



**RPC  
Representatives**

**Bethany:**  
Sharon Huxley

**Branford:**  
Charles Andres

**East Haven:**  
David Anderson

**Guilford:**  
Michael Scott

**Hamden:**  
Joseph McDonagh

**Madison:**  
Christopher Traugh  
(Secretary)

**Meriden:**  
William Lake

**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, June 10, 2010 RPC Meeting, 5:15pm @ SCRCOG Conference Room; 127 Washington Ave, 4<sup>th</sup> Floor West, North Haven, CT 06473

**1. Administration**

1.1. Minutes of the May 13, 2010 RPC Meeting

**2. Statutory Referrals – June Action Items**

2.1. Town of Orange: Proposed Zoning Regulation Amendments to permit Outdoor Restaurant Seating in the Commercial C-1 and C-2 Districts. Submitted by: Town of Orange. Received: May 6, 2010. Public Hearing: June 15, 2010.

2.2. Town of Orange: Proposed Zoning Regulations Amendments and to amend the Orange Zoning Map to establish a Light Industrial District (LI-5). Submitted by: Town of Orange. Received: May 6, 2010. Public Hearing: June 15, 2010.

2.3. Town of Orange: Proposed Zoning Regulation Amendments concerning Steep Slopes. Submitted by: Town of Orange. Received: May 6, 2010. Public Hearing: June 15, 2010

2.4. City of West Haven: Proposed Zoning Map Amendment to rezone a portion of the Acorn Technology Campus to a Planned Village District Overlay Zone. Submitted by: Private Applicant. Received: May 26, 2010. Public Hearing: June 22, 2010 or July 13, 2010.

2.5. City of Milford: Proposed Zoning Text Amendment to Subsection 4.1.7.3 – Fences and Walls of the Milford Zoning code. Submitted by: City of Milford. Received: June 2, 2010. Public Hearing: TBA

**3. Other Business**

3.1. Sustainability Provisions





**DRAFT - Not yet approved by the Commission**

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, May 13, 2010 Meeting

**Present:** Peggy Rubens-Duhl, Brian Cummings, Christopher Traugh, Charles Andres, David Anderson, Joseph McDonagh, Carl Amento, Eugene Livshits.

**1 Administration**

1.1 Minutes of the April 8, 2010 RPC meeting. Motion to accept the minutes as presented: David Anderson. Second: Brian Cummings. Vote: Unanimous.

**2 Statutory Referrals**

2.1 Town of Branford: Connecticut Department of Environmental Protection Open Space Grant Application for the acquisition of 99 Laurel Hill Rd.

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 of maintaining comprehensive sustainable local habitat and ecosystems, expanding existing preserved open space and protecting the water quality of the State's lakes, rivers and coastal waters. In addition, the preservation of the property will contribute to the development of existing regional trails. Motion: Joseph McDonagh. Second: Christopher Traugh. Vote: Unanimous.

2.2 City of Meriden: Connecticut Department of Environmental Protection Open Space Grant Application for the acquisition of 628 Finch Ave.

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 the protection of environmentally sensitive lands and waterways. Motion: Brian Cummings. Second: David Anderson. Vote: Unanimous.

2.3 Town of Madison: Connecticut Department of Environmental Protection Open Space Grant Application for the acquisition of the Griswold Airport Property

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 the water quality of the Long Island Sound and creating connections between existing open spaces. Motion: David Anderson. Second: Joseph McDonagh. Vote: Unanimous.

- 2.4 Town of Madison: Connecticut Department of Environmental Protection Open Space Grant Application for the acquisition of 80 acres of land at the northeast corner of Route 80 and Summer Hill Rd.

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. Motion: Brian Cummings. Second: Christopher Traugh. Vote: Unanimous.

- 2.5 Town of Orange: Proposed Zoning Regulation Amendment to permit an Affordable Single Family Design District

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments may cause negative inter-municipal impacts due to the potential scale of the development. The proposed text limits the authority of the Orange Planning and Zoning Commission to deny the application even if the proposal would have adverse inter-municipal impacts.

In addition, the procedural provisions which authorize the change of zone without a public hearing may be in violation of the Connecticut General Statutes. The proposed regulations state that a public hearing is optional for future zone changes which may not provide the Regional Planning Commission an opportunity to review potential developments that can occur within 500' of a municipality in the South Central Region. There may be potential impacts to the habitat or ecosystem of the Long Island Sound if development occurs on wetlands which drain into waterways that are tributary to Long Island Sound. Motion: Christopher Traugh. Second: Peggy Rubens-Duhl. Vote: Unanimous.

The commission moved the revised staff recommendation. The commission discussed the potential issues of the proposed regulations; including a provision that may allow an approval of a zone change without a public hearing and the provision which limits the authority the Town's Planning and Zoning Commission has in denying an application.



2.6 Town of Orange: Proposed Zoning Map Amendment for an Affordable Single Family Design District

By resolution, the RPC has determined that 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 contains inland-wetlands, which may not be suitable for large scale development. There may be potential impacts to the habitat or ecosystem of the Long Island Sound if development occurs near inland-wetlands which drain into waterways that are tributary to Long Island Sound. In addition, see comments regarding proposed Affordable Single Family Design District. Motion: David Anderson. Second: Christopher Traugh. Vote: Unanimous.

The Commission moved the staff recommendation with additional comments. This referral is based on the Affordable Single Family Design District proposed in item 2.5. The following statement was added “In addition, see comments regarding proposed Affordable Single Family Design District.”

2.7 Town of Bethany: Proposed Zoning Regulation Amendments to Bethany’s Flood Plain Management Regulations

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: Brian Cummings. Second: Joseph McDonagh. Vote: Unanimous.

2.8 Town of Woodbridge: Proposed Zoning Regulation Revisions to the Flood Hazard Area Regulations

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: Christopher Traugh. Second: Joseph McDonagh. Vote: Unanimous.

2.9 Town of Woodbridge: Proposed Zoning Regulation Revisions to the Sign and Artificial Lighting Regulations

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: Joseph McDonagh. Second: Brian Cummings. Vote: Unanimous.

2.10 City of Shelton: Proposed Zoning Regulation Amendments to Section- 49 Distributed Wind Energy Facilities

By resolution, the RPC supports regulations which encourage the use of wind energy; however, the proposed Zoning Regulation Amendments may cause negative inter-municipal impacts due to insufficient setback requirements from public ways and overhead utility lines, which may create safety hazards. In addition the minimum setback requirements may be subject to a 50% reduction. There do not appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Christopher Traugh. Second: Peggy Rubens Duhl. Vote: Unanimous.

The Commission moved the staff recommendation with additional comments. There was a discussion centered around the Commission expressing support for wind energy regulations.

2.11 Town of Durham: Proposed Zoning Amendments to the Home Occupation Zoning Regulations

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: David Anderson. Second: Brian Cummings. Vote: Unanimous.

2.12 Town of Clinton: Proposed Zoning Regulation Amendments to the Incentive Housing Zone Regulations

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: Christopher Traugh. Second: Joseph McDonagh. Vote: Unanimous.



### **3 Other Business**

The Commission discussed the concept of sustainability and that we should take the opportunity to incorporate it into our advisory comments. For the next meeting we will discuss potential guidelines and/or provisions of incorporating the concepts of sustainability in the review of referral applications.

Motion to Adjourn: David Anderson. Second: Joseph McDonagh. Vote: Unanimous.



## **Referral 2.1: Town of Orange**

**Subject:** Proposed Zoning Regulation Amendments to permit Outdoor Restaurant Seating in the Commercial C-1 and C-2 Districts.

**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 negative impacts to the habitat or ecosystem of the Long Island Sound.

**Background:** The Town of Orange has submitted a referral application pertaining to Outdoor Restaurant Seating in the Commercial C-1 and C-2 Districts. The outdoor seating would only be permitted by Special Permit as an incidental use to an established restaurant, coffee house, or other food service business.

In order for the use to be allowed an application has to be reviewed by the Orange Planning and Zoning Commission including a detailed site plan, lighting plan and permission from the property owner or management company. The site plan will need to be reviewed by the Fire Department, Police Department and the Town Sanitarian.

The approved seating will only be permitted from April 1<sup>st</sup> through November 15<sup>th</sup> and it cannot obstruct any entries, exits, permitted signs or utilities. The proposed regulations have provisions regarding safety including the condition of the area and protection from vehicular traffic. The outdoor seating in establishments where alcohol is served must be enclosed by a fence or a wall, which is a minimum height of six feet. The use must be separated from any residence by a minimum of 400 feet. Noise from the outdoor dining area shall not be significantly audible off premises. Additional parking must be provided at half of parking requirement for the indoor area. This can be waived if the applicant demonstrates to the commission that the additional parking is not necessary.

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

May 5, 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**  
**-UPON THE INITIATIVE OF THE ORANGE TOWN PLAN & ZONING COMMISSION**  
***To propose regulations to permit Outdoor Restaurant Seating in the Commercial C-1 & Commercial C-2 Districts.***

Dear Ms. Gott:

In accordance with the Connecticut General Statutes, enclosed for your review are proposed changes to the Orange Zoning Regulations. A public hearing on this matter is tentatively scheduled for June 15, 2010.

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

Very truly yours,

Paul Dinice, Zoning Administrator  
& Enforcement Officer

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

RECEIVED

MAY 6 2010

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

**Draft regulations for Outdoor Restaurant Seating – 5/5/10**

*To Add in C-1 Special Uses*

383- 42 Special Uses F. Outdoor Restaurant Seating in accordance with Section 383-143.4.

And

*To Add in C-2 Special Uses*

383-50 Special Uses G. Outdoor Restaurant Seating in accordance with Section 383-143.4.

*To Add*

**Section 383-143.4. Special Standards for Outdoor Restaurant Seating**

- A. Outdoor dining/seating shall only be allowed by special permit as an incidental use to an established restaurant, coffee house, or other food service business.
- B. No outdoor dining/seating shall be established on any property until an application has been made and reviewed by the Plan and Zoning Commission. The application shall include a detailed site plan, lighting plan, and permission from the property owner and/or Management Company. The site plan must be reviewed by public safety officials, including the Fire Department, Police Department, and the Town Sanitarian. The site plan must also show the number and location of all tables and seats that will be provided. If outdoor dining/seating is proposed on a common area of a shopping center, adjoining businesses must be notified of the application. An annual renewal of the permit will be required, and unless changes from the original site plan have been made, this review will be done by the Zoning Enforcement Officer for the Town of Orange.
- C. Approved outdoor dining/seating will be allowed from April 1<sup>st</sup> through November 15<sup>th</sup>.
- D. Outdoor dining/seating shall not obstruct any entries, exits, permitted signs, utilities. A minimum 5 foot clear walkway must be maintained between the dining/seating area and any exits or entries.
- E. The outdoor dining/seating area must be kept clear of litter and maintained in a safe and sanitary condition.
- F. Outdoor patron seating area must be protected from vehicular traffic.
- G. Outdoor tables, umbrellas and other fixtures must be secured or weighted to protect from movement during high wind conditions.
- H. At establishments where alcohol is served, the outdoor patron seating area must be surrounded by a fence or wall with a minimum height of 6 feet.

- I. Outdoor patron seating area must be separated from any residence by a minimum distance of 400 feet. Noise, music or other sounds emanating from the outdoor dining area shall not be significantly audible off premises.
- J. Food and/or drink preparation and/or storage are prohibited from outdoor seating areas.
- K. Parking must be provided for outdoor floor area at a level of one half of the level required for indoor patron floor area. An applicant may request a waiver of this provision if sufficient evidence can be provided that additional parking is not needed in order to provide parking for patrons of this and other establishments.
- L. Outdoor area is intended for seated patrons. The total number of patrons in the outdoor seating area shall not exceed 10% above the number of seats approved by the Plan and Zoning Commission.
- M. Violations of any of the conditions of the Special Use may result in revocation of the special permit use.

## **Referral 2.2: Town of Orange**

**Subject:** Proposed Zoning Regulations Amendments and to amend the Orange Zoning Map to establish a Light Industrial District (LI-5)

**Staff Recommendation:** The proposed Zoning Regulation and Map 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 negative impacts to the habitat or ecosystem of the Long Island Sound.

**Background:** The Town of Orange has submitted proposed Zoning Regulations and Zoning Map Amendment to establish an LI-5 Zoning District. The zoning district regulations and the map amendment will replace the Office Park District. The purpose of the new district is to permit small, low impact economic development uses within an environmentally sensitive area.

The permitted uses in the district require a site plan approval and the buildings housing the uses to be 15,000 square feet or less. The uses which are permitted under the above mentioned scenario include the following: offices, laboratories, manufacturing (in a manner which does not create a noticeable amount of smoke, dust, noise, or vibration), uses, buildings and facilities of the Town of Orange (permitted in existing district). Special uses permit warehouses, conference and training centers. The Lot Area, Shape and Frontage have remained the same as in the Office Park District (min. lot area 2 acres, min. dimension of square 200 feet, min. frontage 100 feet). The Orange Planning and Zoning Commission does have the ability to permit as special use lots without direct frontage on a public road. The maximum height requirement is 2.5 stories and the Maximum Ground Coverage is 15%. In the existing regulations the maximum ground coverage was 10%, but did not include paved surfaces. The proposed regulations have an additional requirement that the total building and pavement coverage cannot exceed 15%. The setback requirements have remained the same as in the existing Office Park District.

Additional regulations which the proposed district establishes include parking, loading, landscaping, exterior lighting, Erosion, Sedimentation, water quality measures and buildings need to be designed so that each outer façade has an architectural finish. Prior to the approval of any application for a certificate of zoning compliance, a site plan shall

be submitted and approved. The parking requirements prohibit parking areas from extending within less than 50 feet of any property line or 100 feet from a residence district boundary line and shall be screened from view from any street right-of-way line or property line.

The references to the Office Park District have been removed from the Orange Zoning Regulations and replaced with the LI-5 District.

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

May 5, 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**  
**-UPON THE INITIATIVE OF THE ORANGE TOWN PLAN & ZONING COMMISSION**

- 1. To propose regulations and amend the Orange Zoning Map to establish a Light Industrial LI-5 District.*
- 2. To propose regulations concerning Steep Slopes.*

Dear Ms. Gott:

In accordance with the Connecticut General Statutes, enclosed for your review are proposed changes to the Orange Zoning Regulations and Orange Zoning Map. A public hearing on this matter is tentatively scheduled for June 15, 2010.

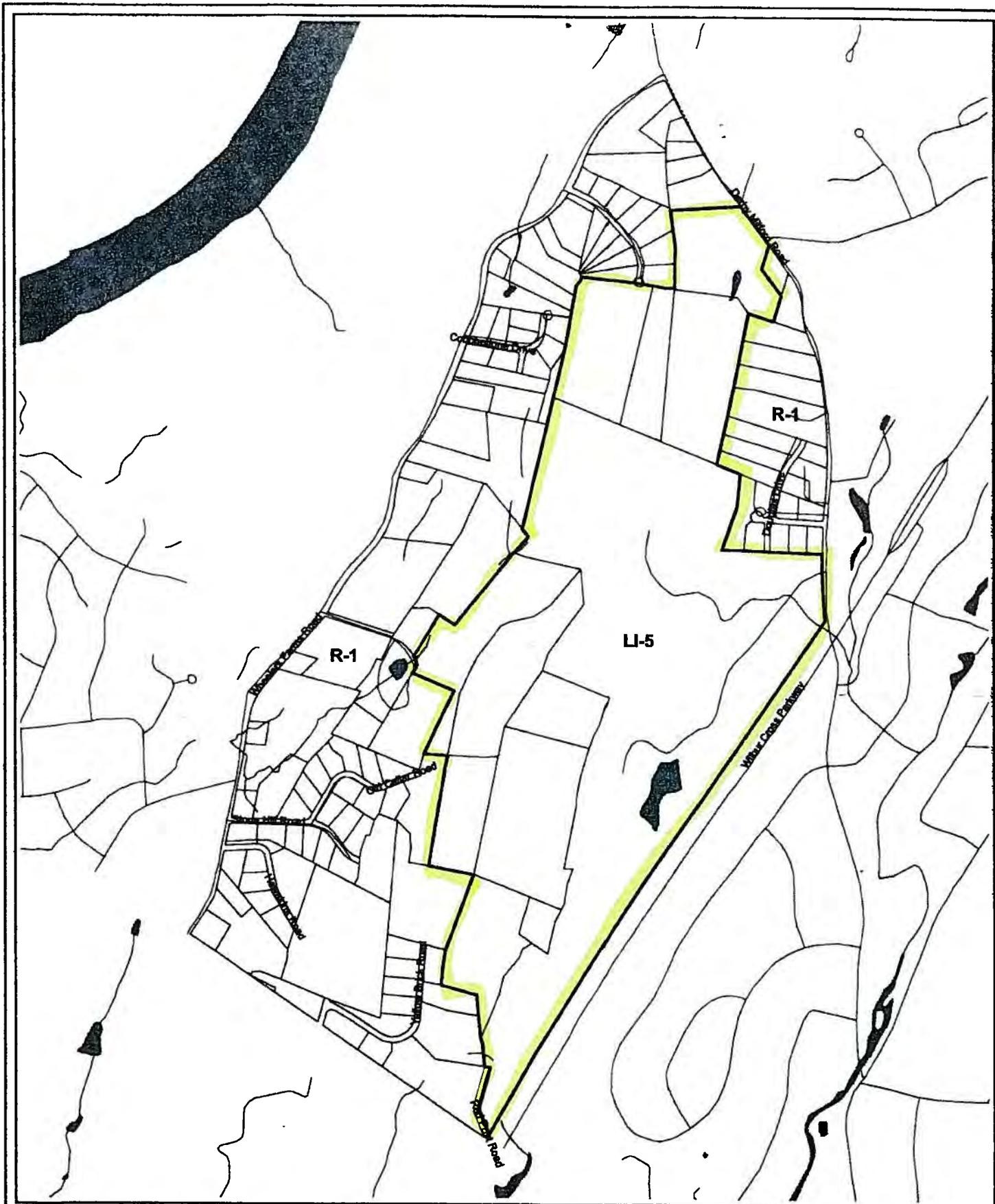
If you have any questions, please contact me at 203-891-4743.

Very truly yours,

Paul Dinice, Zoning Administrator  
& Enforcement Officer

enclosures (2)

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



**TURNER MILLER GROUP**  
 Planning & Environmental Services  
 250 Main Street  
 Torrington, CT 06867  
 Tel: (860) 366-1472 Fax: (860) 366-1572

- Roads
- Proposed Zoning
- Parcels
- Waterbodies
- Streams

Source:  
 TMG Geographic Information Systems  
 Connecticut Department of Environmental Protection

Map Prepared February 2010 by TMG

0 1,000 Feet  
 1 Inch = 1,000 feet



**PROPOSED ZONING**

*Orange Hubbell Property*

**Town of Orange, Connecticut**

Figure 2

## **Article XI B. Proposed LI-5 Zoning Regulations**

*Replace ARTICLE IX (Sections 383-73 through 383-79) with the following:*

### **383.73 Purpose**

The LI-5 district is intended to permit small, low impact economic development uses within an environmentally sensitive area, which has significant development constraints, including hilly topography, extensive wetlands areas, limited access, and limited public utility availability. Development within this area needs to respect and fit into the topography, and natural features of the site, so as to not create a negative impact upon the natural environment, and the rural character of the proximate residential neighborhoods.

### **383.74 Permitted Uses**

The following uses shall be permitted by site plan approval, provided that all buildings housing such uses shall be 15,000 square feet of gross floor area or less:

- A. Offices for both single and multi tenant occupancy excluding those establishments which primarily provide services to customers and clients on the premises
- B. Laboratories for research, testing and development; printing and publishing establishments.
- C. Manufacturing, processing or assembling of goods within enclosed buildings, provided there is no outdoor operation or storage and further provided operation takes place in a manner which does not create a noticeable amount of smoke, dust, noise or vibration outside of the building in which it takes place.
- D. Uses, buildings and facilities of the Town of Orange.
- E. Signs, as provided in Article XIX

### **383.75 Special Uses**

- A. All uses permitted within 383.96.74 in buildings of over 15,000 square feet
- B. Warehouses provided they are accessory to a permitted or special use.
- C. Conference and training centers for use by companies, corporations, organizations, and groups for events, executive, management or educational training purposes, or meetings of their officers, directors, shareholders, members and/or employees.

**383.76 Lot Area, Shape and Frontage**

A. Minimum Lot Area: 2 Acres

B. Minimum dimension of square: 200 feet

C. Minimum frontage: 100 feet. The Commission may permit as a special use lots without direct frontage on a public road, if it finds that it would be consistent with the preservation of the overall environment of the area, and that adequate and proper access is ensured through the use of access and/ or driveway easements.

**383.77 Height and Building Coverage**

A. Maximum building height: 2 ½ stories

B. Maximum ground coverage 15%

**383.78 Setbacks**

A. From street line: 50 feet

B. From rear property line: 50 feet.

C. From other property line: 25 feet.

D. From residentially zoned property: 100 feet

**383.78.1 Additional Regulations**

Developments in the Light Industrial #5 District shall conform to the following additional standards:

A. There shall be no outside storage.

B. Parking: No surface parking areas shall extend within less than 50 feet of any property line or 100 feet of a Residence District boundary line and shall be screened from view from any street right-of-way line or property line by fences, walls and/or closely planted evergreens, trees, hedges or shrubs to a height of four feet at time of planting. Within each surface parking lot there shall be evenly distributed landscaped areas containing a minimum of one shade tree and other low planting for every 10 parking spaces.

C. Loading: No part of the area required for building setback from a street right-of-way line or a Residence District boundary line shall be used for off-street loading. Any off-street loading space, including any truck loading bay, ramp or dock, which is located within 200 feet of any street right-of-way line shall be screened from view from such street by buildings and/or fences, walls, or evergreen shrubs or trees to a height of eight feet at time of planting.

D. Landscaping: The entire area of the lot not used for buildings, driveways and off-street parking and loading shall be suitably landscaped with trees and/or shrubs and with lawns or shall be left as undisturbed natural terrain. All roof top or other mechanical equipment shall be adequately screened from view from roadways or residential properties.

E. Exterior lighting: Exterior illumination shall be provided as necessary for the safety lighting of parking areas, drives, walkways and buildings. No offensive glare from lighting shall be transmitted so as to endanger the public health and safety nor shall it be transmitted into or within any Residence District so as to impair the value and enjoyment of any lot therein.

F. Building and pavement coverage: The total ground coverage of all structures, paved parking and loading areas and drives shall aggregate to no more than 15% of the lot area. In order to reduce ground coverage the Commission may permit a portion of the parking area, not utilized on a daily basis, to be constructed of pervious, non-gravel, surface in areas not used for main site or emergency access.

G. Erosion, sedimentation and water quality measures shall be implemented to adequately protect all wetland areas from contamination or degradation.

H. Buildings shall be designed so each outer façade has an architectural finish. Concrete block walls shall not be visible. Buildings should be designed or articulated to reduce apparent mass, avoid large monolithic box-like shapes and blend into the natural topography and environment.

### **383.79 Site Plan**

Prior to approval of any application for a certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

#### Replace the following of 383-15

Remove "Office Park" and replace with "Light Industrial Park 5 – LI-5."

#### Remove Section 383-138

Remove this section pertaining to special requirements for the Office Park District. Many of these items have now been incorporated into the 383-78.1 of the above regulations so that they apply to all developments not just Special Uses.



### **Referral 2.3: Town of Orange**

**Subject:** Proposed Zoning Regulation Amendments concerning Steep Slopes

**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 negative impacts to the habitat or ecosystem of the Long Island Sound.

In addition to the above comments, the proposed regulations state that “slopes in excess of 35% grade within a minimum contiguous area of 5,000 square feet, also within a minimum square area of 50 feet by 50 feet, at predevelopment conditions, shall not be disturbed from its natural state.” Legally subdivided lots for single-family residence use have been exempt from this requirement. The Orange Planning and Zoning Commission should consider removing this exemption.

**Background:** The Town of Orange has proposed Zoning Regulation Amendments to add a Section 383-170A – Regulation of Steep Slopes. The purpose of the regulations is to prevent erosion, sedimentation, habitat disturbance, water quality degradation, slope failure and minimizing stormwater runoff. The regulations state that the disturbance of any steep slope is unlawful unless a permit is obtained from the Orange Planning and Zoning Commission.

Steep slopes are defined as having a topographical gradient of 15% or more with a minimum area of 500 square feet. In regards to lot area calculation steep slopes in excess of 25% grade, greater than 1,000 square feet in area (predevelopment conditions) cannot be used for compliance with minimum lot area requirements of the district. Steep slopes with this gradient cannot be used in the calculation of maximum ground coverage. Steep slopes in excess of 35% grade, greater than 5,000 square feet, shall not be disturbed from its natural state. There is an exception for legally subdivided lots for use as a single-family residence. The Orange Planning and Zoning Commission may want to reconsider this provision unless it is intended for existing lots.

The proposed regulation establishes a maximum of height of a retaining wall in residential districts of six feet and eight feet in all other districts. There are also several guidelines listed by which the Orange Planning and Zoning Commission should evaluate the applications.

**Communication:** In researching this proposal, I spoke to the Planning Staff in Orange and notified the adjacent municipalities in the South Central Region (Milford, West Haven, New Haven, and Woodbridge).

## **Proposed Slope Regulation**

### **Add the following to ARTICLE XVII, Performance Standards**

#### **383-170A Regulation of Steep Slopes**

##### **A. Purpose and Policy**

- (1) For the purpose of preventing erosion and sedimentation, including loss of topsoil, preventing habitat disturbance, water quality degradation, slope failure and flooding; minimizing stormwater runoff and flooding, providing stable and safe building sites; preventing landslides and soil instability; protecting the quantity and quality of the Town's surface and ground water resources; protecting important scenic views and vistas; preserving prominent land forms of scenic and ecological value; preserving rock outcrops and trees, areas of vegetation and wildlife habitat; encouraging flexible design and minimizing the area of land disturbance related to site development and when disturbance is necessary, ensuring environmentally sound disturbance; and ensuring and protecting the Town's character and property values, it is the intent of this law to minimize disturbance on steep slopes and very steep slopes and to avoid disturbance and construction activities on excessive slopes.
- (2) It shall be unlawful to disturb any steep slope unless a permit is obtained from the Commission pursuant to the requirements of this local law.

**B. Slopes shall be defined as any area, whether or not located on a single lot, having a topographical gradient of 15% (the ratio of vertical distance to horizontal distance) or more and with a minimum area of 500 square feet.**

##### **C. Limitations on Development of Property Affected by Steep Slopes**

- (1) Lot area calculation. Areas consisting of slopes in excess of 25% grade, greater than 1,000 square feet in area, at predevelopment conditions:
  - (a) Shall not be used for compliance with the minim lot area requirement of the district;
  - (b) Shall not be used in any calculation of maximum ground coverage or any other measurement which requires that any development measure be related to lot size.
- (2) Land that is comprised of slopes in excess of 35% within a minimum contiguous area of 5,000 square feet, also within a minimum square area of 50 feet by 50 feet, at predevelopment conditions, shall not be disturbed from its natural state. Lots which have been legally subdivided for use as a single-family residence, shall not be subject to this requirement.
- (3) All areas which have been disturbed by regrading or other means shall have a maximum finished slope of 2:1, (two feet horizontal to one foot vertical), except areas in which exposed solid rock is left exposed to the surface, in which case, the maximum permitted slope shall be 1:4, (one foot horizontal to four feet vertical.)

(4) The maximum height of retaining walls shall be six feet in residential zones, and areas permitted for residential development; and eight feet in all other areas. Retaining walls in all zones shall be separated by a minimum horizontal measurement of six feet.

D. In evaluating all applications, the Commission shall use the following guidelines:

- (1) The planning, design, and development of buildings minimizes flooding and provides the maximum in structural safety, slope stability, and human enjoyment while adapting the affected site to, and takes advantage of the best use of the natural terrain and aesthetic character.
- (2) Roads and driveways follow the natural topography to the greatest extent practicable in order to minimize the potential for erosion;
- (3) Any re-grading blends in with the natural contours and undulations of the land;
- (4) Tops and bottoms of cut and fill slopes are set back from structure an adequate distance to ensure the safety of the structures in the event of the collapse of the cut or fill slopes. Generally, such distance is six feet plus one-half the height of the cut or fill;
- (5) Regulations for the control of soil erosion and sedimentation are undertaken consistent with the Town Code Chapter 383, Article XXI;
- (6) Structures are designed to fit into the hillside rather than altering the hillside to fit the structure, employing methods such as reduced footprint design, step-down structures, walk out basements, minimization of grading outside the building footprint;
- (7) Development is sited on that portion of the site least likely to impact the natural landforms, geological features, and vegetation.

## **Referral 2.4: City of West Haven**

**Subject:** Proposed Zoning Map Amendment to rezone a portion of the Acorn Technology Campus to a Planned Village District Overlay Zone.

**Staff Recommendation:** The proposed Zoning Map Amendment does 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 eco-system of the Long Island Sound.

**Background:** A private applicant in the City of West Haven has submitted a proposed Map Amendment to adopt a Planned Village District Overlay Zone. This is continuation of a previous referral from the City of West Haven, which was reviewed by the RPC during the January 2010 meeting. The RPC determined that the January Referral that established the PVD Overlay Zone did not have any adverse impacts.

The current proposal rezones several R-2 and portions of the IPD District to the PVD Overlay Zone. The rezoned properties are adjacent to the existing PVD District and have been left off inadvertently from the previous application. The amendment does not have an impact on the Town of Orange as the current Zoning in West Haven adjacent to Orange is PVD Overlay and IPD Districts.

Information pertaining to the Planned Village District Overlay Zone can be found in your Agenda Packet.

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



# CITY OF WEST HAVEN, CONNECTICUT Planning and Development Department

City Hall | 355 Main Street | Third Floor West Haven, Connecticut 06516-0312  
Phone 203.937.4202 Fax 203.937.3742



CITY HALL 1898-1967

**May 24, 2010**

**Mr. Eugene Livshits  
Regional Planner  
S.C.R.C.O.G.  
127 Washington Avenue  
North Haven, CT 06473**

**Re: Proposed Amendment  
West Haven Zoning Map**

**Dear Eugene,**

**Enclosed is a proposed change to the West Haven Zoning Map which I believe requires comment by the Regional Planning Agency.**

**It is a proposed change for a portion of the Acorn Technology campus which was partially rezoned with a PVD overlay last year.**

**We can hold the required West Haven Public Hearing on June 22 or July 13, 2010.**

**Thank you.**

**Sincerely,**

  
**Harry S. Eberhart  
Asst City Planner**

**RECEIVED**

**MAY 26 2010**

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**



# CITY OF WEST HAVEN, CONNECTICUT

## Planning and Development Department

City Hall | 355 Main Street | Third Floor | West Haven, Connecticut 06516-0312  
Phone 203.937.4202 Fax 203.937.3742



CITY HALL 1898-1967

**May 22, 2010**

**Mr. Patrick B. O'Sullivan II**  
**Town Clerk**  
**617 Orange Center Road**  
**Orange, CT 06477**

**Re: Change of Zoning Map**

**Dear Mr. O'Sullivan.**

**Please be advised that the West Haven Planning and Zoning Commission has received a request to amend the official Zoning Map by changing the zoning designation of a portion of a parcel which is within 500 feet of the Town of Orange.**

**Enclosed is a copy of the requested Map Amendment which would apply to this site if the Zoning Map is amended.**

**The Public Hearing on this matter may be scheduled for June 22 or July 13, 2010 in the Harriet North Meeting Room on the second floor of City Hall, 355 Main Street, West Haven CT.**

**Enclosed is a copy of the notice to the regional planning agency.**

**Sincerely,**

  
**Harry S. Eberhart**  
**Asst. City Planner**



# CITY OF WEST HAVEN, CONNECTICUT

## Planning and Development Department

City Hall | 355 Main Street | Third Floor  
Phone 203.937.3550 Fax 203.937.3742

West Haven, Connecticut 06516-0312  
E-Mail: [planning@cityofwesthaven.com](mailto:planning@cityofwesthaven.com)



CITY HALL 1898-1967

### APPLICATION FOR CHANGE TO ZONING REGULATIONS OR MAP

CHECK BOX  WHERE APPROPRIATE. PRINT OR TYPE INFORMATION IN SPACE PROVIDED.

<b>FOR CITY USE ONLY</b>		Date Paid: _____	<b>FILE</b>
Zone Map Change Application Fee: \$550 (Add \$30 CTDEP Surcharge)		___/___/___	
Fire District <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	Advice Received: <input type="checkbox"/> Building Official <input type="checkbox"/> Police/Traffic <input type="checkbox"/> City Engineer <input type="checkbox"/> Fire	Date Filed: ___/___/___	Hearing Date ___/___/___
<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn		Decision Date ___/___/___	

1. Location of Property: [List All Street Addresses]  Attachment Lists All Properties.

Street Address      Tax Map – Parcel      Area [ Sq. Ft or  Acres]      Present Zone      Proposed Zone

SEE ATTACHMENT A

2. What change or changing conditions make passage of this amendment necessary?

SEE ATTACHMENT B

3. What other circumstances (i.e., public health, safety or general welfare) would justify the amendment?

SEE ATTACHMENT B

#### 4. Property Owner Information & Consent

Name Acorn Technology Campus, LLC  
Firm c/o Acorn Investors, LLC  
Street Address One Audubon St., 5th Floor  
City New Haven State CT ZIP 06511

Daytime Phone: (203) 562-6422  
 Business  Home  Answering Service  
 Fax: \_\_\_\_\_  Cel: \_\_\_\_\_  
 E-mail \_\_\_\_\_

Dated: May 19, 2010

Signature of PROPERTY OWNER

#### 5. Applicant Information & Certification (Fill in ONLY if not the same as the Owner.)

Name \_\_\_\_\_  
Firm \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Daytime Phone: \_\_\_\_\_  
 Business  Home  Answering Service  
 Fax: \_\_\_\_\_  Cel: \_\_\_\_\_  
 E-mail \_\_\_\_\_

Check One:  Option Holder  Tenant  Other (Describe): \_\_\_\_\_

Dated: \_\_\_\_\_

Signature of APPLICANT / Property Owner **MANAGER**

#### 6. Counsel Information

Name Mark G. Sklarz  
Firm Day Pitney, LLP  
Street Address One Audubon St., 6th Floor  
City New Haven State CT ZIP 06511

Daytime Phone: (203) 752-5030  
 Business  Home  Answering Service  
 Fax: 203-752-5001  Cel: \_\_\_\_\_  
 E-mail [MSklarz@daypitney.com](mailto:MSklarz@daypitney.com)

**Attachment A – Location of Property**

<u>Street Address</u>	<u>Tax Map-Parcel</u>	<u>Area</u>	<u>Present Zone</u>	<u>Proposed Zone</u>
4 Penryth St.	63/105	.14 ac.	R2	IPD/PVD Overlay
44 Penryth St.	63/111	.12 ac.	R2	IPD/PVD Overlay
Penryth St.	63/106	.14 ac.	R2	IPD/PVD Overlay
Penryth St.	63/108	.14 ac.	R2	IPD/PVD Overlay
Penryth St.	63/109	.14 ac.	R2	IPD/PVD Overlay
Penryth St.	63/104	.17 ac.	R2	IPD/PVD Overlay
Penryth St.	63/110	.10 ac.	R2	IPD/PVD Overlay
Penryth St.	63/107	.14 ac.	R2	IPD/PVD Overlay
182 Rangeley St.	63/90	.31 ac.	R2	IPD/PVD Overlay
81 Norwell St.	63/74	.21 ac.	R2	IPD/PVD Overlay
107 Norwell St.	63/73	.11 ac.	R2	IPD/PVD Overlay
114 Norwell St.	63/72	.14 ac.	R2	IPD/PVD Overlay
Norwell St. Lots	63/71	.17 ac.	R2	IPD/PVD Overlay
Norwell St.	63/70	.34 ac.	R2	IPD/PVD Overlay
Yates St. & Penryth	63/112	.15 ac.	R2	IPD/PVD Overlay
Yates St.	63/113	.10 ac.	R2	IPD/PVD Overlay
340 Fresh Meadow Rd. (Portion)	63/4/A	5.28 ac.	IPD (Portion)	PVD Overlay
280 Fresh Meadow Rd. (Portion)	63/1	21.22 ac.	IPD (Portion)	PVD Overlay

## **Attachment B**

On January 26, 2010, pursuant to its own application, the Planning & Zoning Commission (the "Commission") approved an amendment to the West Haven Zoning Map to add the Planned Village Development (PVD) overlay zone to the bulk of a tract in excess of one hundred (100) acres owned by Acorn Technology Campus, LLC (the "Applicant"). The portions of the tract that are the subject of the instant application (the "Subject Properties") were inadvertently omitted from the Commission's application for amendment. During the course of the public hearing upon the Commission's application, it was stated by the Commission that the Subject Properties could be included within the PVD overlay zone as a matter of "housekeeping" through a subsequent application. It is for this specific purpose that the instant application has been submitted. The attached map depicts the boundaries of the Subject Properties as outlined in blue for illustrative purposes.

In accordance with the PVD regulations, any development proposed thereunder would require the submission of an application to the Commission for a special permit.





## **Referral 2.5: City of Milford**

**Subject:** Proposed Zoning Text Amendment to Section 4.1.7.3 – Fences and Walls of the Milford Zoning Code

**Staff Recommendation:** The proposed Zoning Text Amendment does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

**Background:** The City of Milford has submitted a proposed text amendment pertaining to Section 4.1.7.3 – Fences and Walls. Section 4.1 is General Lot, Yard, Height, and Use Regulations.

The only change which has occurred is the addition of “Watercourses, or tidal wetlands” to the subsection. In the existing regulations fences/walls or shrub rows are prohibited from within the area located between the mean high water mark and the applicable wall of the principal structure and a line extension projected perpendicular from the side property lines to the rear corners of the principal building except where required by the State of Connecticut Building Official in yards which abut Long Island Sound. The proposed regulations would make this provision to watercourses and tidal wetland as well.

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



# City of Milford, Connecticut

- Founded 1639 -

70 West River Street - Milford, CT 06460-3317

Tel 203-783-3245 FAX 203-783-3303

Website: [www.ci.milford.ct.us](http://www.ci.milford.ct.us)

E-mail: [planning@ci.milford.ct.us](mailto:planning@ci.milford.ct.us)

Planning and Zoning  
Office

David B. Sulkis, A.I.C.P.  
City Planner

May 28, 2010

RECEIVED

MAY 28 2010

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

Carl Amento, Executive Director  
South Central Council of Governments  
127 Washington Avenue, 4<sup>th</sup> Floor West  
North Haven, CT 06473

**RE: PROPOSED ZONE REGULATION TEXT CHANGE**

Dear Mr. Amento:

In accordance with the provisions of Connecticut General Statute 8-3b, the Planning and Zoning Board is considering the adoption of the following text change in the zoning regulations for the City of Milford. The text change pertains to Section 4.1.7.3 Fences and Walls and is noted in bold and italicized letters as follows:

Section 4.1.7.3 Fences and Walls

In the case of any yard which abuts Long Island Sound, ***watercourses, or tidal wetlands*** only, no fences/walls or shrub rows shall be permitted within the area located between the mean high water mark (boundary) and the applicable wall of the principle structure and a line extension projected perpendicular from the side property lines to the rear corners of the principal building *except where required by the State of Connecticut building code as interpreted by the City of Milford Building Official. The maximum height of the fence is the minimum required by the building code. The fence will be of such design as to minimize obstructions to view as interpreted by the City Planner and approved by the Planning & Zoning Board. Privacy style fencing is prohibited.* Such prohibition shall include fences/walls and shrub rows proposed to be located on property lines.

It is understood that your comments will be forthcoming within thirty-five (35) days of your receipt of the referral document.

Very truly yours,

David B. Sulkis, A.I.C.P.  
City Planner

DBS/pl  
Certified Mail – Return Receipt Requested