings and uses customarily associated with a common interest community including, but not limited to, tennis courts, walking paths, trails, swimming pools, recreation facilities and buildings, meeting halls, management office,

maintenance, storage and utility buildings, and off-street parking shall be permitted.

(2) Accessory signs, including, but not limited to, directional and informational signs, necessary for the public safety or convenience of the open space affordable housing development, shall be permitted whereby any individual sign panel shall not exceed 20 sq. ft., exclusive of support structure, except that entrance signs containing the name of the open space affordable housing development shall not exceed one hundred (100) square feet, exclusive of support structure, fencing or walls.

J. Enforcement: The Commission retains all enforcement powers granted by the Connecticut General Statutes, including, but not limited to, Section 8-12 of the Connecticut General Statutes, to ensure that the ownership, maintenance and operation of the open space affordable housing development provided by this section 383-215, is, at all times, in compliance with this section of the zoning regulations, and Chapter 126a of the Connecticut General Statutes relative to an Affordable Housing Development.

Referral 2.6: Town of Orange

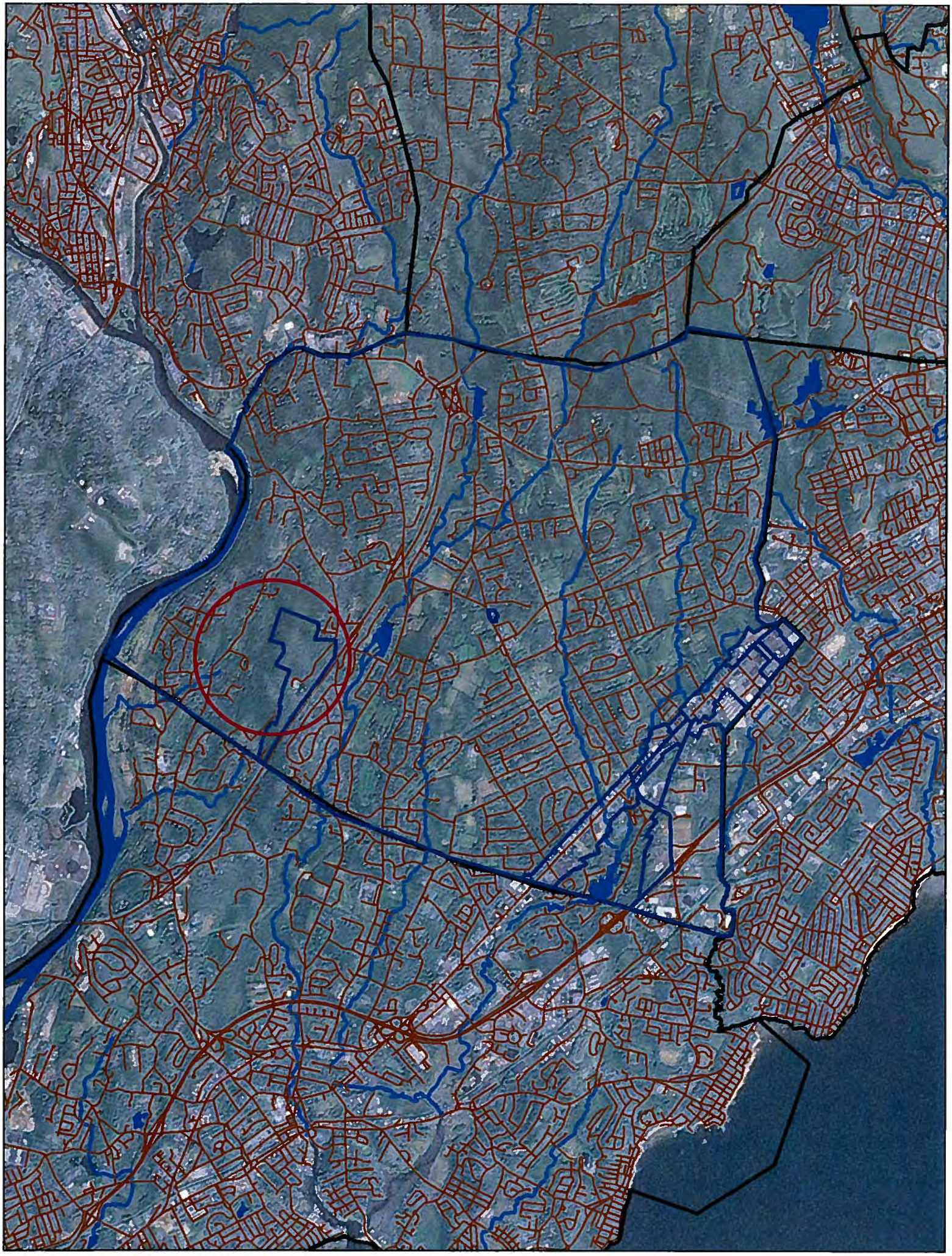
Subject: Proposed Zoning Map Amendment for an "Affordable Single Family Design District (ASFDD)"

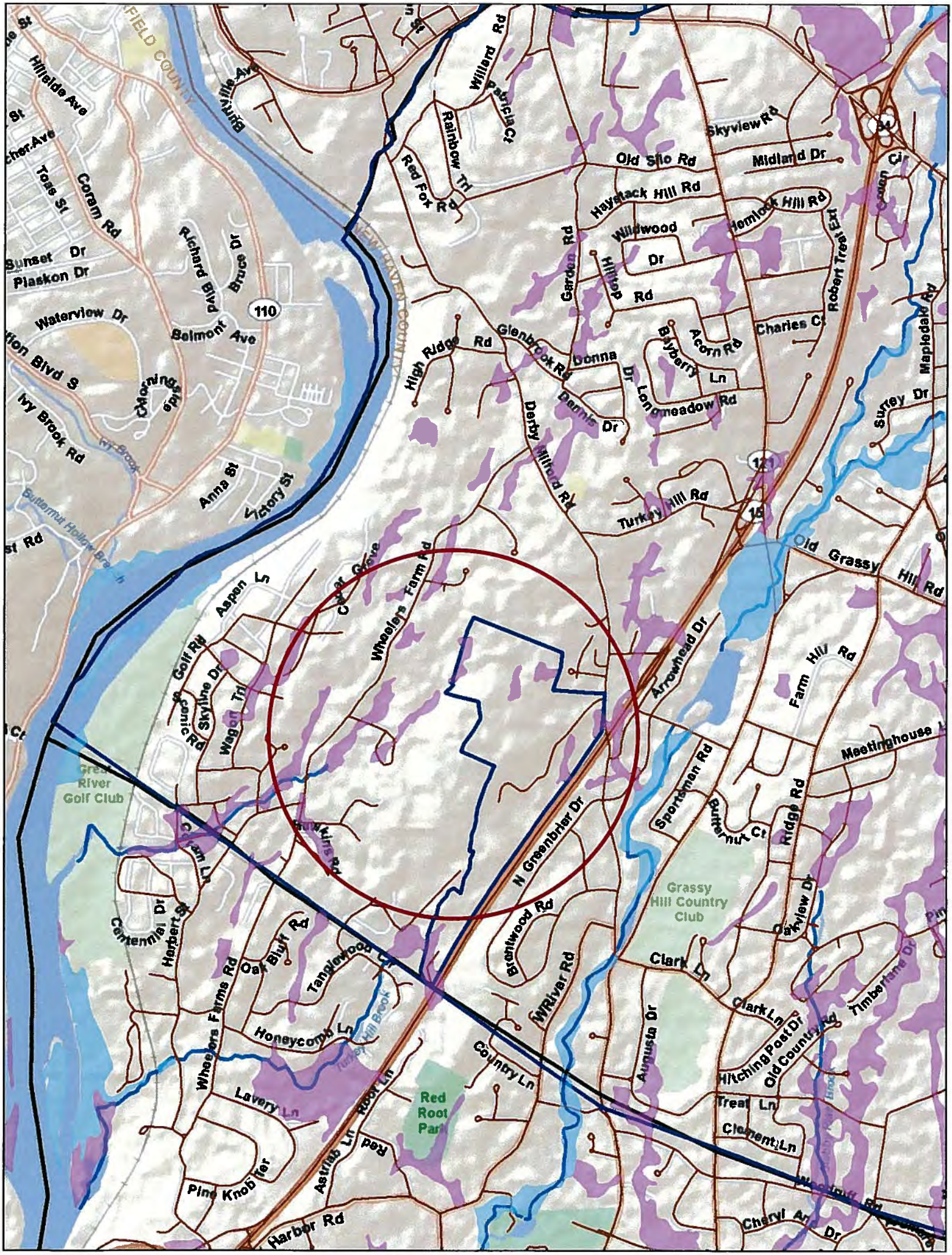
Staff Recommendation: The proposed Zoning Map Amendment for an Affordable Single Family Design District accompanied by a conceptual site plan may cause negative inter-municipal impacts due to the potential scale of development and lack of requirements for environmental and traffic studies prior to approval. The proposed site has no sewer service and consists of inland-wetlands, which may not be suitable for large scale development. There may be potential impact to the habitat of ecosystem of the Long Island Sound if development occurs near inland-wetlands which drain into waterways that are tributary to Long Island Sound.

Background: A private applicant has proposed to amend the Zoning Map of the Town of Orange. The proposed map amendment would rezone an existing residential district and an Office Park District into an Affordable Single Family Design District. The proposed site is approximately 377 acres and is adjacent to the City of Milford. The proposed development for the site is 226 dwelling units with 534 parking spaces. The total impervious surface is 7.44% of the lot size.

The Zoning Map Amendment is contingent upon the approval of the proposed Zoning Regulations for an Affordable Single Family Design District. The proposed development is based on a conceptual site design; the allowable density in the proposed district is greater than in the proposed development, especially after taking attached single family homes into account. The property has no sewer service and in discussing the property with the Zoning Administrator the site does contain wetlands, which may not be appropriate for development. The proposed site plan is conceptual and does not illustrate detailed environmental features or roadway access to public roads. Drainage design, storm-water management plans, and sewage disposal system design are necessary to properly evaluate the proposed site plan.

Communication: In researching this proposal, I spoke to the Zoning Administrator in Orange and notified the adjacent municipalities in the South Central Region (Milford, West Haven, and Woodbridge)





Hillside Ave
Toas St
Coram Rd
Sunset Dr
Plaskon Dr
Waterview Dr
Richard Blvd
Bruce Dr
Belmont Ave
110
Ivy Brook Rd
Anna St
Victory St
Butternut Hollow Branch
Willard Rd
Patricia Ct
Rainbow Trl
Red Fox Rd
Skyview Rd
Old Silo Rd
Midland Dr
Haystack Hill Rd
Hemlock Hill Rd
Wildwood Dr
Garden Rd
Hilltop Rd
Robert Treat Ext
Charles Ct
Mapledale Rd
Surrey Dr
High Ridge Rd
Glenbrook Rd
Donna Dr
Bayberry Ln
Acorn Rd
Longmeadow Rd
Dennis Dr
Derby Milford Rd
Turkey Hill Rd
121
15
Old Grassy Hill Rd
Aspen Ln
Golf Rd
Skyline Dr
Wagon Trl
Wheelers Farm Rd
Arrowhead Dr
Farm Hill Rd
Meetinghouse
Great River Golf Club
Coram Ln
Sportsman Rd
Butternut Ct
Ridge Rd
N Greenbrier Dr
Grassy Hill Country Club
Oakview Dr
Centennial Dr
Herbert St
Oak Bluff Rd
Tanglewood Cir
Brentwood Rd
W River Rd
Clark Ln
Timberlane Dr
Wheelers Farms Rd
Honeycomb Ln
Turkey Hill Brook
Country Ln
Augusta Dr
Hitching Post Dr
Old Country Rd
Lavery Ln
Red Root Ln
Red Root Park
Treat Ln
Clement Ln
Astriab Ln
Pine Knob Ter
Harbor Rd
Cheryl Ann Dr

AFFORDABLE HOUSING COMPLIANCE PLAN

FOR

HUBBELL INCORPORATED

ORANGE, CONNECTICUT

April 2010

SECTION 1

COMPLIANCE PLAN SUMMARY

1. Introduction. Hubbell Incorporated (the "Applicant") submits this Affordable Housing Compliance Plan in conjunction with an affordable housing application submitted by it to the Orange Planning & Zoning Commission for an amendment to the zoning regulations and to the zoning map to establish an open space affordable housing development on approximately 376.8 acres of land (the "Premises") owned by the Applicant and by Wepawaug Development, LLC. The Premises are currently zoned both R-1 and O-P. The Applicant seeks to rezone the Premises to a proposed new zone entitled Affordable Single Family Design District ("ASFDD") which permits low to medium density single family development. Thirty percent (30%) of the proposed homes in the ASFDD are proposed to be deed restricted for forty (40) years to be sold (or rented) as affordable. Of those homes set aside as affordable, a number of homes equal to fifteen percent (15%) of the total number of homes in the development shall be sold or rented to persons and families whose income is less than or equal to sixty percent (60%) of the applicable median income. The balance of the affordable homes shall be sold (or rented) to qualified persons and families whose income is less than or equal to eighty percent (80%) of the applicable median income as defined by 8-30g(a)(7).

2. Entity Responsible for Administration and Compliance Reporting. This set-aside affordable housing community will be managed by the Applicant, or its successors or assigns (the "Plan Administrator"). The Applicant will designate a specific individual to administer this plan.

3. Construction.

   a. Quality and Size. The affordable homes shall be of a construction quality and size that is equivalent to the basic market-rate homes within the development and shall be dispersed throughout the development.

   b. Phasing. The affordable homes shall be built on a prorated basis as construction proceeds.

4. Notice of Availability. Upon approval of this Affordable Housing Compliance Plan, notice of the availability of the affordable homes shall be provided by advertising such availability in the real estate section of newspapers of general circulation in the Town of Orange and adjacent municipalities, and providing notice to the Board of Selectmen, and the Orange Planning and Zoning Board.

5. Qualification of Potential Purchasers. Prospective purchasers will be required to fill out an application form containing detailed instruction for calculating family income and authorizing the Plan Administrator to verify the information provided. Income definitions prepared by the U.S. Department of Housing and Urban Development will serve as a principal guideline for such calculations. Applicants will be required to provide appropriate documentation to verify their income as required by CGS 8-30g.

6. Prioritization of Applicants. In order to select the purchasers for the affordable homes, and to establish a procedure for the selection of affordable homes by eligible purchasers, a priority and preference system for the initial sale of the affordable homes has been developed.

In order to qualify as an eligible household, a household must:

- not exceed the established income limitation based upon household size;
- not exceed the local and state code requirements with regard to occupancy and overcrowding; and
- be credit worthy.

The Applicant will make a determination based upon its evaluation of each applicant's ability to obtain the necessary financing, including credit history, fixed obligations, income, etc. All applicants will have the opportunity to discuss any issues which might affect their credit worthy status.

Among the eligible households, the following priority categories have been established. This priority ordering is in accordance with applicable state and federal regulations:

Priority Category No. 1: Town of Orange municipal employees, Amity Board of Education employees, and members of racial and other groups to be identified as least likely to apply;

Priority Category No. 2: Residents of the Town of Orange, and employees of any corporation, company, partnership or other local entity, which has a place of business in the Town of Orange, and members of racial and other groups to be identified as least likely to apply; and

Priority Category No. 3: All others.

In the event that there are an insufficient number of eligible applicants in any of the above stated categories, surplus homes will be made available to the next lower priority category.

7. Maximum Monthly Payment. The maximum monthly payment for an affordable home shall not be greater than the amount that will preserve such home as "affordable housing" as that term is defined in Section 8-39a of the Connecticut General Statutes, and said maximum monthly payment shall include periodic mortgage payments (assuming a 20 percent down payment and prevailing interest rates); taxes; insurance; common charges in the case of ownership of a home in a common interest community; heat; and utility costs, including hot water and electricity, but excluding television, telecommunications and information technology services.

8. Principal Residence. Affordable homes shall be occupied only as a purchaser's principal residence.

9. Forty Year Period. The forty (40) year affordability period for each affordable home shall begin on the date of the initial issuance of a certificate of occupancy for each such home.

10. Compliance Reporting. No later than January 31 of each year, beginning the year after the initial occupancy of the last affordable home to be conveyed, the Plan Administrator shall prepare and file with the Planning and Zoning Board (the "PZB") and the Board of Selectmen, or its designee, a report containing a list of the homes utilized as affordable homes, a list of the incomes of all such home owners, and a certification by the Plan Administrator of compliance with all regulations applicable to the affordable homes. The PZB, or its designee, shall review the information and certify that the project is in compliance. A violation of any regulations shall not result in forfeiture or reversion of title, but in enforcing these regulations the PZB shall retain and may exercise all enforcement powers granted by the Connecticut General Statutes, including Section 8-12, which powers include the authority, at any reasonable time, to inspect the property and to examine the books and records of the Plan Administrator to determine compliance of the development, or individual homes, with the regulations for an affordable housing development.

11. Composition of Set-Aside Development. As required by Section 8-30g of the Connecticut General Statutes, effective as of the date of the Applicants' affordable housing applications,

> "not less than thirty percent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the median income. In a set-aside development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than fifteen percent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty percent of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons or families whose income is less than or equal to eighty percent of the median income."

SECTION 2

AFFORDABLE HOUSING PROGRAM

The enclosed materials outline the initial processing requirements necessary to qualify each applicant and the reporting tools which will be used to monitor the property's compliance with the affordable housing requirements.

Each approved applicant will sign, inter alia, a rider to the purchase agreement for affordable income homes. A draft of this rider will be submitted to the Planning and Zoning Board. The purpose of this addition to the purchase agreement is to clearly outline the income limits, maximum payments, certification of income, restrictions on use, access to common facilities, if any, and interpretation concerning the affordable income homes.

The Applicant will submit a detailed analysis to the Planning and Zoning Board regarding the applicable median income and a specific calculation regarding the maximum allowable sale price for an affordable home using current data at both the eighty percent (80%) and sixty percent (60%) of applicable median income levels.

The following is an excerpt from Section 8-30g-2 of the Regulations of the State of Connecticut:

> "(C)(1)(B)(ii) For ownership housing, the cost of housing includes periodic mortgage payments; real property taxes; real property insurance; common charges in the case of a common interest community; and heat and utility costs, excluding television, telecommunication and information technology services. Heat and utility costs may be calculated by reasonable estimate."

Section 8-39a of the Connecticut General Statutes reads as follows:

> "Affordable housing" defined: As used in the title, "affordable housing" means housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to the area median income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development."

SECTION 3

MARKETING PROGRAM

1. BACKGROUND. The purpose of this Section is to set forth the marketing activities and selection process.

2. FAIR HOUSING PLAN. The Applicant or its designee will assume all sales responsibilities, but will work with the Town and all appropriate local volunteer organizations to actively market the affordable homes.

A marketing package will be prepared to include:

- qualification forms;
- a project brochure; and
- a Public Offering Statement

A display advertisement for use in the local newspapers will also be developed.

The Applicant is committed to affirmatively market the affordable homes to all households regardless of race, ethnicity, religion, age, sex, or physical handicap. (Please see Appendix.)

3. UNIT SALES PRICES. The maximum sales price will be established in accordance with applicable state regulations.

4. INCOME LIMITS. The maximum household income based upon the number of persons per household will be in accordance with applicable state regulations.

All income determinations will be based upon most recent income tax returns and such other income verification material as may be required by the Plan Administrator. The Plan Administrator shall require, without limitation, the submission of three (3) years of tax returns from each applicant.

5. PRIORITY/PREFERENCES

In order to select the purchasers for the affordable homes, and to establish a procedure for the selection of homes by the purchasers, a priority and preference system has been developed.

In order to qualify as an eligible household, a household must:

- not exceed the established income limitation based upon household size;
- not exceed the local and state code requirements with respect to occupancy and overcrowding; and
- be credit worthy.

The Plan Administrator will make a determination based upon its evaluation of the applicant's ability to obtain the necessary financing, including credit history, fixed obligations, income, etc. All applicants will have the opportunity to discuss any issues which might affect their credit worthy status.

Priority categories have been established (see above) in accordance with applicable state regulations.

For the initial application period, a resident of Orange shall mean a household whose primary legal residence is located in the Town of Orange as of the date application is made, and a full time employee in the Town of Orange or Board of Education shall mean a household with any member being employed for more than 30 hours per week by the Town or by the Amity Board of Education, as of the date the application is made.

If the number of qualified applicants exceeds the number of available affordable homes, a lottery will be conducted.

6. MARKETING ACTIVITIES

No public advertising for the affordable homes has taken place to date. The Applicant will take the name and address of each person inquiring and an application package will be mailed directly to all applicants immediately following the first public advertisement.

Simultaneously with public advertising, notice will be given to the Town, the Board of Education, the Fire and Police Departments, and the Department of Public Works.

7. PUBLIC ADVERTISING

Public advertisements will be run in the New Haven Register and other local publications during a one month period, after which time acceptance of applications will close.

8. APPLICATION PROCESS

Initially, only those households which have submitted a pre-qualification application by the application deadline will be considered.

First, the applicants will be screened to determine eligibility as follows:

Eligible applicants must:

- not exceed the established income limitations based upon household size;
- not exceed the local and state code requirements with respect to occupancy and overcrowding; and

- be credit worthy.

All ineligible applicants will be placed in a secondary holding category and will be notified of their ineligibility and the reason for such determination in writing. Any applicant to be placed in the secondary holding category because of any issue of credit worthiness will be contacted and given the opportunity to provide additional information in an attempt to get reclassified.

If the number of qualified applicants exceeds the number of available homes, a lottery will be held. At this point, names will be drawn in lottery fashion and a list of all applicants in the numerical order drawn will be established, by applicable income level.

Each applicant will be placed in their respective Priority Category and each household on the Priority Category No. 1 list will be given the opportunity, in numerical order, by applicable income level, to execute a Non-Binding Reservation for the purchase of an affordable home, until the applicable number of Non-Binding Reservations are executed. All other households in this category will be placed on the Category No. 1 Waiting List. In the event fewer Non-Binding Reservations are executed by the Priority Category 1 applicants than available homes, households on the Priority Category No. 2 list will be given the opportunity, as set forth above, in numerical order, and by applicable income level, to execute a Non-Binding Reservation for the purchase of a home. This process will continue until such time as Non-Binding Reservations are taken for all of the remaining homes, or the list of households has been exhausted. All other households in this category will be placed on the Category No. 2 Waiting List. In the event Non-Binding Reservations have not been executed for all affordable homes by applicants in the first two Priority Categories, the process will be repeated for the households in Priority Category No. 3 until such time as Non-Binding Reservations are taken for all affordable homes, or the list of households has been exhausted. All eligible households not given the opportunity to purchase a home will be retained on the waiting list for their respective category in the event that a home becomes available in the future. The waiting list will be maintained and updated no less than every two years.

Any household which refuses an offer to be selected will be placed on the bottom of the waiting list.

If development is to be in phases, a tentative construction schedule will be provided to all selected applicants prior to their selection. However, construction schedules and phasing plans are subject to change based upon weather and market conditions, etc. Finally, disclosure will be made to the selected applicants that in the unlikely event that a subsequent phase is not built, the corresponding proposed affordable homes would also not be constructed and that they should select accordingly.

The Applicant is committed to marketing this development in a manner that is consistent with all applicable Fair Housing and Equal Opportunity laws and regulations.

The Applicant will submit a Declaration of Restrictive Covenants.

APPENDIX

ELEMENTS OF THE FAIR HOUSING PLAN

The provisions of sections 8-37ee-1 et seq. of the Regulations of Connecticut State Agencies, and particularly sections 8-37ee-301 and 302, shall serve as the basis for the marketing plan. Collection and dissemination of information about available price restricted and market rate dwellings shall include, but not be limited to:

(A) Analyzing census and other data to identify racial and ethnic groups least represented in the population;

(B) Announcements/advertisements in publications and other media that will reach minority populations;

(C) Announcements to social service agencies and other community contacts serving low-income minority families in the region (including churches, civil rights organizations, housing authorities, and legal services organizations);

(D) Assistance to minority applicants in processing applications;

(E) Marketing efforts in geographic areas of high minority concentrations within the housing market area;

(F) Beginning marketing efforts prior to general marketing of homes, and repeating again during initial marketing and at fifty percent (50%) completion, and thereafter at reasonable periodic intervals with respect to resales; and

(G) Collection of basic racial and ethnic information for all residents and persons on the wait list for the development.

Referral 2.7: Town of Bethany

Subject: Proposed amendments to Bethany Flood Plain Management Regulations

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background: The Town of Bethany has proposed Zoning Regulation Amendments to Section 18; Bethany's Floodplain Management Regulations as required by the Connecticut Department of Environmental Protection. Section 1.2 – Definitions has been amended as well to change the definition of "Building" and the definition for "Aboveground Storage Tanks" has been added. The proposed revisions are necessary in order for Bethany to remain eligible to participate in the National Flood Insurance Program.

The regulations are applicable to "Special Flood Hazard Areas" (Zone A and AE) identified by FEMA in the Flood Insurance Study for New Haven County dated September 29, 2010. The study is accompanied by the Flood Insurance Rate Maps (November 4, 2010). The revisions update existing regulations in order to remain consistent with the federal and state requirements

Communication: In researching this proposal, I spoke to the Planning Staff in Bethany and notified the adjacent municipalities in the South Central Region (Hamden and Woodbridge)

PLANNING AND ZONING COMMISSION
TOWN OF BETHANY
Town Hall - 40 Peck Road
Bethany, Connecticut 06524-3338
Tel. (203) 393-2100 Ext. 115
Fax: (203) 393-0821

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SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

April 12, 2010

South Central Regional Council of Governments
127 Washington Avenue
4th Floor West
North Haven, CT 06473-1715

Attention: Mr. Carl Amento, Executive Director

Subject: Proposed amendments to Bethany Floodplain Management Regulations

Dear Mr. Amento:

In accordance with the Connecticut General Statutes, this letter is to serve as notification that the Bethany Planning and Zoning Commission will hold a public hearing in the Commission Meeting Room of the Bethany Town Hall, 40 Peck Road on Wednesday, May 5, 2010, pertaining to the enclosed proposed amendments to the Bethany Zoning Regulations pertaining to the Floodplain Management Regulations, as required by the State of Connecticut, Department of Environmental Protection for compliance. Hearings will begin at 7:30 p.m.

Your comments on the proposed Amendments are welcome to be heard or submitted in writing for receipt in the public hearing record.

Very truly yours,

Antonia Marek

Antonia R. Marek, Clerk
For the Planning and Zoning Commission

Enclosure

DRAFT

Zoning Regulation Amendments for Bethany's Floodplain Management Regulations
As required by the State of Connecticut, Department of Environmental Protection
Amendments in Section 1.2 and Section 18 of the Bethany Zoning Regulations

Add or change to Section 1.2 – Definitions

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

(Change) Building. A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. ~~Any structure having a roof supported by columns or walls, which may rest on a foundation and is intended for the shelter, housing or enclosure of persons, animals or materials.~~

Add or change to **Section 18 – Floodplain Management Regulations**

(Change)

18.2 Area of Applicability. This regulation is applicable to the "Special Flood Hazard Areas" (SFHA) designated as Zone A and AE , as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut dated September 29, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated November 4, 2010, and other supporting data applicable to the Town of Bethany, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a mop amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file in the office of the Bethany Town Clerk.

~~This regulation is applicable to the "Special Flood Hazard Areas" designated as A Zones on the Town of Bethany Flood Insurance Rate Maps, (FIRM) and the Flood Boundary and Floodway Map, as published on December 2, 1980 by the Federal Emergency Management Agency, (FEMA) which are on file in the Office of the Bethany Town Clerk. These maps, the Town of Bethany Flood Insurance Study and other supporting data, and any revision thereto are adopted by reference and declared to be a part of these Regulations.~~

18.4 Definitions.

3. **(Delete)** ~~Area of Shallow Flooding. A designated A0 or V0 Zone on the referenced FIRM with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.~~

4. **(Change)**Base Flood Elevation (BFE). The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. ~~The particular elevation of the base flood as specified on the FIRM for A Zones~~

7. **(Add)** Building. A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

8. **(Change)** Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures; the construction of additions, alterations or substantial improvements to building or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or the storage of equipment ~~or materials~~; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

10. **(Add)** Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete, before August 23, 1977, the effective date of the flood plain management regulations adopted by a community.

11. **(Add)** Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

12. **(Add)** Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program (NFIP).

11. **(Remove)** ~~Flood Boundary and Floodway Map. The official map on which FEMA has delineated the boundaries of the Floodway.~~

18. **(Change)** Floodway. The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in town. The regulated floodway is delineated on the Flood Insurance Rate Map (FIRM)~~Boundary and Floodway Map~~, which is part of this regulation.

20. **(Add)** Functionally Dependent Use or Facility. A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

23. **(Add)** Historic Structure. Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservations programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either; (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

24. **(Add)** Manufactured Homes. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

25. **(Add)** Manufactured Home Park or Subdivision. A parcel or contiguous parcel of land divided into two (2) or more manufactured home lots for rent or sale.

26. **(Add)** Market Value. The market value of the structure shall be determined by the Cost Approach to Value Method, the Segregated Cost Method or the Square Food Method (certified appraised value) prior to the start of the initial repair or improvement, or in the case of damage, the certified value of the structure prior to the damage occurring.

27. **(Change)** Mean Sea Level (MSL). For purposes of the National Flood Insurance Program, (NFIP), the North American Vertical Datum (NAVD) of 1988 ~~National Geodetic Vertical Datum, (NGVD) of 1929~~ or other subsequent datum which become the standard to which base flood elevations on a community FIRM are referenced.

28. **(Change)** New Construction. Structures for which the start of construction commenced on or after the effective date of the Town's entrance into the NFIP, August 23, 1977, and includes any subsequent improvement to such structures.

29. **(Add)** New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after, August 23, 1977, the effective date of the floodplain management regulations adopted by the community.

30. **(Add)** Recreational Vehicle. A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

31. **(Add)** Special Flood Hazard Area (SFHA). The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFIs published in the FIS for specific location. SFAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, on a Firm. The SFA is also called the Area of Special Flood Hazard.

33. **(Add)** Structure. A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

34. **(Add)** Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

37. **(Add)** Violation. Failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

38. **(Change)** Water Surface Elevations. The height, in relation to the ~~NGVD 29~~ North American Vertical Datum (NAVD) of 1988 or other datum as may be adopted by FEMA for NFIP purposes, of floods of various magnitudes and frequencies in various flood prone, flood hazard areas.

18.5 Standards

A. General.

(Add)

5. Compensatory Storage and Equal Conveyance

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

compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

b. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer. demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause and increase in flood stage or flood velocity.

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

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

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

f. No Structures Entirely or Partially Over Water. New construction, substantial improvement and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is functionally dependent use or facility.

B. Specific Standards.

(Change)

1. Floodways. Located within the special flood hazard areas are areas designated as floodways on the community's Flood Insurance Rate ~~Boundary and Floodway~~ Map or as may be determined by competent professional. Floodways are extremely hazardous areas due to the potential velocity of flood waters which cause erosion and may carry debris and projectiles. The following additional standards are applicable to development in relation to floodways:

a. There shall be no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted ~~or other development in any floodway~~ unless certification, with supporting technical data, by a registered professional engineer ~~or architect~~ is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practices, that encroachments shall not ~~will not~~ result in **any (0.00 feet) increase in flood levels** during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

(Change/Add)

2. Manufactured Homes and Recreational Vehicles (RV's). ~~Required to be properly anchored.~~

In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, undergoing substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at two feet above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 18.5 A. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home as incurred substantial damage as a result of a flood.

a. All manufactured homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
b. All manufactured homes within a SFA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.
c. Recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 18- consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standards of Section 18.5 A. and the elevation and anchoring requirement of Section 18.5 B.2.a.,b.,c. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

18.6 Administration.

A. **(Change)**

2. c. Elevations in ~~NGVD 29~~ NAVD88 datum, of the lowest floor, including basement of all structures; and

18.7 C. **(Change)**

1. Obtain and record the actual elevation, in NAVD88 ~~NGVD 29~~, of the lowest floor, including basement of all new or substantially improved structures;

Referral 2.8: Town of Woodbridge

Subject: Proposed Zoning Regulation Revisions to the Flood Hazard Area Regulations

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background: The Town of Woodbridge submitted proposed Zoning Regulation Amendments to the Flood Hazard Area Regulations. The revisions are necessary for the Town to remain eligible to participate in the National Flood Insurance Program. The revisions will allow the Town to meet minimum compliance with the NFIP minimum standards and the new state requirements. The revised regulations that meet or exceed the minimum federal standards and the new state requirements prior to the effective date of the community's Flood Insurance Rate Maps. The proposed regulations are required by the State of Connecticut and are intended to promote the public health, safety and general welfare.

Communication: In researching this proposal, I spoke to the Planning Staff in Woodbridge and notified the adjacent municipalities in the South Central Region (Bethany, Hamden and New Haven)

TOWN PLAN AND ZONING COMMISSION
TOWN OF WOODBRIDGE
WOODBRIDGE, CONNECTICUT

TEL. (203) 389-3406

April 29, 2010

South Central Regional Council of Governments
Attn: Carl Amento
127 Washington Avenue
North Haven, CT 06473-1715

Re: Zoning Regulation Revisions

Dear Mr. Amento,

Pursuant to Section 8.3b of the Connecticut General Statutes, this letter is to serve as notification that the Woodbridge Town Plan and Zoning Commission will hold a public hearing in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, on Monday, June 7, 2010 with respect to Zoning Regulation revisions for flood hazard areas proposed by the Woodbridge Town Plan and Zoning Commission. The proposed revisions are required in order for the Town of Woodbridge to remain eligible to participate in the National Flood Insurance Program (NFIP).

For your reference, a copy of the proposed regulation revisions is enclosed with this letter.

Comments on the proposed zoning regulation revisions are welcome to be made at the hearing or submitted in writing for receipt into the hearing record.

Very truly yours,

Kristine Sullivan

Kristine Sullivan, Staff

CERTIFIED MAIL 7008 1830 0000 4652 0129

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MAY - 4 2010
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COUNCIL OF GOVERNMENTS

PROPOSED AMENDMENTS TO THE ZONING REGULATIONS OF THE TOWN OF WOODBRIDGE

The following are proposed revisions to Woodbridge's flood hazard area regulations. The proposed revisions are required in order for the Town of Woodbridge to remain eligible to participate in the National Flood Insurance Program (NFIP). The proposed revisions will allow the existing flood hazard regulations to maintain minimum compliance with the NFIP minimum standards and recently enacted state floodplain management requirements.

The Town of Woodbridge must adopt revised regulations for development in designated FEMA floodplains that meet or exceed the minimum federal standards of 44 CFR 60.3 and new state requirements prior to the effective date of the community's new preliminary Flood Insurance Rate Maps (FIRM).

The Federal Emergency Management Agency (FEMA) has scheduled new Flood Insurance Rate Maps (FIRM) for the communities in New Haven county to become effective on December 17, 2010 .

THE PROPOSED REVISIONS WILL BE THE SUBJECT OF A PUBLIC HEARING BY THE TOWN PLAN AND ZONING COMMISSION AT THE REGULAR MEETING OF THAT COMMISSION
TO BE HELD ON JUNE 7, 2010
THE MEETING WILL BE IN THE CENTRAL MEETING ROOM OF THE TOWN HALL
11 MEETINGHOUSE LANE, WOODBRIDGE
THE MEETING WILL BEGIN AT 7:30 P.M. WITH PUBLIC HEARINGS AS THE FIRST ORDER OF BUSINESS ON THE AGENDA

ZONING REGULATIONS FOR THE TOWN OF WOODBRIDGE

Regulations for the Town of Woodbridge which determine the location and use of buildings and structures and the use of land, and which for such purposes divide the Town into Districts, being an amendment and codification of the Zoning Ordinance for the Town of Woodbridge, effective December 24, 1932, as amended.

Effective date of the most recent amendment: April 20, 2009

Effective date of Recodification of the Regulations: December 21, 2009

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TABLE OF CONTENTS

SECTION 1. ENACTING CLAUSE AND SHORT TITLE, PURPOSE, BASIC REQUIREMENTS AND DEFINITIONS. 4
1.1 Enacting Clause And Short Title 4
1.2 Purpose 4
1.3 Basic Requirements 4
1.4 Definitions 5
1.5 Road Classification 18

SECTION 2. ZONING DISTRICTS AND BOUNDARIES. 18
2.1 Zoning Districts 18
2.2 Boundaries 19

SECTION 3. LAND USE AND SPACE REGULATIONS 19
3.1 Uses Permitted 19
3.2 Additional Requirements in Use Districts 30
3.3 Motels 32
3.4 Individual Lots 33
3.5 Automobile Parking and Loading Spaces 35
3.6 Development Districts 36
3.7 Outside Storage 39
3.8 Park Districts 41
3.9 Requirements in BI (Business and Industrial) District and GB (General Business) District 41
3.10 Woodbridge Village District (WVD) 46
3.11 Active Adult Planned Developments (AAPD) 50
3.12 Liquor Establishments 64
3.13 Adult Establishments 67
3.14 Gasoline Stations 70
3.15 Congregate Communities 71
3.16 Affordable Housing District 76
3.17 Wireless Transmission Facilities 90

SECTION 4. SIGNS AND ARTIFICIAL LIGHT. 93
4.1 General Requirements 93

SECTION 5. NON-CONFORMING USE AND BULK. 95
5.1 Existing Non-Conforming Uses 95
5.2 Destruction of Non-Conforming Use 95
5.3 Vacant Non-Conforming Use 95
5.4 Non-Conforming Use Reverting to Conforming Use or Change of Use 96
5.5 Buildings with Non-Conforming Bulk 96

SECTION 6. OTHER BULK REGULATIONS. 96
6.1 Accessory Buildings 96
6.2 Front Yards 96
6.3 High Pressure Pipe Lines 96

6.4 Soil Erosion and Sediment Control Requirements 96

SECTION 7. EXCAVATION, REMOVAL, FILLING, GRADING AND PROCESSING OF EARTH PRODUCTS. 100
7.1 General..... 100
7.2 Exemptions 100
7.3 Application Requirements 101
7.4 Standards and Conditions 103
7.5 Joint Application..... 105
7.6 Procedure 105
7.7 Release of Bond 106
7.8 Existing Operation 106

SECTION 8. ENFORCEMENT OF REGULATIONS AND PENALTIES..... 107
8.1 Enforcement of Regulations 107
8.2 Penalties..... 107

SECTION 9. APPLICATIONS AND PERMITS. 107
9.1 Application..... 107
9.2 Pending Application for Building Permits 109
9.3 Certificate of Compliance..... 109

SECTION 10. ZONING BOARD OF APPEALS..... 110
10.1 Powers and Duties 110
10.2 Hearing Procedure 110
10.3 Approval Procedure..... 110

SECTION 11. AMENDMENTS, VALIDITY, EFFECTIVE DATE. 110
11.1 Amendments 110
11.2 Validity 111
Appendix 1..... 112
Architectural Review Guidelines..... 112
for the Woodbridge Village District 112
..... 117

SECTION 12. FLOOD HAZARD AREA REGULATIONS: STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE AND OBJECTIVES..... 117
12.1 Statutory Authorization..... 117
12.2 Finding of Fact..... 117
12.3 Statement of Purpose 117
12.4 Objectives 118

SECTION 13. DEFINITIONS..... 118
13.1 Unless specifically defined below or in the Zoning Regulations of the Town, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations it most reasonable application..... 118

SECTION 14. GENERAL PROVISIONS. 122

14.1 Lands to Which These Regulations Apply 122
14.2 Basis for Establishing the Areas of Special Flood Hazard 122
14.3 Establishment of the Floodplain Management 123
14.4 Compliance 123
14.5 Abrogation and Greater Restrictions 123
14.6 Interpretation 123
14.7 Warning and Disclaimer of Liability 123

SECTION 15. ADMINISTRATION 123
15.1 Designation of the Flood Plain Prevention Administrator 123
15.2 Permit Procedures 123
15.3 Duties and Responsibilities of the Commission 124

SECTION 16. PROVISIONS FOR FLOOD HAZARD REDUCTION. 126
16.1 General Standards 126
16.2 Standards for Streams Without Established Base Flood Elevations and/or Flooding 127
16.3 Specific Standards 127
16.4 Standards for Areas of Shallow Flooding (AO Zones) 129

SECTION 17. STANDARDS FOR SUBDIVISION PROPOSALS. 130
17.1 Standards for Subdivision Proposals. In all special flood hazard areas the following requirements shall apply: 130

SECTION 18. VARIANCE PROCEDURES. 130
18.1 The Zoning Board of Appeals as established by the Town shall hear and decide appeals and requests for variances from the requirements of these regulations 130
18.2 The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Commission in the enforcement or administration of these regulations. 131
18.3 Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within one hundred feet (100') of the land in question may appeal within fifteen (15) days after such decision to the Superior Court as provided in Section 8-8 of the General Statutes. 131
18.4 Specific Situation Variances 131
18.5 Considerations for Granting of Variances 131
18.6 Penalties for Violations 132

FLOOD HAZARD AREA REGULATIONS

SECTION 12. STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE AND OBJECTIVES.

Effective on August 10, 1988

12.1 Statutory Authorization.

The legislature of the State of Connecticut has in Section 8-2 of the General Statutes delegated the responsibility to Zoning Commissions to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Plan and Zoning Commission of the Town of Woodbridge does hereby promulgate the following:

12.2 Finding of Fact.

12.2.1 The flood hazard areas of the Town of Woodbridge are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

12.2.2 These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

12.3 Statement of Purpose.

It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize the public and private losses due to flood conditions in specific areas by provisions designed to:

12.3.1 Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

12.3.2 Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

12.3.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

12.3.4 Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

12.3.5 Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

12.4 Objectives.

The objective of these Regulations are:

12.4.1 To protect human life and health;

12.4.2 To minimize expenditure of public money for costly flood control projects;

12.4.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

12.4.4 To minimize business interruptions;

12.4.5 To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

12.4.6 To help maintain a stable tax base by providing for the sound use and development of prone areas in such a manner as to minimize flood blight areas, and;

12.4.7 To insure that potential home buyers are notified that property is in a flood area.

SECTION 13. DEFINITIONS.

13.1 Unless specifically defined below or in the Zoning Regulations of the Town of Woodbridge, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations it most reasonable application.

13.1.1 Addition (to an existing building). Any walled and roofed expansion to the perimeter of an existing building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing wall is new construction.

13.1.2 Appeal. A request for a review of the Town Plan and Zoning Commission's interpretation of any provision of these regulations or a request for a variance.

13.1.3 Area of Special Flood Hazard. The land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.

13.1.4 Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

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

13.1.6 Basement. Any area of a building having its floor subgrade (below ground level) on all sides.

13.1.7 Building. A walled and roofed structure which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

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

Comment [MC1]: This Definition is OPTIONAL.

13.1.9 Development. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

13.1.10 Elevated Building. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

13.1.11 Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program (NFIP).

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

Comment [MC2]: This Definition is OPTIONAL.

13.1.13 Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland water; or

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

13.1.14 Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

13.1.15 Flood Insurance Study (FIS). The official report by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Insurance Rate Map (FIRM) and the water surface elevation of the base flood.

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

13.1.17 Floor. The top surface of an enclosed area in a building (including basement) i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

13.1.18 Functionally Dependent Use or Facility. A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

13.1.19 Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

13.1.20 Historic Structure. Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

13.1.21 Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access for storage, in an area other than a basement area is not considered a building's lowest floor.

13.1.22 Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

13.1.23 Mean Sea Level (MSL). For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

13.1.24 Market Value. Market value of the structure shall be determined by the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring

13.1.25 New Construction. Structures for which the "start of construction" commenced on or after the effective date (July 18, 1980), the effective date of the Flood Hazard Area Regulations, and includes any subsequent improvements to such structures.

13.1.26 Recreational Vehicle. A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

13.1.27 Start of Construction. (For other than new construction). Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations for the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

13.1.28 Structure. A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

13.1.29 Substantial Damage. Damage of any origin sustained by a building or structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Comment [MC3]: See interplay with Section 16.4. Note that an RV left on a site for 180 days or more is considered a "Manufactured Home" by this required definition. Proposed Section 16.4.1 expressly prohibits Manufactured Homes (which would therefore include RVs on site 180 days or more) in areas of special flood hazard. Proposed Section 16.4.2, however, allows RVs in areas of special flood hazards if certain requirements are met and provides that if these requirements are met, the prohibition in 16.4.1 does not apply.

Comment [MC4]: Changed from "floodplain management regulations" Note: the effective date of Woodbridge's current flood hazard area regulations is Aug. 10, 1988, not July 18, 1980. This needs reconciliation.

13.1.30 Substantial Improvement. Any combination of repairs, reconstruction, alterations or improvements to a building or structure, taking place during the life of the building or structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the building or structure. The market value of the building or structure should be (1) the appraised value of the building or structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building or structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building or structure commences, whether or not that alteration affects the external dimensions of the building or structure. The term does not however include any project for improvement of a building or structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

13.1.31 Variance. A grant of relief from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

13.1.32 Violation. Failure of a building or structure or other development to be fully compliant with the Flood Hazard Area Regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

Comment [MC5]: Changed from "floodplain management Regulations"

13.1.33 Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplain of riverine areas.

SECTION 14. GENERAL PROVISIONS.

14.1 Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Town of Woodbridge.

14.2 Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard within the Town of Woodbridge are identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated September 29, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated September 29, 2010, and other supporting data applicable to the Town of Woodbridge, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this ordinance it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

14.3 Establishment of the Floodplain Management. A zoning permit or subdivision plan approval shall be required in compliance with the provisions of the Zoning Regulations and/or Subdivision Regulations (including these Flood Hazard Area Regulations) prior to commencement of any development activities.

14.4 Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations.

14.5 Abrogation and Greater Restrictions. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restriction. However, where these regulations and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

14.6 Interpretation. In the interpretation and application of these regulations all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

14.7 Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

SECTION 15. ADMINISTRATION.

15.1 Designation of the Flood Plain Prevention Administrator. The Town Plan and Zoning Commission shall administer and implement the Flood Hazard Area Regulations.

15.2 Permit Procedures. Application for a flood hazard permit shall be made to the Town Plan and Zoning Commission on forms furnished by it prior to any development activity, and may include, but not be limited to, the following plans (in a number specified by the Commission) drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

15.2.1 Application Stage.

(a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures as required by Section 16.3.1 (a);

(b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed as required by Section 16.3.1 (b) (2).

(c) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

(d) A statement as to whether or not proposed alterations to any existing structure meets the criteria of the substantial improvement definition defined in Section 13.1.30.

(e) A statement as to whether there will be dry access to the structure during the 100 year storm event. Where applicable the following certifications by a registered engineer or architect are required, and must be provided to the Commission; "The design and methods of construction are in accordance with accepted standards of Practice, and with the provisions of Section 16.3 of the Flood Damage Prevention Regulations."

(f) Non-residential Flood Proofing – must meet the provision of Section 16.3.1 (b)

(g) Enclosed Areas Below the Base Flood Elevation – if the minimum design criteria in Sections 16.3.2 (a) – 16.3.2 (c) are not used then the design and construction methods must be certified as explained in Section 16.3.2;

(h) No increase in Floodway Heights may be allowed. Any development in a floodway must beet the provisions of Section 16.3.3;

15.2.2 Construction Stage. Upon completion of the applicable portion of construction, the applicant shall provide verification to the Commission of the following, as applicable, and pertaining to the lowest floor elevation. The applicant must provide elevation verification that:

Comment [MC6]: Changes to this regulation are not required, but are suggested to add clarity to the existing regulation.

(a) the top of the lowest floor (including basement) in a building or structure located in an A Zone meets the elevation requirements of Section 16.3.1 (a);

(b) a building or structure which has been floodproofed is the elevation to which the floodproofing is effective as required by Section 16.3.1 (b)

15.2.3 Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

15.3 Duties and Responsibilities of the Commission.

15.3.1 Duties of the Commission, or its appointed agent, shall include but not be limited to:

(a) Review all permit applications to determine whether proposed building sites will be reasonable safe from flooding;

(b) Review all development permits to assure that the permit requirements of these regulations have been satisfied;

(c) Advise applicant that additional Federal or State Permits may be required, and if specific Federal or State Permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. Possible permits include, but are not limited to: Water Diversion, Dam Safety, Corps of Engineers 404;

(d) Notify the Regional Planning Commission and the affected municipality at least 35 days prior to the public hearing if any change of the regulations or use of a floodplain zone will affect an area within 500 feet of another municipality;

(e) Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

(f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(g) Record the elevation (in relation to mean sea level) of the lowest floor (including basement of all new or substantially improved structures, in accordance with Section 16.3.1 (a);

(h) Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 16.3.1 (b);

(i) When Flood-proofing is utilized for a particular structure the Commission shall obtain certification from a registered professional engineer or architect, in accordance with Section 16.3.1(b);

(j) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Commission shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided herein;

(k) When base flood elevation data or floodway data have not been provided in accordance with Section 14.2 hereof, then the Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Section 16.

(l) All records pertaining to the provisions of these regulations shall be maintained in the Office of the Zoning Enforcement Officer.

SECTION 16. PROVISIONS FOR FLOOD HAZARD REDUCTION.

16.1 General Standards. In all areas of special flood hazard the following provisions are required:

16.1.1 New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

16.1.2 New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

16.1.3 New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

16.1.4 Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

16.1.5 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

16.1.6 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

16.1.7 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

16.1.8 In any portion of a watercourse which is altered or relocated, the flood carrying capacity shall be maintained.

16.1.9 A building or structure already in compliance with the provisions of these regulations shall not be made non-compliant by any alteration, repair, reconstruction or improvement to the building or structure.

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

Comment [MC7]: OPTIONAL ADDITION.

16.1.11 Portion of Structure in Flood Zone. If any portion of a building or structure lies within any portion of an area of special flood hazard the entire building or structure is considered to be entirely located within the special flood hazard area. The entire building or structure must meet the construction requirements of the flood zone. For purposes of this regulation, a building or structure includes any attached additions, garages, decks, sunrooms, or any other building or structure attached to the main building or structure. Decks or porches that extend into a more

Comment [MC8]: OPTIONAL ADDITION.

restrictive flood zone will require the entire building or structure to meet the standards of the more restrictive zone.

16.1.12 Structures in Two Flood Zones. If a building or structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire building or structure. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

Comment [MC9]: OPTIONAL ADDITION.

16.1.13 No Structures Entirely or Partially Over Water. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

16.2 Standards for Streams Without Established Base Flood Elevations and/or Flooding. Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 15.3.1 (k) of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town's FIRM meet the standards of Section 16.3.1, 16.3.2, 16.3.3 and Section 17 hereof.

16.3 Specific Standards

16.3.1 In all areas of flood hazard A and AE where basic flood elevation data has been provided, as set forth in Section 14.2 or 15.3.1 (k), the following provisions are required:

(a) Residential Construction. New Construction or substantial improvement of any commercial, industrial, or non-residential structure located in Zone A and AE shall have the lowest floor, including basement, elevated at least to one (1) foot above the level of the base flood elevation; or

(b) Non-Residential Construction.

1. New construction or substantial improvement of any commercial, industrial, or non-residential structure located in Zone A or AE shall have the lowest floor, including basement, elevated at least to one (1) foot above the level of the base flood elevation; or

2. Non-residential structures located in Zone A or AE may be flood-proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with

acceptable standards of practice for meeting the provisions of this subsection.

16.3.2 Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement much either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade; and,

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.

(c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

16.3.3 Base Flood Elevations Determined But Before Floodway is Designated. In A Zones where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill), be permitted which would increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

16.3.4 Floodways. Located within areas of special flood hazard are areas designated as floodways on the Town's Flood Insurance Rate Map or which may have been determined in Section 15.3.1 (k). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(a) Prohibit encroachment, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering

practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

16.3.5 Standards for Watercourses Without Adopted Floodways. The Commission may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the Commission shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.

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

Comment [MC10]: Commission?

16.3.7 Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the Town of Woodbridge, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the building or structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

16.4 Manufactured Homes and Recreational Vehicles (RVs)

Comment [MC11]: See comment to 13.1.21 definition of Manufactured Home.

16.4.1 Manufactured homes are expressly prohibited in any areas of special flood hazard within the Town of Woodbridge, as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated September 29, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated September 29, 2010, and other supporting data applicable to the Town of Woodbridge, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance.

Comment [MC12]: This proposed language is based on Diane Ifkovic's email of 1-22-10 to Terry Gilbertson. This language should eliminate the need to include otherwise required regulations on manufactured home requirements.

16.4.2 Recreational vehicles placed on sites within an area of special flood hazard shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the general standards of Section 16.1 and the elevation and anchoring requirements of

Section 16.4.2.1, 16.4.2.2, and 16.4.2.3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. Any recreational vehicle meeting the requirements of either (a) or (b) of this Section shall not be subject to the prohibition in Section 16.4.1.

Comment [MC13]: This language was added to reconcile the effect of the required definition of "Manufactured Home," which includes RVs on site 180 days or more in a are of special flood hazard and the prohibition of Manufactured Homes in 16.4.1.

16.4.2.1 In all areas of special flood hazard, any RV placed on the site for 180 consecutive days or more, shall be elevated at least one (1) foot above the base flood elevation (BFE).

16.4.2.2 In all areas of special flood hazard, any RV placed on the site for 180 consecutive days or more, shall be placed on a permanent foundation which itself is securely anchored and to which the RV is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

16.4.2.3 In all areas of special flood hazard, any RV placed on the site for 180 consecutive days or more, shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

SECTION 17. STANDARDS FOR SUBDIVISION PROPOSALS.

17.1 Standards for Subdivision Proposals. In all special flood hazard areas the following requirements shall apply:

17.1.1 All subdivision proposals shall be consistent with the need to minimize flood damage;

17.1.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

17.1.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

17.1.4 In Zone A, the BFE data shall be provided for subdivision proposals.

SECTION 18. VARIANCE PROCEDURES.

18.1 The Zoning Board of Appeals as established by the Town shall hear and decide appeals and requests for variances from the requirements of these regulations.

18.2 The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Commission in the enforcement or administration of these regulations.

18.3 Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within one hundred feet (100') of the land in question may appeal within fifteen (15) days after such decision to the Superior Court as provided in Section 8-8 of the General Statutes.

18.4 Specific Situation Variances.

18.4.1 Buildings on An Historic Register. Variance may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth or in the remainder of this section, except for Section 18.5.3 (a) – 18.5.3 (d), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical character.

18.4.2 Existing, Small Lot Location. Variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with Section 18.5.3 (a) – 18.5.3 (d).

18.4.3 Floodway Prohibition. Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.

18.5 Considerations for Granting of Variances.

18.5.1 In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of these regulations, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters; and

(k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

18.5.2 Upon consideration of the factors listed above and the purposes of these regulations the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

18.5.3 Conditions of Variances.

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, the determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon (i) a showing of good and sufficient cause (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting form the reduced lowest floor elevation up to amounts as high as $25 for $100 of insurance coverage.

18.6 Penalties for Violations. Violation of the provisions for these regulations or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates these regulations shall be subject to a fine as provided for by the General Statutes of the State of Connecticut and shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

Referral 2.9: Town of Woodbridge

Subject: Proposed Zoning Regulation Revisions to the Signs and Artificial Lighting Regulations

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystems of the Long Island Sound.

Background: The Town of Woodbridge has added the following term to it definitions "Sign, Eleemosynary". The term is defined as directing attention to an event to be conducted within Woodbridge during a specified time not lasting more than two weeks held by an educational, municipal, religious or philanthropic organization.

The existing Section 4 has been deleted and replaced with new section pertaining to Signs and Artificial Lighting. The Town has prohibited the use of sandwich signs for businesses and non-conforming signs that are increased in size or when there is a change in ownership or occupancy. In order for a sign to be installed a zoning permit must be obtained from the Commission. The regulations do have an array of signs that do not need a Zoning Permit and can be located in any Zoning District. The proposed regulations clarify the types of signs permitted in the town and district where they are allowed. The proposed regulations organize signs by district and whether it is for a residential or non-residential use (the table can be reviewed in the Agenda Packet). There is a set of proposed regulations specifically for the Eleemosynary Signs, which are now defined. The proposed regulation take into account public safety and welfare and the regulations do not permit signs or lighting that would create adverse impacts. Signage cannot interfere with the vision of pedestrian or vehicular traffic or endanger traffic on a street or public way.

Communication: In researching this proposal, I spoke to the Planning Staff in Woodbridge and notified the adjacent municipalities in the South Central Region (Bethany, Hamden and New Haven)

TOWN PLAN AND ZONING COMMISSION
TOWN OF WOODBRIDGE
WOODBRIDGE, CONNECTICUT

TEL. (203) 389-3406

April 30, 2010

South Central Regional Council of Governments
Attn: Carl Amento
127 Washington Avenue
North Haven, CT 06473-1715

Re: Zoning Regulation Revisions

Dear Mr. Amento,

Pursuant to Section 8.3b of the Connecticut General Statutes, this letter is to serve as notification that the Woodbridge Town Plan and Zoning Commission will hold a public hearing in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, on Monday, June 7, 2010 with respect to Zoning Regulation revisions for signs and artificial lighting proposed by the Woodbridge Town Plan and Zoning Commission.

For your reference, a copy of the proposed regulation revisions is enclosed with this letter.

Comments on the proposed zoning regulation revisions are welcome to be made at the hearing or submitted in writing for receipt into the hearing record.

Very truly yours,

Kristine Sullivan

Kristine Sullivan, Staff

CERTIFIED MAIL 7008 1830 0000 4652 0143

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MAY - 4 2010
SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

PROPOSED AMENDMENTS TO THE ZONING REGULATIONS OF THE TOWN OF WOODBRIDGE

THESE PROPOSED AMENDMENTS WILL BE THE SUBJECT OF A PUBLIC HEARING BY THE TOWN PLAN AND ZONING COMMISSION AT THE REGULAR MEETING OF THAT COMMISSION TO BE HELD ON JUNE 7, 2010 THE MEETING WILL BE IN THE CENTRAL MEETING ROOM OF THE TOWN HALL 11 MEETINGHOUSE LANE, WOODBRIDGE THE MEETING WILL BEGIN AT 7:30 P.M. WITH PUBLIC HEARINGS AS THE FIRST ORDER OF BUSINESS ON THE AGENDA

The following are amendments proposed by the Woodbridge Town Plan and Zoning Commission regarding Signs and Artificial Light

Insert in **SECTION 1.4 DEFINITIONS**, *the following definition of* **"SIGN, ELEEMOSYNARY"** *between the definitions of* "**SIGN, DIRECTLY ILLUMINATED**" *and* "**SIGN, FLASHING**"

> **SIGN, ELEEMOSYNARY**. A sign which directs attention to an event to be conducted within the Town of Woodbridge during a specified period of time not lasting more than two weeks held by an educational, municipal, religious or philanthropic organization. Examples of such events include, but are not limited to: plays, concerts, seasonal fairs, and rummage sales, registration for team sports, blood drives, picnics and dinners.

Delete the existing **SECTION 4. SIGNS AND ARTIFICIAL LIGHT** *in its entirety and insert the following new* **SECTION 4. SIGNS AND ARTIFICIAL LIGHT**

SECTION 4. SIGNS AND ARTIFICIAL LIGHT

4.1. Purpose

This Section is intended to promote the public safety and welfare by providing standards to control the location, area, number, illumination and overall design of signs in order to prevent undue distraction of motorists and pedestrians, to ensure compatibility of signs with permitted land uses, to provide reasonable standards by which uses within the various zones may relate their function to the public, and to aid in preserving and enhancing the aesthetic and historical values of the community.

4.2 Applicability

No sign, billboard, signpost or structure displaying advertising or other matter which is visible and legible from a public street shall be erected, attached to, or

maintained on property subject to these Regulations, except as permitted by the provisions of this Section.

4.3 Prohibited Signs

1. Sandwich signs and other signs not affixed either to a building or to the ground in a permanent manner shall be prohibited for use by businesses.
2. Any sign, legally existing at the time of the adoption of these Sign Regulations, which becomes non-conforming with the adoption of these regulations, may be maintained but shall not be increased in size of sign, size of lettering, or the extent it projects or is illuminated as the same exists at the effective date of these Regulations. Each such sign shall be completely and totally removed at such time as the place of business which such sign advertises shall change in ownership or occupancy, subsequent to the effective date of these regulations.

4.4 Permit Required

A zoning permit for a sign shall be obtained from the Commission or its duly authorized officer prior to the erection or installation of any sign except for:

a. Any sign face of an existing sign meeting the requirements of this Section, provided the sign area is not increased.
b. The normal maintenance of any sign meeting the provisions herein.
c. A sign listed in Section 4 as not requiring a Zoning Permit.

4.5 Signs Permitted in any District

The following types of signs are permitted in any zone without a Zoning Permit provided that any such sign shall comply with other provisions of Section 4:

Type of sign	Maximum Number	Maximum Size/Area
1. Traffic control signs required or approved by the Woodbridge Traffic Authority or by the State of Connecticut	n/a	n/a
2. Names of buildings, dates of erection, monumental citations, commemorative tablets, and the like, when carved into or made of stone, wood, bronze, aluminum, or other permanent materials, and made an integral part of the construction.	- n/a	n/a
3. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public official in the performance of a public duty, such as safety signs, memorial plaques or	n/a	n/a

signs of a historical interest.		
4. Temporary political signs	n/a	n/a
5. Real estate signs advertising the sale, rental or lease of premises, provided that the maximum height of said sign does not exceed five (5) feet	One (1) sign Per address	Four (4) square Feet on each of two sides
6. Signs for professionals, including but not limited to: carpenters, painters, roofers, etc, on the premises where the work is being performed, provided that: a. no such sign exceeds four (4) feet in height, and b. such sign is removed promptly upon completion of the work.	One (1) sign per premises	(a) In any residential district not more than four (4) square feet on each of two sides (b) In any business or development district not more than twenty-five (25) square feet on each of two sides.
7. Temporary street signs within subdivisions prior to road acceptance.		n/a
8. Two signs within the premises of a permitted use, providing that no such sign shall exceed four (4) feet in height.		Not more than three (3) square feet per any one side
9. Signs no closer than 75 feet apart along the property line, bearing notification of restriction on trespassing, hunting, fishing, or dumping upon the premises on which it is located.		Not more than one square foot per side
10. Permanent signs erected and maintained by a church or civic or fraternal organization exempt from Federal income tax under the provisions of Section 501(C) of the Internal Revenue Code for the purpose of notifying the public of the presence in the Town of such church or organization.		
11. Temporary or permanent signs erected and maintained by the Town or any agency thereof pursuant to the performance of a government function.		

4.6. Signs Permitted in Residential Districts

4.6.1 The following types of signs are permitted for residential uses in a residential zone provided that such sign shall comply with other provisions of Section 4

Type of sign	**Maximum Number**	**Maximum Size Area**
1. A sign bearing the name and/or street address; and/or permitted residence office of the resident	One (1) for each	Two (2) square feet in total area

(no permit required)	permitted use or dwelling	
2. A garage or tag sale sign, advertising a sale to be held within three (3) days following the erection of such sign, or personal property and effects which are owned by the owner or tenant of the premises and used for residential or domestic household purposes. Such sign shall be removed upon completion of the advertised event (no permit required)	One (1)	

4.6.2 The following types of signs are permitted for non-residential uses in a residential districts (such as religious institutions, libraries, museums, art centers, historical societies, schools, municipal uses, non-profit agencies) provided that any such sign shall comply with other provisions of Section 4

Type of sign	**Maximum Number**	**Maximum Size/Area**
1. One or more wall signs provided that the total area of all wall signs does not exceed twenty (20) square feet (Zoning Permit required)	One (1) sign per street frontage	Twenty (20) square feet in total area
2. One or more wall signs when the total area of all wall signs exceeds twenty (20) square feet (Special Permit required)	One (1) sign per street frontage	As determined by the Commission
3. A freestanding sign erected or placed perpendicular or parallel to the public street or highway to which the building or structure fronts or abuts provided that the sign does not exceed five (5) feet in height or forty (40) square feet in area (Special Permit required)	One (1) freestanding sign per street frontage	Twenty (20) square feet in total area per side
4. A sign for a nonconforming use (Special Permit required)	As determined by the Commission	As determined by the Commission

4.7. Signs Permitted in Non-Residential Districts

4.7.1 The following types of signs are permitted in a non-residential zone provided that any such sign shall comply with other provisions of Section 4

Type of sign	**Maximum Number**	**Maximum Size/Area**
1. One (1) wall sign displaying the name and/or street address of the owner or occupant of the	One sign per Tenant except	One (1) square foot per lineal

premises and/or the activity conducted thereon (Zoning Permit required)	as may be allowed by Subsection 4.5.1.3	foot of facade of the tenant space but not more than twenty-five (25) square feet or not more one (1) square foot per 1,000 square feet of gross floor area, whichever is greater
2. One projecting sign displaying the name of the owner or occupant of the premises and/or the activity conducted thereon (Zoning Permit) provided that there is at least fourteen (14) feet of clearance under the sign for vehicular traffic and at least seven (7) feet of clearance under the sign otherwise (Zoning Permit required)	One sign per Tenant	Twelve inches (12") by eighteen inches (18")
3. One (1) additional wall sign or projecting sign displaying the name of the owner or occupant of the premises (Special Permit required)	One additional sign	
4. An entrance identification sign for a rear entrance into a building or tenant space from a parking area (Zoning Permit required)	One sign	Four (4) square feet in area
5. Sign(s) identifying store hours and non advertising notices (no permit required)	n/a	One (1) square feet in total area per tenant space
6. For a residence in a non-residential zone, a sign bearing the name and/or street address; and/or permitted residence office of the resident (no permit required).	One (1) for each permitted use or dwelling	Two (2) square feet in total area
7. Permanent window sign(s) on store windows for a permitted use provided that a "permanent window sign" permit has been obtained (Zoning Permit required)	Two (2) window surfaces	Fifteen (15) per cent of the window surface to which applied
8. A freestanding sign erected or placed on the premises provided that the maximum height of such sign does not exceed ten (10) feet. The height of the sign must be proportional to the setback of the sign from the property line. (Special Permit required)	One (1) freestanding sign per premises	Twenty-four (24) square feet in total area for all sign faces
9. Professional tenant directory sign, identifying	One	No portion of

tenants, shall be allowed. Such sign shall not be located away from the (Special Permit required)	freestanding sign.	the such sign shall be more than six (6) feet above the average level of the rough grade within a radius of ten (10) feet. Each tenant shall be allowed a 2 square foot sign on the directory sign, displaying only the tenant's name. In addition to the names, the directory may contain a layout of the center which shall not exceed six (6) square feet.
10. A temporary sign announcing special events directly related to the activity or use conducted within the premises provided that no more than four (4) permits per tenant for such special events signs shall be issued in any one calendar year (Zoning Permit required)	One (1) sign per business or occupant for up to two (2) weeks but no more than one (1) sign per property at any one time	Twelve (12) square feet in total area
10. Temporary window sign for a permitted conforming use (Zoning permit required), provided that: a. Such sign will not be displayed more than fifteen (15) consecutive days b. if such use has only one window and such window contains a permanent window sign, then the temporary sign shall not exceed fifteen (15) per cent of the total window surface.		Twenty-five (25) per cent of the window surface to which it is applied
11. One barber pole per hair cutting establishment in addition to other permitted signs. A barber pole may not exceed three (3) feet in height, excluding the supporting structure.		

12. Awning signs, provided that the area of the sign shall be computed as part of the total sign area for the subject building and lot		

4.8. Eleemosynary Signs Permitted

Subject to the general limitations prescribed in 4.8.1 through 4.8.4 eleemosynary signs may be located either on premises as the event to which they refer occurs or off premises form such site. Sign registration per Section 4.12 of these regulations is required for such signs.

4.8.1 Eleemosynary signs shall be:

(1). Not posted for more than two (2) weeks before a the event;

(2) The event is limited to an activity scheduled for specific dates and not for continuous activities or on-going programs.

(3) The sign(s) shall be removed within 48 hours of cessation of the event.

(4) The area of any one side of the sign shall not exceed six (6) square feet

4.8.2 Eleemosynary shall be registered with the Zoning Enforcement Officer prior to their erection on a form prescribed by the ZEO which shall include the following information:

(a) The name and address of the business, organization or enterprise
(b) The name and phone number of the applicant and person responsible for removing said signs with the specified time limits
(c) The date of submission
(d) The overall sign design
(e) The purpose of the event
(f) The dates to be erected
(g) The duration of the event
(h) The location of the signs

4.9. Sign: Area, Location and Construction

4.9.1. The area of sign shall be considered to (a) include all lettering, wording and accompanying designs or symbols, together with any background different from the building whether painted or applied when it is designed as an integral part of and obviously related to the sign, and when the sign consists of individual letters or symbols attached to, or painted on, a building wall or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letter or symbols (b) in the case of a free-standing sign, or a sign that can be seen from both sides, the area shall be determined the outside dimensions of the sign, not including the vertical, horizontal or diagonal supports which affix the sign to the ground, unless such supports are evidently designed to be part of the sign.

4.9.2. No sign, other than official street or highway signs, shall be erected or maintained within street or highway rights-of-way.

4.9.3. No sign shall project over any private property line without the express written permission of the affected property owner

4.9.4. No sign shall be placed so as to:
a. interfere in any way with the vision of pedestrian or vehicular traffic, traffic signals or signs, or
b. endanger traffic on a street or public way by obscuring a clear view of, or by confusion with, official street signs, highway signs, or signals.

4.9.5. No sign shall be affixed to the roof of any building; nor shall any sign affixed to any wall of any building project above the top of said wall.

4.9.6. All signs shall be designed, constructed, erected and maintained in accordance with the standards specified in the state building code.

4.9.7. Signs are encouraged to be carved.

4.9.8 No sign shall consist of, contain, or appear to contain rotating, vibrating or moving materials such as paper, cloth or metal, whether attached to a fixed sign or used independently thereof.

4.9.9. No sign shall be constructed, illuminated, or function in a way so as to appear to rotate, vibrate, move, or otherwise be animated.

4.10. Sign Illumination

4.10.1. The illumination of permitted signs shall be non-animated and non-flashing.

4.10.2. Neon signs are permitted by special permit.

4.10.3 No sign shall be shall be illuminated by other than white incandescent or white fluorescent lights, unless specifically approved by the Commission.

4.10.3. Any internally illuminated sign shall consist of a dark or opaque background with lighter colored lettering unless specifically approved by the Commission.

4.10.4. Light sources shall be so located to preclude light trespass into the street or any adjoining property.

4.10.5. Spotlights or floodlights for signs shall be shielded so that:
a. the source of light shall not be visible from any point off the premises on which the sign, building or structure being illuminated is erected, and
b. only one (1) sign is directly illuminated thereby.

4.11. Sign Design and Review Procedure

4.11.1. All signs shall be designed so as to be harmonious and compatible with the architectural character of the building(s) or premises to which they refer and with due consideration to the protection and enhancement of Woodbridge historic character and tradition.

4.11.2 New free standing signs within the Woodbridge Gateway Project on Amity Road, shall be minimized in height so that no tree removal is required for them to be visible.

Referral 2.10: City of Shelton

Subject: Proposed Zoning Regulation Amendments to ass Section 49 – Distributed Wind Energy Facilities to the City's Zoning Code

Staff Recommendation: The proposed Zoning Regulation Amendments may cause negative inter-municipal safety impacts due to insufficient setback requirements from public ways and overhead utility lines; in addition minimum setback requirements may be subject to a 50% reduction. There do not appear to be any negative impacts to the habitat or ecosystems of the Long Island Sound.

Background: A private applicant in the City of Shelton has proposed Zoning Regulation Amendments to Permit Distributed Wind Energy Facilities. These facilities would require a Special Permit and could only be located in the Light Industrial Park Zone. The maximum height of the Wind Energy Facilities is 200' and the setback requirements are 1.5 times the height of a wind turbine from the nearest existing habitable structure (exposed blade) and 1.1 times the of a wind turbine if the turbine has shrouded blades. The setback requirement from a property line and a public way is 100' and there is not requirement for a setback from overhead utility lines. The proposed regulations have included a setback waiver provision, which may subject the setback requirements for a wind energy facility to a 50% reduction. The City of Shelton has a noise ordinance in place, which the proposed regulations would need to comply with. The regulations would also permit Wind Monitoring or Meteorological towers, which have a maximum height of 200' in any zoning district. The setback requirements are the same as the distributed wind energy facility. As part of the submission requirements for an application of the distributed wind energy facilities is a site plan review.

The Regional Plan of Conservation and Development recommends "Introducing regulations that provide standards that allow individual homeowners or commercial property owners to install solar panels or other alternative energy generators (wind turbines, etc.)" as a method to support energy conservation. Governor Rell's "Connecticut Energy Vision" establishes the following foal "By 2020, 20% of all energy used and sold in the State of Connecticut will come from clean or renewable resources." The importance of alternative energy can be seen in the Connecticut Energy Vision Plan and the Regional Plan of Conservation Development. It is essential that the regulations adopted to permit such uses are appropriate and minimize potential adverse impacts (the City has regulations in place for Small Wind Energy Systems).

Communication: In researching this proposal, I spoke to the Planning Staff in Shelton and notified the adjacent municipalities in the South Central Region (Orange and Milford)

SHELTON PLANNING AND ZONING DEPARTMENT
3/10

AMENDMENT TO ZONING REGULATIONS SUBMISSION DATE: 4/6/10

AMENDMENT TO ZONING MAP DATE OF RECEIPT: _____

FEE: 780.00

PETITION INFORMATION FOR MAP OR TEXT CHANGES:

1. Petitioner's Name: MBI Inc.
2. Petitioner's Address: 15 Forest Parkway
3. Name and Section(s) of Regulation Amendment: Section 49 - Distributed Wind Energy Facilities

FOR MAP CHANGES, PLEASE SUPPLY ADDITIONAL INFORMATION BELOW

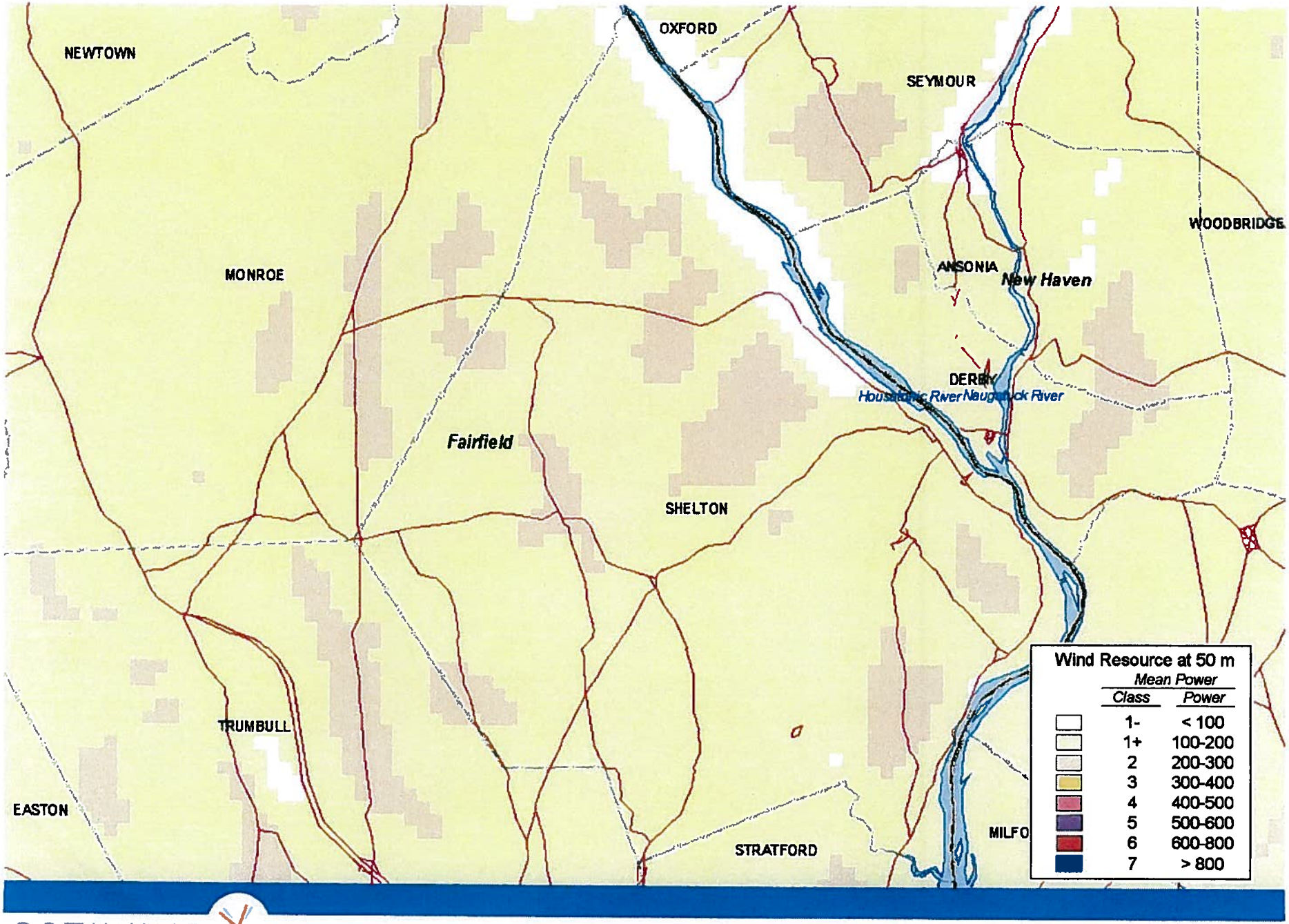
1. Owner of Record: _____
2. Owner's Address: _____ Phone _____
3. Address of Property: _____
4. Assessor's Map No.: _____ Parcel No.: _____
5. Existing Zoning District _____
6. Proposed Zoning District _____
7. Area of Zone Change _____
8. Has a previous zone change been requested for this property? _____
   If so, when _____?

I hereby certify that the above information is correct and that I have submitted herewith all of the pertinent documentation required by the Regulations.

RECEIVED
APR 26 2010
SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

James E Tracy
Applicant's Signature

_____
Owner's Signature (if applicable)


NEWTOWN
OXFORD
SEYMOUR
WOODBRIDGE
MONROE
ANSONIA
New Haven
DERBY
Housatonic River
Naugatuck River
Fairfield
SHELTON
TRUMBULL
EASTON
STRATFORD
MILFO
Wind Resource at 50 m
Mean Power
Class
Power
1- < 100
1+ 100-200
2 200-300
3 300-400
4 400-500
5 500-600
6 600-800
7 > 800

OPTIWIND

Table of Contents

49.1 Purpose 3
49.2 Findings 3
49.3 Applicability 3
49.4 Definitions 4
49.5 General Requirements 6
49.5.1 Special Permit Required 6
49.5.2 Required Findings 6
49.6 Specific Requirements and Standard Conditions 6
49.6.1 Advertising Prohibited 6
49.6.2 Anti-climbing /Unauthorized Access 6
49.6.3 Authorization to Use Site 7
49.6.4 Color and Finish Must Be Neutral 7
49.6.5 Permissible Locations 7
49.6.6 Dimensional Regulations 7
49.6.6.1 Height Maximum of 200' 7
49.6.6.2 Wind Monitoring or Meteorological Towers 7
49.6.6.3 Setback 8
49.6.6.4 Setback Waiver 8
49.6.6.5 Maintenance of Facility 8
49.7 Obey All Laws 8
49.7.1 Compliance with Laws, Ordinances and Regulations 8
49.7.2 Noise 9
49.8 Special Permit Granting Authority 9
49.9 Submissions 9
49.9.1 Photosimulations, Visualizations or View Representations 9
49.9.2 Photosimulations by Others 10
49.10 Other Submission Requirements 10
49.10.1 The Same as Site Plan Review 10
49.10.2 Waivers 10
49.11 Special Permit Criteria 10
49.11.1 Appurtenant Structures 10

49.11.2 Contact Name and Phone Number 11
49.11.3 Land Clearing 11
49.11.4 Lighting 11
49.11.5 Flicker 11
49.11.6 Signage 11
49.11.7 Utility Connections 11
49.11.8 Braking System 12
49.12 Abandonment or Decommissioning and Removal ..
49.12.1 Abandonment or Decommissioning 12
49.12.2 Site Closure 12
49.13 Financial Protection 13
49.13.1 Lien 13
49.13.2 Construction Surety 13
49.13.3 Removal 13
49.14 Liability Insurance 13
49.14.1 Proof May Be Required 13
49.14.2 Specific Proof May Not Be Required 13
49.15 Emergency Services 14
49.16 Effective date 14

49.1 Purpose

It is the purpose of this section to permit the construction and operation of Distributed Wind Energy Facilities subject to reasonable conditions that will protect the public health, safety and welfare (a) for the purpose of on-site generation and consumption as an accessory use to other activities located on the same lot or contiguous parcels of same owner, and (b) in appropriate locations for the generation of electricity for commercial sale or credit as a principal use.

49.2 Findings

The City of Shelton finds and declares that wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it will reduce dependence on nonrenewable energy resources and reduces air and water pollution that result from conventional energy sources. Distributed Wind Energy Facilities also enhance the reliability and power quality of the power grid, reduce peak power demands, increase in-state electricity generation, diversify the state and local energy supply portfolio, decentralize energy generation locations, and make the electricity supply market more competitive by promoting consumer choice. Distributed Wind Energy Facilities provide an opportunity for intensive energy consumers to project and moderate long-term energy needs and costs. We find that Distributed Wind Energy Facilities are consistent with the values of Shelton, Connecticut land use planning.

Therefore, we find that it is necessary to standardize and streamline the permitting process for Distributed Wind Energy Facilities so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner.

49.3 Applicability

This section 1.1 applies to all proposals to construct Wind Monitoring or Meteorological Towers; or Distributed Wind Energy Facilities smaller than 1 MW individually Rated Nameplate Capacity.

The provisions of this section regarding dimensional and site location requirements of Distributed Wind Energy Facilities shall supersede other parts of the existing regulations.

A cooperative Distributed Wind Energy Facility serving multiple adjacent properties is eligible for a permit and may share the output of the facility without being considered a commercial use.

49.4 Definitions

Board/Commission: The Shelton Planning and Zoning Commission. The "Commission" or "Board."

Distributed Wind Energy Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission lines and support structures, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Facility Owner: The entity or entities having equity interest in the Distributed Wind Energy Facility including their respective successors and assigns.

Flicker: The visual impact of a moving shadow caused by a large rotating blade.

Force Majeure Event: Any act or event that prevents the affected party from performing its obligations, if such act or event is beyond the reasonable control, and not the result of the fault or negligence, of the affected party and such party had been unable to overcome such act or event with the exercise of reasonable due diligence (including the expenditure of reasonable sums of money). Force Majeure Event shall include the following acts or events: (a) natural phenomena, such as storms, hurricanes, floods, lightning and earthquakes; (b) explosions or fires arising from lightning or other causes unrelated to the acts or omissions of the party seeking to be excused from performance; (c) acts of war, civil disturbances, riots, insurrection, sabotage, epidemic, terrorist acts, or rebellion; (d) strikes or labor disputes; (e) action by a Governmental Authority, including a moratorium on any activities; and (f) the impossibility for the party, despite its reasonable efforts, to obtain, in a timely manner, any Governmental Approval necessary to enable the affected party to fulfill its obligations, provided that such party has exercised its reasonable efforts to obtain such Governmental Approval.

Height: The vertical distance from the average finished ground level at the main turbine tower edges to the highest point of the structure, including any blade, but excluding lightning rods, antenna(s), or similar incidental and attendant equipment. If a blade extends above the tower at any point in its arc, then the tip of the rotor blade at its highest point, or blade-tip height shall be used.

The height of a Wind Monitoring or Meteorological Tower shall be defined as the vertical distance from the average finished ground level at the base of the monopole to the highest point of the temporary structure.

Qualified professional: A person who has received a degree from an accredited college or university in a field necessary to identify and evaluate a particular impact, and/or a person who is professionally trained and/or certified in such field(s).

Material Adverse Effect: Distinguishable, disproportionate, and demonstrable impact beyond a prejudice, an impact found upon substantial evidence and demonstrated causal relationship(s).

Meteorological Tower: A temporary tower equipped with devices to measure wind speeds and direction used to determine how much wind power a site can be expected to generate.

Noise Level: A variable value based upon factors such as ground cover, location and size of structures, time of day, wind speed and direction, and level of activity.

Noise levels shall be measured at the exterior of potentially affected existing residences and buildings intended to be regularly occupied on a non-participating landowner's property. Noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone.

Rated Nameplate Capacity: The rated output of electric power production equipment. This output is typically specified by the manufacturer.

Small Wind Energy Facility: A Distributed Wind Energy Facility where the blades are less than 25' long.

Substantial Evidence: Such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, i.e., substantially more than speculation.

Utility-Scale Wind Facility: An industrial wind facility comprised of single or multiple turbines each having individual Rated Nameplate Capacity exceeding 1Mw where the use of the facility is electrical generation to be sold exclusively to wholesale electricity markets.

Wind Monitoring Tower: A temporary tower equipped with devices to measure wind speeds and direction used to determine how much wind power a site can be expected to generate.

Wind Turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of an accelerator platform or nacelle body, and one or more rotors, with two or more blades for each rotor.

49.5 General Requirements

49.5.1 Special Permit Required

A Distributed Wind Energy Facility may be erected, constructed, installed or modified so as to change bulk or height, by first obtaining a special permit from the Commission. The construction of a Distributed Wind Energy Facility shall be permitted subject to the issuance of a Special Permit, provided that the use complies with all requirements of this regulation.

49.5.2 Required Findings

A Special Permit shall be granted if the Commissions finds, on the basis of substantial evidence, that:

(a) No substantial evidence of material adverse effect on the neighborhood or its property values has been presented, or the Commission finds that the burden of showing a material adverse effect has been sustained, and;

(b) No serious hazard to pedestrians or vehicles has been presented; and

(c) No effect which will amount to common law nuisance has been shown.

49.6 Specific Requirements and Standard Conditions

All Special Permits shall automatically include the following standard conditions:

49.6.1 Advertising Prohibited

Wind Turbines shall not be used to display any advertising, except for reasonable identification of the manufacturer or operator of the Distributed Wind Energy Facility.

49.6.2 Anti-climbing /Unauthorized Access

The Distributed Wind Energy Facility shall be designed to prevent unauthorized access. A six foot (6') tall fence or other means to prevent climbing must be provided.

49.6.3 Authorization to Use Site

An applicant shall either be an owner of the property or shall submit documentation of actual or prospective legal rights for the use of the project site sufficient to allow for the intended purpose. If required, the application shall also include documentation sufficient to show the right to use setback areas and access roads.

An owner may appoint an agent by written authorization.

49.6.4 Color and Finish Must Be Neutral

A neutral exterior non-reflective color that blends with the surrounding environment is encouraged whenever practical unless otherwise approved by the Commission.

49.6.5 Permissible Locations

Distributed Wind Energy Facilities may be located in Light Industrial Park (LIP) zones.

49.6.6 Dimensional Regulations

49.6.6.1 Height Maximum of 200'

Wind Monitoring or Meteorological Towers and Distributed Wind Energy Facilities shall not exceed 200 feet in height excluding lightning rods, antenna, meteorological equipment, or similar incidental and attendant equipment. The commission may waive the maximum height limit.

49.6.6.2 Wind Monitoring or Meteorological Towers

Wind Monitoring or Meteorological Towers shall be permitted in all zoning districts, subject to issuance of zoning and building permits for a temporary structure.

Additionally:

(a) The center of the Meteorological Tower shall be located a minimum of 100 feet from a property boundary provided, however, that a portion of this setback requirement may be satisfied by an easement or other irrevocable, legally binding agreement from one or more abutting property owners, where the term of such agreement is equal to the term of the permits for that temporary structure.

(b) The tower face width (excluding booms and measurement equipment) shall not exceed two (2) feet.

(c) The tower shall not exceed two hundred (200) feet in height.

(d) Temporary Wind Monitoring or Meteorological Towers shall be subject to the issuance of a Zoning Permit. A Zoning Permit shall be valid for a period necessary to obtain the data that the applicant requires, but not to exceed 24 months.

49.6.6.3 Setback

Wind Monitoring or Meteorological Towers, or a Distributed Wind Energy Facility shall be setback, as measured from the center of the tower: (a) from the nearest existing habitable structure, a distance equal to 1.5 times the Height for a Wind Turbine and tower that has exposed blades or 1.1 times the Height for a Wind Turbine and tower that has shrouded blades; and (b) 100 feet from the nearest property line or public way. A portion of this setback requirement may be satisfied by an easement or other non-revocable, legally binding agreement from one or more abutting property owners.

49.6.6.4 Setback Waiver

A Distributed Wind Energy Facility may be subject to a 50% reduction in the minimum setback distance(s) based upon site-specific testing requirements in the State Building Code of Connecticut. Testing shall comply with American Society for Testing and Materials International (ASTM) Standard Test Methods for Deep Foundations Static Axial Tensile Load, ASTM D 3689-07.

Verification of post-construction conformance with these standards shall be conducted by a professional engineer registered in the state of Connecticut. A copy of the engineer report shall be submitted to staff upon request and completion.

49.6.6.5 Maintenance of Facility

The property owner shall be responsible for maintaining the Distributed Wind Energy Facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

49.7 Obey All Laws

49.7.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all such proposed Distributed Wind Energy Facilities shall be consistent with all applicable local, state and federal requirements, including, but not limited to, all applicable safety, construction (including, but not limited to, such elements of the National Electrical Code and Uniform Building Code as may be applicable), environmental, electrical, communications, noise and aviation (including Federal Aviation Administration) requirements.

49.7.2 Noise

The Distributed Wind Energy Facility shall conform to any applicable noise regulation or statute.

49.8 Special Permit Granting Authority

The Special Permit Granting Authority (SPGA) is the Shelton Planning and Zoning Commission, whose normal rules for applications and hearings, where applicable, shall apply, except where a subject is specifically treated in this Distributed Wind Energy Facility regulation.

49.9 Submissions

49.9.1 Photosimulations, Visualizations or View Representations

The applicant shall submit photosimulations, visualizations, or view representations ("photosimulations"). The Commission shall select between three and six sight-lines for pre and post-construction photosimulations. Sites for the photosimulations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. Photosimulations shall have the following characteristics:

a) The applicant shall arrange for a balloon test (with a balloon diameter of eight feet nominal), or other suitable test, at the proposed site to illustrate the height and position of the proposed tower. The date (and alternate dates to allow for inclement weather), time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 10 days, but not more than 21 days, prior to the first listed test date.

b) The photosimulation must show the tower superimposed on the photograph with the tower height established in reference to the balloon flown or testing equipment used.

c) Photosimulations shall be in color and shall include actual pre-construction photographs, and accurate post-construction simulations of the height and breadth of the Distributed Wind Energy Facility (e.g., superimpositions of the wind facility onto photographs of existing views).

d) All photosimulations must include existing, or proposed, buildings or tree coverage.

e) Each photosimulation shall include description of the technical procedures followed in producing the visualization (distances, directions aimed, angles, camera lens, etc.).

49.9.2 Photosimulations by Others

For the purpose of allowing the Commission to compare like with like, any photosimulations submitted by a party other than the applicant shall be submitted more than five business days in advance of the initial day of any hearing on the application for a special permit, and include the same elements required in Section 49.9.1(b), (c), (d), and (e) above.

49.10 Other Submission Requirements

49.10.1 The Same as Site Plan Review

Unless waived, the applicant shall submit all other elements required for site plan review under the zoning ordinance.

49.10.2 Waivers

Submission requirements for site plan review which are (1) not relevant to the consideration of a Distributed Wind Energy Facility (including, but not limited to, parking requirements, septic system requirements, etc.), or (2) not necessary for a full and fair consideration of the proposal (including, but not limited to, color swatches, ground level lighting plans, parking plans, and so forth), shall be waived at the discretion of the Commission.

49.11 Special Permit Criteria

The following criteria will be weighed by the Commission in evaluating applications:

49.11.1 Appurtenant Structures

All structures appurtenant to such Distributed Wind Energy Facilities shall be subject to applicable regulations concerning the bulk and height of structures, as well as regulations determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Additional structures shall only be used for housing of equipment for this particular site.

49.11.2 Contact Name and Phone Number

The applicant or facility owner shall maintain a phone number, and identify a responsible person, so that contact may be made throughout the life of the project.

49.11.3 Land Clearing

Clearing of natural vegetation shall be limited to that which is practical for the construction, operation and maintenance of the Distributed Wind Energy Facility and is otherwise prescribed by applicable laws, regulations, and ordinances.

49.11.4 Lighting

Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the Distributed Wind Energy Facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be designed to minimize glare on abutting properties and, except as required by the FAA, be directed downward with full cut-off fixtures to reduce light pollution.

49.11.5 Flicker

A Distributed Wind Energy Facility shall have equipment selected and be sited in a manner that minimizes flicker impacts.

49.11.6 Signage

Signs on the Distributed Wind Energy Facility shall comply with the requirements of the town's sign regulations and shall be limited to:

(a) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
(b) Those required by state or federal law.
(c) Educational signs providing information about the facility and the benefits of renewable energy.
(d) Any other signage otherwise allowed by the regulations and approved by the Commission.

49.11.7 Utility Connections

Reasonable efforts shall be made to locate utility connections underground depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground.

49.11.8 Braking System

As part of the wind turbine capability, an integral braking system, to mitigate excess wind loading under adverse conditions and routine servicing immobilization, shall be required.

49.12 Abandonment or Decommissioning and Removal

49.12.1 Abandonment or Decommissioning

Absent notice of a proposed date of decommissioning, the Distributed Wind Energy Facility shall be considered abandoned when, at any time more than 10 years after receipt of the certificate of completion, the facility fails to operate for more than one year. If the applicant fails to remove the wind facility in accordance with the requirements of this section within 150 days of abandonment, or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the facility.

The provisions of abandonment and/or closure as outlined in Section 49.12, 49.12.1 and 49.12.2 shall not apply to Force Majeure Events.

49.12.2 Site Closure

Any Distributed Wind Energy Facility which has reached the end of its useful life shall be removed. The owner/operator shall physically remove the Distributed Wind Energy Facility no more than 150 days after the date of discontinued operations. At the time of removal, the Distributed Wind Energy Facility site shall be restored to the usable state it was in before the facility was constructed, from grade level and above, but excluding any need to replace trees or other vegetation that may have previously occupied the site, and similarly excluding the need to reconstruct structures or features, e.g., wetlands, once present, or the site may be converted to any other legally authorized use. More specifically, decommissioning shall consist of:

(a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
(b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
(c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Commission may allow the owner to leave landscaping or certain visible foundations in order to minimize erosion and disruption to vegetation.

49.13 Financial Protection

49.13.1 Lien

To protect the City of Shelton, a condition of the Special Permit may require that the owner of the Distributed Wind Energy Facility acknowledge that a lien may be placed upon the Distributed Wind Energy Facility, if the Distributed Wind Energy Facility has not been maintained to the requirements of all applicable laws.

49.13.2 Construction Surety

To ensure construction in accordance with all applicable laws, before a building permit may be granted, the applicant may be required to post surety, in form acceptable to counsel for the City of Shelton, which shall remain in effect until the Distributed Wind Energy Facility is eligible for, or has received, a certificate of completion or certificate of use.

49.13.3 Removal

In the event of abandonment or decommissioning as defined in 49.12.1, to protect the City of Shelton, a condition of the Special Permit may require that the owner of the Distributed Wind Energy Facility acknowledge that a lien may be placed upon the Distributed Wind Energy Facility to recover removal costs if the owner is unable or unwilling to undertake or complete sufficient site closure as indicated in Section 49.12.2.

49.14 Liability Insurance

49.14.1 Proof May Be Required

Before issuance of a building permit or construction may begin, the applicant may be required to provide evidence of commercial general liability insurance in an amount and duration reasonably sufficient and proportional to the scope and scale of the proposed project. If required, this coverage shall be maintained until completion of the construction phase.

49.14.2 Specific Proof May Not Be Required

Where the Distributed Wind Energy Facility is located on a site where existing commercial general liability insurance, or self-insured status, covers all risks, no further proof may be required. For example, where the facility is located at a factory, private school, college or university, and commercial general liability coverage may be shown by a standard coverage sheet, no further proof may be required.

49.15 Emergency Services

The applicant shall provide a copy of the project summary and site plan to the local emergency services entity, as designated by the Commission. Upon request of the emergency services entity, the applicant shall develop an emergency response plan if required.

49.16 Effective date

This ordinance section shall be effective **[date]**.

SCHEDULE A-Permitted Uses
DISTRICT CODES

PERMITTED USES	R1-A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD
63. Distributed Wind Energy Systems	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	E	X

Referral 2.11: Town of Durham

Subject: Proposed Zoning Amendments to the Home Occupation Zoning Regulations

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Town's in the South Central Region nor do there appear to be any impacts to the habitat or eco-system of the Long Island Sound.

Background: The Town of Durham has submitted proposed Zoning Regulations Amendments to Home Occupations. The regulations replace the existing Section pertaining to Home Occupations. A permitted home occupation after an approval from the Planning and Zoning Commission is prohibited from having the following: signage/onsite advertising, lighting inconsistent with what is normally found in a residential zone, operation outside the dwelling, storage of merchandise or materials on property outside the dwelling, frequent vehicular loading and unloading of materials, customer parking spaces on the property, use of more than 25% of the dwelling, employment of non-resident, violation of noise or other applicable ordinances, expanding the residence to accommodate the home occupation. A change from the existing regulation is that only properties abutting the applicant property need to be notified previously it owners within 100' of the applicants property.

The proposed regulations have another component which is applicable if the criteria listed above has not been met. In these types of situations a Site Plan in accordance with the Site Plan Review Section would be required. Home occupations under this section are prohibited from the following: signage in excess of two square feet, illuminated signage, lighting inconsistent with what is normally found in a residential zone, use of more than 25% of the dwelling, employment of more than two non-residents, violation of noise or other applicable standards, expansion of residence to accommodate home occupation, changes in external dwellings, increasing traffic substantially or the creation of safety hazards, delirious effect on abutting or adjacent property. The standards regulating home occupations for the most have remained intact through rewording or moving a provision to another portion of Home Occupation Regulations.

Communication: In researching this proposal, I spoke to the Planning Staff in Durham and notified the adjacent municipalities in the South Central Region (Guilford, Madison, North Branford and Wallingford)

TOWN OF DURHAM

Planning and Zoning Commission
P.O. Box 428
Durham, Connecticut 06422

April 27, 2010

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Mr. Carl Amento, Executive Director
South Central Regional Council of Governments
127 Washington Ave. - 4th Floor West
North Haven, CT 06473

Dear Mr. Amento:

Re: Proposed Zoning Text Amendment to the Durham Zoning Regulations, Section 12.04 "Home Occupations"

This notice is being sent to you pursuant to Section 8-3b of the *Connecticut General Statutes*. Enclosed please find a copy of the proposed text amendments to the Durham Zoning Regulations.

The public hearing is scheduled for May 19, 2010. Please respond at your earliest convenience.

If you have any questions or comments please feel free to contact me at 347-7214.

Very truly yours,

Geoffrey L. Colegrove (JES)

Geoffrey L. Colegrove
Durham Town Planner

GLC/jes

enc.

RECEIVED
APR 28 2010
SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

Amended
4/07/10
4/21/10
4/26/10

Proposed Home Occupation Zoning Regulations

Delete the existing Home Occupation Section 12.04. and replace with the following:

12.04. Home Occupations (as defined in Section 02.08.03.)

12.04.01.

Home occupations permitted with a Zoning Permit.

12.04.01.01.

A home occupation may be established in a residential dwelling or attached garage after registering the occupation with the Durham Land Use Office. A home occupation is prohibited from the following:

a. Signage and any onsite advertising.
b. Lighting inconsistent with that normally found in a residential zone.
c. Operation of the occupation on the property outside the dwelling.
d. Storage of merchandise or materials associated with the occupation on the property outside the dwelling.
e. Frequent vehicular loading and unloading of materials associated with the occupation.
f. Customer parking spaces on the property.
g. Use of more than 25% of the floor area (assessor's card) of the dwelling.
h. Employment of non-resident employees.
i. Violation of noise or other applicable ordinances.
j. Cause the expansion of the residence to accommodate the home occupation.

12.04.01.02.

The form for registering the home occupation shall be approved by the Commission. Once a form has been filed it shall be reviewed by the Durham Zoning Enforcement Officer to determine if it complies with the standards set forth in Section

12.04.02.

Home occupations requiring Commission Approval (as defined in Section 02.08.03.)

12.04.02.01.

A home occupation which does not meet the criteria set forth in 12.04.01.01.a-j may

be established in a residential dwelling, attached garage or an existing accessory building only after a Site Plan approval has been granted by the Commission in accordance with Section 13.03 Site Plan Review._ The Commission may waive some or all of the requirements found under Section 13.03.04 Site Plan Requirements as long as there is sufficient detail in the application to determine compliance with these regulations. A home occupation under this section is prohibited from the following:

a. Signage in excess of two square feet.
b. Illuminated signage.
c. Lighting inconsistent with that normally found in a residential zone.
d. Use of more than 25% of the floor area (assessor's card) of the dwelling.
e. Employment of more than two non-resident employees.
f. Violation of noise or other applicable ordinances.
g. Cause the expansion of the residence to accommodate the home occupation.
h. Changes in the external dwelling.
i. Increasing traffic substantially or create safety hazards.
j. Having a deleterious effect on abutting or adjacent property.

12.04.02.02.

The applicant shall give notice, by certified mail, to the owners of record abutting the subject property no less than seven (7) days prior to the application being considered by the Commission at a regular or special meeting. Proof of such notification shall be presented to the Commission.

12.04.03

Standards, Enforcement, and Termination:

a. The permit is not transferable and shall be valid only for the applicant(s) and as long as the permit remains consistent with the application, conditions of approval or other representations made during the application process.
b. The Commission can establish hours of operation and or duration of a permit, or other restrictions or conditions for termination as the Commission may feel necessary to protect the public health, safety, convenience or property values.
c. If a permit is revoked, the Commission shall not be required to accept a new application for six months.
d. If an approved home occupation never actually existed and/or ceases operation for more than 12 months, but not the result of fire or other casualty, the permit shall be considered terminated.
e. A permit shall be revoked if at any time there is non-compliance with the criteria set forth in Sections 12.04.01.01. and 12.04.02.01.
f. If a permit is issued to a tenant, the tenant must reside on the premises where the home occupation in being conducted, if the tenant no longer resides on the premises the permit shall be revoked.

Existing Section 12.04.02.05. will be renumbered to Section 12.04.04. as follows:

A home occupation (or person conducting a home occupation) which has been approved by the Planning and Zoning Commission under this Section and has operated continuously and uninterrupted for two (2) or more years may continue, notwithstanding that the business is carried on by a non-resident of the dwelling, provided that (1) the person conducting the business resided in the dwelling when the home occupation permit was originally secured; (2) the person conducting the business shall demonstrate that the use continues to satisfy all other requirements of this Section by filing a new application and site plan; (3) the person conducting the business owns the dwelling or is a parent or child of the existing owner of the dwelling; (4) The dwelling is being used as a residence; and, (5) the number of home occupations permits granted to an applicant under this Section shall be limited to one (1). A discontinuance or abandonment by the person conducting the home occupation for a period of twelve (12) months or more shall terminate the approval of the home occupation.