To: Regional Planning Commission  
From: Eugene Livshits, Senior Regional Planner  
Subject: Thursday, April 11, 2019 RPC Meeting at 5:15pm at SCRCOG, 127 Washington Ave, 4th Floor West, North Haven, CT 06473

AGENDA

1. Administration

1.1. Minutes of the March 14, 2019 RPC Meeting

2. Action Items


2.2. Town of Cheshire: Proposed Zoning Regulation Amendments to Section 44a – Affordable Housing Development. Submitted by: Town of Cheshire. Received: March 14, 2019. Public Hearing: April 22, 2019

2.3. Town of Branford: Proposed Zoning Regulation Amendments to add Farm Event Venue as a use and the applicable standards. Submitted by: Private Applicant. Received: March 18, 2019. Public Hearing: TBD


3. Other Business

The agenda and attachments for this meeting are available on our website at www.scrcog.org. Please contact SCRCOG at (203) 234-7555 for a copy of agenda in a language other than English. Auxiliary aids/services and limited English proficiency translators will be provided with two week’s notice.

DRAF T - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Minutes for Thursday, March 14, 2019 Meeting at 5:15 pm at SCRCOG, 127 Washington Avenue, 4th Floor West, North Haven, CT 06473

Present: Michael Calhoun, Jeffrey Kohan, Charles Andres, James Giulietti, Sal Brancati, Andrew Skolnick, Elias Estabrook, Kevin Curry, Eugene Livshits

1 Administration

1.1 Minutes of the February 14, 2019 RPC meeting.

Motion to accept the minutes as presented: Charles Andres. Second: James Giulietti. Abstain: Robert Roscow. Vote: Unanimous.

2 Statutory Referrals

2.1 Town of Branford: Proposed Zoning Regulation Amendments to create BL-H Zoning District

The proposed amendment was withdrawn at the local level. The RPC has determined to revisit the proposed amendments once it has been resubmitted.

Motion to Table: Andrew Skolnick. Second: Kevin Curry. Vote: Unanimous.

2.2 Town of Southington: Proposed Zoning Regulation Amendments to Section 13 - SIGNS

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 in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.


2.3 City of New Haven: Proposed Zoning Regulation Amendments to create Westville Manor PDD

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 in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Kevin Curry. Second: James Giulietti. Vote: Unanimous.

3 Other Business

Motion to Adjourn: Kevin Curry. Second: Jeffrey Kohan. Vote: Unanimous.
Referral 2.1: City of West Haven

Subject:

Proposed Zoning Regulation Amendments to table 39.2 and to add “Recycling Processing Facility”

Staff Recommendation:

The proposed zoning regulation amendments may have potential for inter-municipal impacts if located within 500 feet of a residential zone within an adjacent community. There do not appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant in the City of West Haven has proposed to add “Recycling Processing Facility” as a use. The proposed use would be allowed by Special Permit in the Light Manufacturing and Industrial Planned Development Districts.

A “Recycling Processing Facility” is defined as “An operation of a recycling/transfer facility for the collection, compacting, crushing, shredding, baling, pulverizing, separation, sorting, and consolidation of solid waste material, including construction materials, demolition materials, wood products, plastics, tires, rags, and similar materials for reclamation and volume reduction purposes and transfer to other sites for final reprocessing, reclamation conversion or change of form. (Minimum buffer of 500 feet from any residential zone)”

The IPD District is adjacent to the Town of Orange and City of New Haven. The LM Zone is adjacent to the Town of Orange. The applicable district in New Haven is Light Industrial. The applicable districts in Orange include Light Industrial and Residential.

Communication:
In researching this proposal, I notified the adjacent municipalities in the South Central Region.
March 4, 2019

TO: South Central Regional Council of Governments
State of CT DEEP
City of New Haven, City Clerk
Town of Orange Town Clerk
West Haven Harbor Management Commission

RE: Planning and Zoning Application # ZR 19-008

The City of West Haven hereby refers the following application to your agency/municipality for your review, in accordance with Sections 8-3b, 8-3h, 8-7d, 22a-104 and 22a-113p of the Connecticut General Statutes and Section 86 of the West Haven Zoning Regulations:

Text Change Application – 55 Industry Drive, LLC – File # ZR-19-008

- Applicant proposes to change multiple sections of the Zoning Regulations to add a new use, “Recycling Processing Facility”, by adding a new definition and amending Table 39.2 to allow this use by Special Permit in the Light Manufacturing and Industrial Planned Development District.

The West Haven Planning and Zoning Commission plans to hold a public hearing on this application on Tuesday, April 9, 2019 at 7:00 PM in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT.

Copies of the proposed amendments are enclosed for your review. Please submit any comments on the proposed application by the date of this public hearing if possible. Thank you for your assistance. Please contact me if you have any questions on this application.

Sincerely,

David W. Killeen
Assistant City Planner
APPLICATION FOR CHANGE TO ZONING REGULATIONS

1. Article and Section of Zoning Regulations

Section 39.2 subsection P / page 39.2-3 and Article 1 definitions page 2-13

2. What special condition or reason makes passage of this amendment necessary?

The ongoing demonstrated recycling uses already existing in this IPD zone, as well as the industrial needs of the City are better served by allowing recycling in the IPD zone, subject to proper review and approval of the Planning and Zoning Commission, including reasonable buffer distances from residential zones as determined by the Commission.

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

The general welfare and needs of the public and sound zoning principals regarding industrial uses.

4. Applicant Information

Name 55 Industry Drive, LLC
Firm
Street Address 55 Industry Drive
City West Haven State CT ZIP 06516

Daytime Phone: 203-807-1067

5. Counsel Information

Name Vincent R. Falcone
Firm Falcone Law Firm, LLC
Street Address 334-336 Main St.
City West Haven State CT ZIP 06516

Daytime Phone: 203-931-1762

6. Provide Text of Proposed Change

See proposed new text attached hereto, which allows recycling facilities by special permit in an IPD zone.

(Please additional sheets as necessary to provide the Planning and Zoning Commission with a complete set of amendments and a thorough understanding of the proposed changes.)
## Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial & Other Districts

<table>
<thead>
<tr>
<th>Key</th>
<th>Use Category</th>
<th>Commercial</th>
<th>Mixed Use</th>
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**TABLE OF USES IN COMMERCIAL, INDUSTRIAL, MIXED-USE & OTHER DISTRICTS**

Page 39.2-3
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**Table of Uses in Commercial, Industrial, Mixed-Use & Other Districts**

Page 39.2-3
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<th>USE CATEGORY</th>
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</table>
PENTHOUSE: That portion of a building, the upper most level which contains utility apparatus or connections.

PREMISES: All land comprising a lot, and including all buildings and uses located on the lot.

PRINCIPAL BUILDING: A structure located on the lot in which the principal use to which the property is put is conducted. In all zones except R-1, R-2 and R-3, more than one principal building may be located on a lot.

PRINCIPAL USE: The primary purpose or business for which land, premises or a building is designed, arranged or intended or for which it is or may be occupied or maintained. This definition does not include an accessory use or incidental use not inconsistent with the principal use or purpose.

RECREATIONAL VEHICLE: (also see CAMP TRAILER) a vehicle designed for recreational use (as in camping), typically called an RV.

RECYCLING FACILITY: A facility that processes or reuse, bundles or reconstructs materials, such as, but no limited to, paper, cans, bottles, bulk vegetation (leaves, wood, etc.)

RESTAURANT: A commercial enterprise whose primary function is the sale of food and/or beverage for on-premises consumption. Music and/or live entertainment may be provided; however, a dance floor area may not exceed five percent of the gross floor area of the structure.

RESTAURANT, FAST FOOD: A commercial enterprise whose principal business is the sale of prepared or rapidly prepared food sold directly to the customer in a ready-to-consume state either within the restaurant building or off premises through a drive-in window.

ROOMER, BOARDER OR LODGER: A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator who is not the husband or wife, son or daughter, mother or father, or sister or brother of such person.

Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classed for purposes of this Regulation not as a roomer, boarder or lodger, but as a guest of a commercial lodging establishment (tourist home, hotel or boatel, motel, or motor hotel).

ROOMING, BOARDING OR LODGING HOUSE: A building or part of a building (other than an institutional building) occupied or intended to be occupied by three or more roomers, boarders or lodgers.

SAND DUNES: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SCHOOL, COMMERCIAL: Any business or school operated for the compensation or gain of its owner or operator where students or enrollees are instructed in an area of interest such as, but not limited to, brading, beauty culture, computers, dancing, judo, sewing or welding.

SCREEN OR SCREENING: Either: (a) A strip of at least ten (10) feet wide densely planted (or having equivalent natural growth) with shrubs or trees (at least four (4) feet high at the time of planting) of a type that will form a year round dense screen at least six (6) feet high within three (3) years: or (b) a strip five (5) feet wide and an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times, in perpetuity, and may have normal entrances and exits.
PENTHOUSE: That portion of a building, the uppermost level which contains utility apparatus or connections.

PREMISES: All land comprising a lot, and including all buildings and uses located on the lot.

PRINCIPAL BUILDING: A structure located on the lot in which the principal use to which the property is put is conducted. In all zones except R-1, R-2 and R-3, more than one principal building may be located on a lot.

PRINCIPAL USE: The primary purpose or business for which land, premises or a building is designed, arranged or intended or for which it is or may be occupied or maintained. This definition does not include an accessory use or incidental use not inconsistent with the principal use or purpose.

RECREATIONAL VEHICLE: (also see CAMP TRAILER) a vehicle designed for recreational use (as in camping), typically called an RV.

RECYCLING FACILITY: A facility that processes or reuse, bundles or reconstructs materials, such as, but no limited to, paper, cans, bottles, bulk vegetation (leaves, wood, etc.)

RESTAURANT: A commercial enterprise whose primary function is the sale of food and/or beverage for on-premises consumption. Music and/or live entertainment may be provided; however, a dance floor area may not exceed five percent of the gross floor area of the structure.

RESTAURANT, FAST FOOD: A commercial enterprise whose principal business is the sale of prepared or rapidly prepared food sold directly to the customer in a ready-to-consume state either within the restaurant building or off premises through a drive-in window.

ROOMER, BOARDER OR LODGER: A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator who is not the husband or wife, son or daughter, mother or father, or sister or brother of such person.

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Recycling Processing Facility

An operation of a recycling/transfer facility for the collection, compacting, crushing, shredding, baling, pulverizing, separation, sorting, and consolidation of solid waste material, including construction materials, demolition materials, wood products, plastics, tires, rags, and similar materials for reclamation and volume reduction purposes and transfer to other sites for final reprocessing, reclamation conversion or change of form. (Minimum buffer of 500 feet from any residential zone)
NOTICE OF PUBLIC HEARING
CITY OF WEST HAVEN PLANNING AND ZONING COMMISSION

NOTICE is hereby given that the Planning and Zoning Commission will hold the following public hearing on the noted application for text change to the City’s Zoning Regulations:

**Proposed Text Change to the Zoning Regulations.** Application for text change to Zoning Regulations Section 39.2, Subsection P, Page 39.2-3. The current regulations do not permit any recycling facilities in an IPD Zone. This amendment allows recycling facilities and Recycling Processing Facilities in an IPD Zone by special permit. In addition, Article I definitions page 2-13 adds the following definition: Recycling Processing Facility: An operation of a recycling/transfer facility for the collection, compacting, crushing, shredding, baling, pulverizing, separation, sorting, and consolidation of solid waste material, including construction materials, demolition materials, wood products, plastics, tires, rags, and similar materials for reclamation and volume reduction purposes and transfer to other sites for final reprocessing, reclamation conversion or change of form. Applicant: 55 Industry Drive, LLC, 55 Industry Drive, West Haven.

**PUBLIC HEARING: April 9, 2019 at 7:00 PM** in the Harriet North Room, City Hall, 355 Main Street, West Haven.

A complete copy of this application and supporting documents available for review in the office of Planning & Development, City Hall, 355 Main Street, West Haven, CT.
(Notice provided per Section 86 of the Zoning Regulations)

Kathleen Hendricks, Chairperson
Referral 2.2: Town of Cheshire

Subject:

Proposed Zoning Regulation Amendments to Section 44a – Affordable Housing Development

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 ecosystem of the Long Island Sound.

Background:

The Cheshire housing authority is proposing delete the existing Omnibus Affordable Housing Regulations and replace the section with the Affordable Housing Development Regulations.

The proposed regulations allow the affordable housing development via site plan approval, while the existing regulations required a special permit application.

The development can be located within the following zoning districts: R-20, R-20A, R-40, R-80 SARDD, C-1, C-2, and C-3. The site would need to be served by public water and by state or municipally approved private sanitary sewers or by public sanitary sewers. The site would need to be between 5 and 25 acres. Additional site requirements include the following: “The tract shall have frontage on one or more of the following State or Town roads or parts thereof or have a minimum of 50' of frontage on a Town road within 500 feet of State Highway 10, State Highway 70 between the Cheshire-Waterbury boundary line and Wiese Road, Country Club Road, Higgins Road east of Oak Avenue, Jarvis Street, Oak Avenue. In addition to frontage on the foregoing roads, the tract may have access on other roads if the Planning and Zoning Commission finds traffic conditions warrant it”.

The amendments establish the procedures and approval requirements, which can be reviewed within the agenda packet. The density requirements for the affordable housing development is proposed as follows “Ten (10) units per net buildable acre. Net buildable acreage means gross acreage excluding all ponds or other substantial bodies of water and excluding fifty percent (50%) of any acreage designated as inland wetlands, flood plain areas (as defined in Section 46.1 of these Regulations), and all land having slopes in excess of twenty five percent (25%). If the applicant proposes a density greater than the maximum density specified in this Section, the applicant shall submit to the Commission an economic analysis detailing why the project requires the higher density”.

The parking standards are 1.5 spaces for one bedroom, 1.75 for two bedroom, and 2 for three bedroom units. The maximum building height is 50 feet and the setbacks are 25 feet and 50 feet from rear line. The maximum lot coverage is 20%. The open space is required to be “…suitably landscaped and readily usable for circulation, parking, recreation for the members of the homeowners' or unit owners' association, and/or for conservation.”

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
MEMORANDUM
TOWN OF CHESHIRE
PLANNING AND DEVELOPMENT DEPARTMENT
84 South Main Street
Cheshire, Connecticut 06410
Phone 203-271-6670 - Fax 203-271-6688

RECEIVED
MAR 14 2019

SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

Date: March 12, 2019

FROM: William S. Voelker, AICP, Town Planner

SUBJECT: Regional Referrals

The Cheshire Planning and Zoning Commission received the following and I am forwarding such for regional referral:

<table>
<thead>
<tr>
<th>TYPE OF APPLICATION</th>
<th>SCHEDULED DATE OF PUBLIC HEARING IF APPLICABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone Text Change Petition</td>
<td>April 22, 2019</td>
</tr>
<tr>
<td>The Cheshire Housing Authority</td>
<td>Cheshire Town Hall – 7:30 p.m.</td>
</tr>
<tr>
<td>To Delete Existing Section 44A Omnibus</td>
<td></td>
</tr>
<tr>
<td>Affordable Housing Development Regulation and to ADD: Section 44A Affordable Housing Development</td>
<td></td>
</tr>
</tbody>
</table>

Existing and Proposed Text Attached

If further information is required, please contact me at the Planning Office at (203) 271-6670. We look forward to receiving your comments.

Distribution List:
COG Central Naugatuck Valley
CRCOG
South Central CT RPA
PETITION FOR A ZONE MAP OR ZONE TEXT CHANGE

In accordance with the General Statutes of the State of Connecticut, the undersigned hereby petitions the Cheshire Planning & Zoning Commission for a text change (✓) and/or map change ( ) to the Cheshire Zoning Regulations to permit, amend, or delete the following:

For Zone Text Changes:

Indicate pertinent section/paragraph of Zoning Regulation to be changed.

Delete: Existing Section 44A Omnibus

Add: Section 44A Affordable Housing Development Regulation

For Zone Map Changes:

Location of Property: N/A

Assessor’s Map No.(s)

Lot No.(s) Zone

Change from present zone to zone.

Reason for Proposed Text and/or Map Change:

The following is attached and hereby made part of this petition:

1. For a text change, five (5) copies of the existing and proposed text.

2. For a map change, six (6) copies of a written legal description of the proposed zone boundary and six (6) copies of a map drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change, and all areas in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines, and the names and addresses of the current property owners as indicated by the Cheshire Assessor’s records.
3. For a map change, the applicant must submit an **affidavit at least ten (10) days** before the hearing stating that notification has been sent to all abutting property owners (including those across the street). The affidavit shall confirm that the notice was mailed at least **fifteen (15) days prior to the hearing and shall list the names, property addresses and mailing addresses**, if different from property addresses. Notification to property owners shall be in the form of letter or postcard and shall specify the date, time, and place of the public hearing.

4. A base fee of $560.00* and a Public Hearing Fee of $175.00 is payable by check to “Collector, Town of Cheshire” in the amount of $735.00.
*This includes a $60.00 State of Connecticut Fee.

Petitioner's Name  **THE CHESHIRE HOUSING AUTHORITY**
(Print or Type)

Petitioner's Address  **50 Rumberg Road, Cheshire, CT 06410**

Petitioner's Signature  

Telephone Number  203-271-7511  FAX # 203-271-1213

Owner's Name  **N/A**
(Print or Type)

Owner's Signature  

Agent, if other than applicant, to be contacted with regard to this application.

Name  **Anthony T. Fazzone, Fazzone Ryan & Riccitelli, LLC**

Address  **Two Town Center, Cheshire, CT 06410**

Telephone Number  203-250-2322  FAX # 203-250-7388

This application must be filed in the Planning Office at least seven (7) days prior to the regular Planning & Zoning Commission meeting date.

Disclaimer: Additional information may be required, please contact the Planning office for complete application packets.
SECTION 44A  OMNIBUS AFFORDABLE HOUSING REGULATION

44A.1  Purpose. The purpose of this Section is to provide standards and procedures for the design and development of affordable, single family, multifamily, and congregate housing by detailing the procedures for approval of an Affordable Housing District Zone Change Petition and approval of a Special Permit application for an Affordable Housing Development in accordance with the provisions of these Regulations and with the applicable sections of the Connecticut General Statutes, as amended.

44A.2  Definitions.

44A.2.1  An "Affordable Housing Development" (AHD) is a residential development which meets one or more of the following criteria:

A)  It is "assisted housing" (as defined herein and in Section 8-30(g) of the Connecticut General Statutes, as amended); or

B)  It is a development in which not less than twenty-five percent (25%) of its dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that those units (designated as "affordable housing units", as defined herein) be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, as amended, for persons and families whose income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency, for a minimum of thirty (30) years after the initial occupation as calculated for each affordable unit; or

C)  It is housing which shall be financed by Connecticut Housing Finance Authority mortgages, as set forth in Section 8-30g(f) (2) of the Connecticut General Statutes, as amended.

44A.2.2  "Assisted Housing" is housing which meets one or more of the following criteria:

A)  It is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing; or

B)  It is occupied by persons receiving rental assistance under Section 17b-812 et seq. of the Connecticut General Statutes, as amended, or under Section 143f of Title 42 of the United States Code; or

(44A-1)
C) It is financed by Connecticut Housing Finance Authority mortgages, as set forth in Section 8-30g(f)(2) of the Connecticut General Statutes, as amended.

44A.2.3 An "Affordable Housing District" (AH District) is an overlay zoning district within which Affordable Housing Developments are permitted in accordance with the requirements set forth in this Section 44A.

44A.2.4 An "Affordable Housing Unit" is housing for which persons and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency.

44A.2.5 "Monthly payment" is the amount paid monthly for mortgage principal and interest, property taxes and insurance, common charges in the case of ownership in a common interest community, and utility costs (including hot water and electricity, but excluding telephone and cable television). The maximum allowable monthly payment for an Affordable Housing Unit that is rented shall include the cost of rent, common charges if the tenant is directly responsible, heat, and utility costs (including hot water and electricity, but excluding telephone and cable television).

44A.3 Qualifying Standards.

44A.3.1 Qualifying Standards For An Affordable Housing District Zone Change.

A) No tract of land shall be considered for an AH District Zone Change unless it meets the following minimum qualifying standards:

1) The tract is located within one or more of the following zones: R-20, R-20A, R-40, R-80, C-1, C-2, and C-3.

2) The site is served by public water and by state or municipally approved private sanitary sewers or by public sanitary sewers.

B) Any person proposing an AH District for a zoning district not listed in Section 44A.3.1.A(1) above or which does not comply with the provisions of this Section 44A, must obtain a zoning regulations text change in accordance with Section 70 of these Regulations and with the applicable sections of the Connecticut General Statutes, as amended. In addition to the submittals required pursuant to Section 70, the applicant shall submit with the zoning regulation text change application those submittals required pursuant to Section 44A.4.2 of these Regulations.

(44A-2)
Approval of the zoning regulation text change may be sought prior to or simultaneously with a petition for an AH District Zone Change. This Section 44A shall not be varied by action of the Zoning Board of Appeals to permit affordable housing in districts within the Town in which affordable housing is not otherwise permitted.

44A.3.2 Qualifying Standards For An Affordable Housing Development: Prior to construction of an AHD, approval must be obtained from the Commission pursuant to these Regulations and the Connecticut General Statutes, as amended, of an Affordable Housing District Zone Change Petition, an AHD Special Permit, and an AHD Site Development Approval.

44A.4 Procedure for an Affordable Housing Zone Change Petition.

44A.4.1 The applicant shall submit the original plus seven (7) copies of an Affordable Housing Zone Change petition and of those submittals required by Section 44A.4.2 of these Regulations to the Commission in conformity with the requirements of Section 44A.4.2 and Section 70 of these Regulations and with the applicable sections of the Connecticut General Statutes, as amended. Where the submittal requirements of Section 70 and Section 44A differ, the submittal requirements of Section 44A shall control.

44A.4.2 The following documents, reports, and maps shall accompany the Zone Change petition:

A) The following maps (prepared by a licensed professional engineer, a licensed registered land surveyor, or a registered landscape architect):

1) An A-2 survey map of the entire area of the proposed change or, in the alternative and in the Commission's sole discretion, an A-2 survey map of less than the entire tract if an A-2 survey of the entire parcel is not necessary to the Commission's consideration of, and decision on, the Zone Change petition.

2) An overall map of the tract, or that portion of the tract, to be developed drawn to a scale of not fewer than 100 feet to the inch containing the following information:

a) Existing and proposed zoning district boundary lines.

b) Existing property lines and the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent Assessor's records.

(44A-3)
c) The location of each of the areas to be used at the site and their intended purpose (residential, Open Space, recreational, parking, etc.).

d) Proposed density of the site, delineated in units per acre.

e) The proposed percentage of deed restricted affordable housing units.

B) A report prepared by a professional engineer demonstrating the feasibility of sewage disposal to be generated by the proposed development.

C) A report prepared by a professional engineer demonstrating the feasibility of providing sufficient water to the proposed development for daily and emergency needs.

D) The applicant may also submit such other reports as it deems to be of assistance to the Commission to enable it to perform its duties under this Section 44A and under Section 70 of these Regulations and under the applicable sections of the Connecticut General Statutes, as amended.

E) The Commission may also require submission by the applicant, the Commission's staff, or Commission-retained consultants such other information as it deems necessary to assist it in performing its duties under this Section 44A, under Section 70 of these Regulations, and under the applicable sections of the Connecticut General Statutes, as amended. Such information may include, but is not limited to, the following:

1) An appraisal detailing the impact of the rezoning on land and property values within the existing district.

2) A report prepared by a licensed traffic engineer describing the feasibility of proper management of the traffic anticipated from the proposed development, including the adequacy of streets and traffic controls and a description of proposed improvements to accommodate projected traffic.

F) The Commission may require additional copies of submittals for use in forwarding a complete application for other, required agency review or notification.

44A.5 Approval of an Affordable Housing Zone Change Petition.

44A.5.1 After a public hearing called and conducted pursuant to the Connecticut General Statutes, as amended, the Commission shall approve (44A-4)
44A.5.1 cont’d.
a petition seeking creation of an Affordable Housing District unless it finds the following:

A) Denial of the petition is required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; and

B) Such substantial public interests clearly outweigh the need for affordable housing; and

C) Such substantial public interests cannot be otherwise protected by reasonable changes to the petition; or

D) The petition would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses; and

E) The petition does not propose assisted housing, as defined in Section 44A.2.2 of these Regulations.

44A.5.2 In determining whether or not to approve the petition, the Commission shall consider the following factors:

A) Consistency of the rezoning with the Town's plan of development.

B) Consistency of the rezoning with the Town's comprehensive plan.

C) Whether the rezoning is reasonably related to the police power purposes set forth in Section 8-2 of the Connecticut General Statutes, as amended.

D) The supply of affordable housing within the Town and the Central Naugatuck Valley Planning region.

E) Whether or not the rezoning will result in traffic safety hazards or substantial traffic congestion within or adjacent to the rezoned area.

F) The supply of land available in the present and in the proposed zoning district.

G) Whether or not the rezoning will have a substantial adverse impact on surrounding properties or on property values in the area.

H) The physical suitability of the land for an Affordable Housing District.

(44A-5)
I) Changes, especially those involving affordable housing developments, that have taken place in the rate and pattern of development and land use within the Town and adjoining municipalities.

J) Whether or not the rezoning will have a substantial impact on the present and proposed utilities, streets, drainage systems, and other improvements.

K) Any other relevant, substantial impacts of the rezoning on the surrounding area or on the public health, safety, or other matters which the Commission is legally authorized to consider.

44A.5.3 If the petition is approved, the Commission shall assign the parcel an AH District classification. The effective date of the zone change shall be as fixed by the Commission in accordance with the Connecticut General Statutes, as amended, provided that the applicant provides the Commission with a final zone change map (prepared in accordance with these Regulations and conforming to the Class A-2 requirements of the "Code of Recommended Practice for Standards of Accuracy of Surveys and Maps" of the Connecticut Association of Land Surveyors, Inc.) and that map has been stamped and signed by the Commission and filed by the applicant in the office of the Town Clerk. The official zoning map shall be amended accordingly following the effective date of any such zone change.

44A.6 Procedure For A Special Permit For An Affordable Housing Development.

44A.6.1 An application for an AHD shall be filed in the office of the Cheshire Town Planner. The application shall be accompanied by the fee as set forth in Section 12-7 of the Cheshire Code of Ordinances. Unless provided for otherwise in Section 12-7, for purposes of determining the fee, an AHD application shall be considered to be a special permit. The AHD application shall be considered to be a unified application so that separate applications for a special permit approval or subdivision approval and separate filing fees shall not be required. Additionally, to the extent that the submittal requirements of Section 44A.6.4 (Special Permit Application) and Section 44A.4.2 (Zone Change Petition) are the same, the applicant is not required to submit duplicate submittals but may use the Section 44A.4.2 submittals to satisfy the requirements of Section 44A.6.4.

44A.6.2 Planned Residential Development And Other AHDs.

A) An AHD proposed as a "Planned Residential Development" must comply with the requirements of Sections 40, 43, and 44A of these Regulations.

B) All other AHDs must comply with the requirements of Section 40 and Section 44A of these Regulations and, if applicable, with the requirements of the Subdivision and Other Land Use Regulations.

(44A-6)
C) Where the submittal requirements of Sections 40 or 43 of these Regulations or the submittal requirements of the Subdivision and Other Land Use Regulations differ with the submittal requirements of this Section 44A, the requirements of this Section 44A shall control.

44A.6.3 If the applicant desires to develop the AHD in phases, that request must be set forth in the Special Permit application, and the Commission shall undertake Site Development review, as set forth in Section 44A.8, for all phases proposed for immediate development, simultaneously with its review of the AHD Special Permit application.

44A.6.4 The applicant shall submit the original plus seven (7) copies of the following documents, reports, and maps with the AHD Special Permit application:

A) The following maps (prepared by a licensed professional engineer, a licensed registered land surveyor, or a registered landscape architect) shall be submitted with the application:

1) An overall map of the entire tract, or that portion of the tract, to be developed drawn to a scale of not fewer than 100 feet to the inch containing the following information:

   a) Existing and proposed property lines and the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent Assessor's records.

   b) Parcel size and dimensions.

   c) Existing and proposed grade contours.

   d) Storm drainage, sewage disposal, and water supply facilities.

   e) The location of each of the areas to be used at the site and their intended purpose (residential, Open Space, recreational, parking, etc.).

   f) Locations of existing structures, uses, roads, and other features of the parcel.

   g) All existing and proposed, public and private, streets, highways, and rights of way; access to and from the existing town roads; proposed parking and loading areas; driveways; and other proposed points of access to residential and nonresidential uses.

   h) All existing and proposed utilities and connections, including utility terminal boxes.

(44A-7)
i) The existing and proposed pedestrian circulation system including its interrelationship with the vehicular circulation system, Open Space system, and other areas of common use.

j) A landscape plan describing the proposed treatment of the interior and perimeter of the AHD and the materials and techniques to be used, such as trees and/or shrubs, lawn, living screens, berms, fences, and all natural terrain to remain in its natural conditions (such as rocky outcrops, swamps, ponds, open space, etc.).

k) Proposed density of the site as authorized by the AH District within which the property is located.

l) The proposed percentage of deed restricted affordable housing units and their proposed location.

2) A map showing topography at two (2) foot contour intervals and depicting all flood plain, flood hazard, wetlands areas, watercourses, and slopes above twenty-five percent (25%).

3) A detailed map of that part or phase of the entire tract which is proposed for immediate development showing proposed location and building envelope of buildings, other structures, signs, outdoor illumination, and outside storage areas.

B) Preliminary building plans detailing the following:

1) A typical floor plan.

2) Typical elevations (front, back, and both sides). Identical buildings do not require multiple elevations.

3) Exterior design standards, including the proposed product types for the buildings and proposed textures and materials.

C) A summary table indicating compliance with the qualifying and design standards of these Regulations. The table shall show proposed phasing (if any); the number, type, and size (number of bedrooms, floor area, etc.) of buildings and units; the number of parking spaces required and provided; square feet and percent of lot area covered by pavement, sidewalks, walkways, and buildings; lot area; frontage; and landscape requirements.

(44A-8)
D) A written report prepared by a professional engineer addressing the characteristics of the surface water flow and/or drainage anticipated from the proposed development and the proposed means and manner of its disposition, including appropriate sedimentation and erosion controls and detailing all necessary easements.

E) A copy of the feasibility approval or final approval issued for the project by Cheshire’s Water Pollution Control Authority.

F) If applicable and upon issuance by the Cheshire Inland Wetlands and Watercourses Commission (IWC), a report of the IWC made pursuant to the Connecticut General Statutes, as amended, and a copy of the permit issued by the IWC authorizing the development proposed.

G) If applicable and upon issuance by the Cheshire Planning and Zoning Commission, a copy of the conclusions or report made by the Commission pursuant to Section 47 of these Regulations, concerning aquifer protection. If reports were received by the Commission from the South Central Connecticut Regional Water Authority, the Department of Environmental Protection, and/or adjacent towns in its review process, copies of those reports shall also be submitted to the Commission.

H) A written Development Management Plan detailing how the proposed AHD will be developed (including projected completion dates and the initial selling price or "monthly payment" to be charged for each Affordable Housing Unit), maintained, and managed over time. If the development is to have "assisted housing", as defined in Subsection 44A.2.2 of these Regulations, the Plan shall also include the details of the financial assistance to be provided to the development by federal or state government or other sources and evidence of preliminary site approval under the subsidy program, when applicable.

I) An "Affordability Plan" which shall describe in detail how the development will comply with this Section 44A and how the affordability covenants and restrictions will be administered. Such Plan shall include provisions for the following: Procedures for notice of availability of affordable housing units, procedures for verification and periodic reverification of unit occupant income and compliance with affordability requirements, and periodic reports concerning compliance with this Section 44A and with the annual certification requirement of Section 8-30g of the Connecticut General Statutes. Such Plan shall also include drafts of documents, such as deeds of conveyance and leases, which will be used in the administration of the affordability restrictions and any explanations which will be provided to the affordable housing unit occupants concerning such restrictions.

(44A-9)
J) The applicant may also submit such other reports as he deems to be of assistance to the Commission to enable it to perform its duties under this Section 44A, under Subsections 40.4, 40.5, and Section 43 these Regulations, under the applicable Sections of the Subdivision and Other Land Use Regulations, and under the applicable sections of the Connecticut General Statutes, as amended.

K) The Commission may also require submission by the applicant, the Commission's staff, or Commission-retained consultants such other information as it deems necessary to assist it in performing its duties under this Section 44A; under Subsections 40.4, 40.5, and Section 43 of these Regulations; under the applicable sections of the Subdivision and Other Land Use Regulations; and under the applicable sections of the Connecticut General Statutes, as amended. Such information may include, but is not limited to, the following:

1) A written report by a licensed traffic engineer setting forth findings and conclusions concerning intersection design appropriate to and required by the proposed AHD; the amount of traffic projected within and to the proposed AHD; the impact of traffic to be generated by the proposed development on the neighborhood and the Town; and the adequacy of the current streets and traffic controls and the proposed streets and traffic controls to accommodate existing traffic, projected traffic from the proposed AHD, projected traffic from other approved developments in the neighborhood, and fire vehicles and other health and safety vehicles.

2) An impact study detailing the development's anticipated impact on the Town's services, facilities, and environment, such as, but not limited to, sewer use and capacity, property values in the neighborhood, public safety, and fire protection.

3) A market study for the proposed development which analyzes housing affordability in the Town and in the Central Naugatuck Valley Planning Region by comparing incomes and housing costs and details how the proposed development will address unmet housing market needs.

L) The Commission may require additional copies of submittals for use in forwarding a complete application for other required agency review or notification.

(44A-10)
44A.7 Approval Of A Special Permit For An Affordable Housing Development.

44A.7.1 The hearing described in Subsection 40.3 shall be for the purpose of determining whether the tract described in the application meets the Special Permit standards contained in Section 40 and the standards contained in this Section 44A of these Regulations. The Commission shall approve the Special Permit for the tract, or that portion of the tract proposed for development, (subject to conditions, if applicable, imposed pursuant to Subsections 40.5, 40.6, and 44A.7.4 of these Regulations) unless it finds the following:

A) Denial of the application is required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; and

B) Such substantial public interests clearly outweigh the need for affordable housing; and

C) Such substantial public interests cannot be otherwise protected by reasonable changes to the application; or

D) The application would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses; and

E) The application does not propose assisted housing, as defined in Section 44A.2.2 of these Regulations.

44A.7.2 The Commission shall use the design standards of Sections 44A.6, 44A.7, and 44A.8 and any other requirements of this Section 44A, to assist it in determining whether the requirements of this Section 44A have been met.

44A.7.3 In determining whether or not to approve the application, the Commission shall consider the following factors:

A) Whether the application complies with all the requirements and meets the standards of this Section 44A, Section 40, and other applicable sections of the Zoning Regulations and the Subdivision and Other Land Use Regulations of the Town of Cheshire, Connecticut.

B) Whether the application provides for the maintenance of private improvements, Open Space, parking areas, stormwater drainage facilities, and landscaping consistent with this Section 44A.

C) Whether provisions for water, sewerage, stormwater, and Open Space are adequate; do not overburden existing water, sewer, and stormwater drainage facilities on-site or off-site; and do not create water problems off-site.

(44A-11)
D) Whether the design of the AHD will have a substantial adverse effect on the surrounding properties or on property values in the area.

E) If applicable, whether the proposed development violates its aquifer protection approval.

F) Whether the proposed development will have a substantial adverse effect on the environment and, in particular, on wetlands, watercourses, and on aquifer protection areas. In making this finding, the recommendations of the Inland Wetland Commission, the Planning and Zoning Commission, and the South Central Connecticut Regional Water Authority regarding the development will be taken into account.

G) Whether the pedestrian circulation system is adequate for the pedestrian traffic anticipated in the development and incorporates all necessary safety precautions for children walking to and from schools or bus stops.

H) Whether on-site, and resultant off-site, traffic and circulation patterns create traffic safety hazards or substantial traffic congestion within the AHD or at intersections of AHD streets and existing, public streets.

44A.7.4 The Commission may attach appropriate modifications to an approval of an AHD Special Permit to assure compliance with this Section 44A and to protect any substantial public interest in health, safety, or other matters the Commission is legally authorized to consider which interest is jeopardized by the proposed AHD.

44A.7.5 Where the AHD consists of assisted housing which is dependent upon obtaining approval and/or commitment of financial assistance under relevant federal or state housing subsidy programs, approval of the Special Permit issued hereunder shall be subject to the condition that no zoning permit shall be issued for any portion of the proposed development until the applicant has filed evidence with the Zoning Enforcement Officer that such approval and/or commitment has been obtained.

44A.7.6 Affordable Housing Restrictive Covenant:

A) As a condition of approval, the applicant shall be required to execute, in accordance with the laws of conveyancing in the State of Connecticut, an "Affordable Housing Restrictive Covenant" which restricts a minimum of twenty-five percent (25%) of the total number of dwelling units in the AHD.

B) The covenant shall require that for at least thirty (30) years from the initial sale or rental of the subject dwelling, affordable housing units shall be sold or rented at or below prices which will (44A-12)
44A.7.6 cont'd.
preserve the units as affordable housing (as defined at Section
8-39a of the Connecticut General Statutes, as amended) for persons
and families whose income is less than or equal to eighty percent
(80%) of the area median income or eighty percent (80%) of the
state median income, whichever is less, according to guidelines
established by the United States Department of Housing and Urban
Development, Connecticut Housing Finance Authority, or a
successor agency or preserve them as housing which meets the
criteria to be eligible for Connecticut Housing Finance Authority
financing, as set forth in Section 8-30(g)(f)(2) of the Connecticut
General Statutes, as amended, and/or to preserve them as
housing which meets the criteria to be “assisted housing” as
defined in Section 44A.2.2 of these Regulations.¹

C) The final form of the Affordable Housing Restrictive Covenant
shall be subject to review and approval by the Town Attorney for
the Town of Cheshire.

D) This covenant shall run with the land and be enforceable by the
Town of Cheshire until released by the Town or until automatically
released by operation of the statute.

E) Such restrictions shall also be embodied in the lease and notice of
lease of rental, affordable housing units. A copy of the lease shall
be filed with the Commission or its designee.

F) The units subject to said restrictions are referred to herein as
"Affordable Housing Units".

G) Rent increases in affordable units which are rented shall be
allowed only to the extent that the new rent (including hot water
and electricity, but excluding telephone and cable television) is
affordable by households whose income less than or equal to
eighty percent (80%) of the area median income or eighty percent
(80%) of the state median income, whichever is less, according to
guidelines established by the United States Department of Housing
and Urban Development, Connecticut Housing Finance Authority,
or a successor agency.

44A.7.7 Filing Requirements For Approved Affordable Housing
Development Subdivisions.
A) Upon approval or approval with modification of an AHD
subdivision, the applicant shall cause any required corrections or
modifications to be made to the subdivision map and to any
supplemental maps filed with the application. After the corrections
have been made, the applicant shall deliver the following maps to
the Town Planner's Office for endorsement by the Commission
Chairman or Secretary:

¹ Effective February 7, 1997 at 12:01 a.m.
1) Five (5) white paper prints of the final subdivision map(s).

2) One (1) official, reproducible copy of the subdivision map(s) drawn on fixed line mylar. Said map(s) shall be 36 inches by 24 inches, 24 inches by 18 inches, or 18 inches by 12 inches as provided by Section 7-31 of the Connecticut General Statutes, as amended.

3) Two (2) complete sets of all other final maps (topographical, drainage, plan and profile, etc.).

B) The applicant shall file one (1) "as built" polyester film plan and profile map with the Town Engineer upon completion of the public improvements.

C) All final maps, with the exception of the polyester film plan and profile map, must be submitted to the Town Planner's office within sixty (60) days of the publication of the subdivision approval. Unless this deadline is extended by the Planning and Zoning Commission, failure to submit final maps within the sixty (60) day period shall render the approval null and void.

D) After the final subdivision plan has been endorsed by the Chairman or Secretary of the Planning and Zoning Commission, the official copy of the subdivision map shall be returned to the applicant. Pursuant to Section 8-25 of the Connecticut General Statutes, as amended, within ninety (90) days of receipt of the endorsed map, the applicant shall record it on the Cheshire Land Records unless the recording deadline is extended by the Commission. Pursuant to Section 8-25 of the Connecticut General Statutes, as amended, failure to record the endorsed map on the Cheshire Land Records within the ninety (90) days period shall render the approval null and void.

**44A.8 Procedure For Site Development Approval Of An Affordable Housing Development.**

**44A.8.1** Site Development approval, that is, approval to commence development of and construction and work in the approved tract, or parts or phases thereof, must be obtained by the applicant pursuant to Section 41 of these Regulations and, if for a subdivision AHD, pursuant to Section 10.2 of the Subdivision and Other Land Use Regulations. Where the requirements of Section 41 of these Regulations or Section 10.2 of the Subdivision Regulations conflict with the requirements of this Section 44A, this Section 44A shall control.

**44A.8.2** A separate Site Plan application need not be filed by the applicant. The Commission may review the maps and submittals filed with and received regarding the AHD Special Permit application in determining whether or not to grant Site Development approval.

(44A-14)
44A.9.3 Each part or phase proposed for development shall be such that it is complete and will stand alone as a fully finished development if subsequent parts or phases are not completed.

44A.9 Approval For Site Development Of An Affordable Housing Development.

44A.9.1 The Commission shall grant Site Development approval if the Commission finds that the maps and submittals, as filed or as modified by the Commission, conform to the approved Special Permit for the AHD and conform to the requirements of Section 41 of these Regulations and the requirements of Section 10.2 of the Subdivision and Other Land Use Regulations, if applicable and as modified by this Section 44A.

44A.9.2 The applicant shall limit all work and disturbed areas to the approved part(s) or phase(s).

44A.9.3 Site Development approval of parts or phases of the entire approved tract shall be conditioned upon the applicant’s filing a bond with surety with the Commission to assure completion of the public improvements for the whole development as shown on the approved map submitted in connection with the Special Permit.

44A.9.4 Upon completion of the public improvements to the satisfaction of the Commission, the Commission shall release the bond, provided that the applicant provides the Commission with a Maintenance Bond as provided for in Section 10.14 of the Subdivision and Other Land Use Regulations and has fully complied with the provisions of Section 10.2 of the Subdivision Regulations. Public improvements shall mean public streets, sidewalks, street lighting, storm and sanitary sewer facilities, and any other physical improvements on the premises proposed for public ownership.

44A.9.5 Maintenance of the common improvements shall be assumed by a fully organized and functioning homeowners' or unit owners' association which association has the authority and ability to assume this responsibility. The obligations of maintenance of common improvements shall be clearly outlined in the deeds to all affected owners.

44A.9.6 Construction of the AHD must begin within one (1) year from the date the Commission grants the AHD Special Permit approval; otherwise, the Site Development approval may be revoked by the Commission.

A) "Construction" under this Section shall mean the pouring of at least one foundation as approved on the AHD plans.

B) Notice of the Commission's intent to revoke as discussed herein shall be given to the developer, or his successor in interest, by certified mail sent at least ten (10) days prior to the date of the meeting at which such action is to be discussed and decided.

(44A-15)
44A.9.6 cont'd.
At that meeting, the developer or his successor shall be given the opportunity to address the Commission regarding the contemplated revocation. Revocation of the AHD approval, or any phase thereof, shall be subject to the right of the developer, or his successor, to complete construction of all structures commenced in accordance with the AHD approval and subject to the condition that all public improvements which are to serve the completed structures shall be constructed and completed.

C) If the Commission determines that the developer does not intend or does not have the financial ability to complete the AHD, the Commission may revoke its approval of it.

44A.9.7 Except as otherwise provided in the Connecticut General Statutes, as amended, Site Development approval is conditioned on satisfaction of any conditions of approval for, and completion of all work in, the approved part or phase of the AHD within five (5) years after publication of notice of Site Development approval. If the conditions of approval are not satisfied and/or the work is not completed, the Site Development approval may be revoked by the Commission pursuant to Section 44A.9.6(B) of these Regulations.

44A.9.8 The Commission may extend its development approval and may extend the time to commence construction of the project upon application by the developer, or its successor, after a public hearing, and for good cause shown by the applicant. The Commission may grant one (1) or more extensions; however, the total extensions may not exceed ten (10) years from the date development approval was given.

44A.9.9 Any substantial revision of an approved AHD and any reconstruction, enlargement, extension, moving, or structural alteration within (or of) the AHD or of its buildings or structures shall require Site Development approval in the same manner as required for the original application.

44A.9.10 A zoning permit for non-affordable units in the AHD shall be issued only after the completion and issuance of a zoning permit for a pro rata number of units of restricted affordable housing. The pro rata allocation shall be based on the proportion of the number of affordable housing units to the total units approved in the whole AHD.

44A.10 General Design Standards For All Affordable Housing Developments. The following standards shall apply to the design and development of all AHDs:

44A.10.1 In order to meet the purposes of these Regulations and to increase the supply of affordable housing in the Town of Cheshire, the maximum number of dwelling units per net buildable acre in subdivision and nonsubdivision AHDs is as follows: Two (2) units per net buildable acre in an R-80 district; three (3) units per net buildable in an R-40 (44A-16)
44A.10.1 cont’d.
district; and four (4) units per net buildable acre in an R-20, R-20A, C-1, C-2, and C-3 district. Net buildable acreage is defined here as gross acreage excluding all ponds or other substantial bodies of water and excluding fifty percent (50%) of any acreage designated as inland wetlands, flood plain areas (as defined in Section 46.1 of these Regulations), all land having slopes in excess of twenty percent (20%), an additional 10% shall be subtracted for roads. If the applicant proposes a density greater than the maximum density specified in this Section, the applicant shall submit to the Commission an economic analysis detailing why the project requires the higher density.1

44A.10.2 All utilities shall be underground.

44A.10.3 Affordable units shall be substantially similar to market value units in terms of building design, materials, finish quality, size, and workmanship and shall be dispersed throughout the development.

44A.10.4 The AHD may provide a variety of unit types.

44A.10.5 Minimum floor areas shall be those as established by the State Health Department.

44A.10.6 Parking shall be provided in accordance with the requirements of Section 33 of these Regulations. In addition, the following requirements shall be met:

A) Parking spaces within a multifamily phase of development shall be a minimum size of 9' x 18'.

B) The following minimum number of spaces are required:

1) One-bedroom dwelling units: 2.0 spaces/unit

2) Two-bedroom dwelling units: 3.0 spaces/unit

3) Three-bedroom dwelling units: 3.0 spaces/unit1

C) Adequate, unobstructed space shall be provided for snow clearance of parking spaces. Provision shall be made for adequate storage of cleared snow.

44A.10.7 Concrete sidewalks shall be provided adjacent to all streets and roadways. The Commission shall determine, in its sole discretion, whether the sidewalks shall be adjacent to one or both sides of those streets or roadways. In addition, concrete sidewalks shall connect buildings, bus stops, parking areas, and recreation areas. Where the

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1 Approved May 26, 1998; effective May 29, 1998 at 12:01 a.m.
44A.10.7 cont’d.
sidewalks are secondary and used only on a limited basis, they may be surfaced with wood chips, grass, quarter inch stone, or other suitable, nonpermanent materials.

44A.10.8 Exterior lighting shall be provided and maintained within the AHD to ensure proper illumination of streets, parking areas, building entrances, walkways, recreation facilities (if appropriate), and wherever else they may be required for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level, and glare from any light sources shall be shielded from dwelling unit interiors, public highways, and abutting properties so that light falling outside the AHD shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site. All lighting provided for Town roads shall conform to the requirements of the Town’s street lighting policy.

44A.10.9 Receptacles for refuse collection and recyclables collection in multifamily areas shall be located in such a way as to minimize visual impact, shall be suitably screened by fences or shrubbery, and shall be capable of being cleaned and maintained.

44A.10.10 Top Soil:

A) All top soil removed during development shall be stored on site for the purpose of restoring ground surfaces. If sufficient top soil is not remaining on site after development, additional amounts shall be brought in to cover the ground surface to a depth of four (4) inches.

B) All areas disturbed by earth movement or by construction shall be covered with four (4) inches of top soil and seeded. The provisions of this subsection shall not apply to paved surface areas (such as those used for building construction, sidewalks, streets, etc.) or to those areas to be left in their natural condition (such as rocky outcrops, swamps, ponds, open space, etc.).

44A.10.11 In an effort to prevent erosion, to maintain the ecological balance, to provide for protection from sun and wind, and to enhance and protect the general health and welfare, all mature trees should be retained on the site to the greatest extent possible; and all existing, mature vegetation on the site shall be retained in areas not disturbed by construction. In areas disturbed by construction, or in areas where existing vegetation is sparse, new plant material (trees, shrubs) shall be provided as follows:

A) In nonsubdivision AHDs, shade trees, evergreen trees and flowering trees shall be planted in, or adjacent to, parking areas. At least one (1) tree shall be planted for each three (3) spaces, or fraction thereof, in locations approved by the Commission.

(44A-18)
B) In nonsubdivision AHDs (and as nearly as practicable), at least one (1) foundation planting shall be planted every five (5) feet around foundations and at least one (1) tree or shrub every twenty (20) feet between structures.

C) In subdivision AHDs, the minimum landscaping, per lot, shall consist of grading, raking, and seeding the disturbed areas and planting a minimum of five (5) foundation plantings.

44A.10.12 Utility terminal boxes and connections placed above ground shall be adequately landscaped to screen them from view.

44A.10.13 Open Space:

A) All land not designated as a lot or utilized for dwellings, buildings, or accessory structures and all common, usable, outdoor space shall be deemed "Open Space". Such Open Space shall be suitably landscaped and in such condition, size, and shape as to be readily usable for circulation, parking, recreation for the members of the homeowners' or unit owners' association, and/or for conservation.

B) Open Space shall be permanently reserved by one of the following means:

1) Deeded to the Town, with appropriate restrictions concerning the future use of the land, provided the Town Council agrees to accept conveyance of the Open Space to the Town.

2) Held in corporate ownership, (i.e., homeowners' or unit owners' association) by the occupants of the dwelling units within the development. Nothing herein shall be construed to prohibit the developer from retaining ownership of the Open Space until such time as it is turned over to the members of the homeowners' or unit owners' association in accordance with the provisions of the Connecticut Common Interest Ownership Act.

3) Deeded to the Cheshire Land Trust or a similar organization with approval of the Planning and Zoning Commission and the organization to which the Open Space is intended to be conveyed.

4) A combination of the above.

C) Any homeowners' or unit owners' association created shall be organized as a not-for-profit corporation with automatic and mandatory membership in the association for all residents. The membership requirement and the homeowners' or unit owners' beneficial right to use the Open Space shall be declared in each resident's deed or lease, as the case may be. All such deeds and

(44A-19)
44A.10.13 Open Space cont’d.

leases shall specify the rights and responsibilities of residents to the association. The association shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro rata share formula for all property owners.

D) The owner/developer shall record a document to be known as Declaration of Restrictions, Covenants, and Reservations which shall regulate the use of the Open Space; the further development of the property; landscaping; the storage of vehicles and materials on the individual lots for subdivision AHDs or on the AHD tract for nonsubdivision AHDs; and maintenance of the Open Space, if the Open Space is to be turned over to a homeowner’s or unit owners’ association in accordance with Section 44A.10.13.B(2) hereof. The Declaration shall be approved by the Planning and Zoning Commission at the time of any approval granted under this Section 44A.

E) The Open Space shall be subject to tax liens as provided for in Connecticut General Statutes, Section 12-171 et. seq., as amended, and the attaching lien shall attach to the lots in a subdivision AHD, or the units and buildings in a nonsubdivision AHD, on a pro rata basis, according to the number of lots in the subdivision AHD or of the number of such units and buildings in a nonsubdivision AHD, and the deed shall so state.

44A.10.14 Waiver Of Design Standards And Dimensional Requirements:

A) The Commission may waive the design standards of Sections 44A.10, 44A.11, 44A.12, and 44A.14 if it finds the following:

1) Strict compliance with the design standards is not required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; and

2) Such substantial public interests are clearly outweighed by the need for affordable housing; and

3) Such substantial public interests can be otherwise protected by reasonable changes to the application; and

4) Conditions exist which affect the subject land and are not generally applicable to other land in the area and conformity with these Regulations would cause an unnecessary and undue hardship to the development of affordable housing.

(44A-20)
B) Any application for a waiver of any design standards shall be made at the same time as the AHD Special Permit application is made. The applicant shall set forth, in writing, the reasons for the waiver request and the specific design standard sought to be waived.

C) In granting any waiver of any design standard, the Commission shall attach such conditions as are necessary to protect any substantial public interest in health, safety, or other matters the Commission is legally authorized to consider.

D) Grant of the waiver requires a two-thirds (2/3) vote of all the members of the Commission after a duly noticed and held public hearing. The Commission shall state upon the record the reasons for which the waiver is granted in each case.

44A.11 Subdivision Affordable Housing Development Design Standards.
The following standards shall apply to the design and development of subdivision AHDs:

44A.11.1 No dwelling shall contain more than one (1) dwelling unit unless it meets the requirements of, and is approved by the Commission pursuant to, Section 30, Schedule A, Paragraph 5.

44A.11.2 Each dwelling unit shall be served by an approved private street or an approved public street. However, any street which services any of the dwelling units and connects two (2) existing or proposed public streets, must be an approved public street constructed as set forth in Section 44A.11.3 hereof.

44A.11.3 Except as provided in Section 44A.11.6, all public and private streets which serve dwelling units shall be constructed at a width of thirty (30) feet and have concrete sidewalks installed on both sides of the street. All public streets shall conform to the Town's typical roadway cross-section and have concrete curbing. No public street shall have a private street as its sole means of access.

44A.11.4 Any cul-de-sac street, which is constructed to service any of the dwelling units, which has a length in excess of six hundred (600) feet, must be an approved public street constructed as set forth in Section 44A.11.3 hereof and must connect to an approved public street. No cul-de-sac street shall be constructed which has a length in excess of seventeen hundred (1700) feet.

44A.11.5 If the dwelling units are served by an approved private street, it shall be designed so as to discourage through traffic.

44A.11.6 If the dwelling units are served by an approved private street, which is a cul-de-sac street and has a length of less than six hundred (600) feet, it may be constructed at a width of twenty-six (26) feet, providing (44A-21)
44A.11.6 cont’d.
that it otherwise conforms to the Town’s typical roadway cross-section and has concrete sidewalks installed on one side of the street.

44A.11.7 No street, whether it is an approved public street or an approved private street, shall have a right-of-way width of less than fifty (50) feet.

44A.11.8 No dwelling unit shall extend to within twenty-five (25) feet of any public or private street line.

44A.11.9 No dwelling shall exceed a width of fifty-five (55) feet. For the purposes of this Section, a dwelling unit shall include any structure, designed as, intended for, or used as, a garage or workshop.

44A.12 Nonsubdivision Affordable Housing Development Design Standards. The following standards shall apply to the design and development of nonsubdivision AHDs:

44A.12.1 At least fifty percent (50%) of the dwelling units in all phases (see Section 44A.8 and Section 44A.9 of this Section) shall be provided with their own entrance directly from the outside, and all dwelling units shall be provided with private, usable, outdoor space, which is directly accessible by the occupants of the dwelling unit.

44A.12.2 Each building used for residential purposes shall be served by an approved private street designed to discourage through traffic. Such private street shall not be closer than thirty (30) feet to any building used for residential purposes.

44A.12.3 No building used for residential purposes shall exceed a length of two hundred (200) feet, and no exterior wall of any such building shall exceed fifty (50) feet in length, in an unbroken plane without an offset of at least ten (10) feet.

44A.13 Dimensional Requirements For A Subdivision Affordable Housing Development.

44A.13.1 All building lots in any subdivision AHD shall comply with the following, minimum dimensional requirements:

<table>
<thead>
<tr>
<th>Minimum lot area (sq. ft.)</th>
<th>10,000 sq. ft</th>
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<tbody>
<tr>
<td>Minimum lot width</td>
<td>75 ft</td>
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<tr>
<td>Minimum lot frontage</td>
<td>50 ft</td>
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<tr>
<td>Minimum setback from street line</td>
<td>25 ft</td>
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<tr>
<td>Minimum setback from side line</td>
<td>10 ft</td>
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<tr>
<td>Minimum setback from rear line</td>
<td>25 ft</td>
</tr>
<tr>
<td>Maximum height of structure</td>
<td>40 ft</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>20 %</td>
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(44A-22)
44A.13.2 Where lots abut land not included in the application, the dwellings on the AHD lot shall be set back from that property line or lines or street, a minimum of the required distance for the zone of the abutting lot, as specified in Section 32, Schedule B, Dimensional Requirements.

44A.13.3 All AHD applications shall also comply with the dimensional requirements set forth in Subsections 32.2.7, 32.2.8, 32.2.9, 32.2.10, 32.5, and 32.6 of these Regulations.

44A.14 Dimensional Requirements for A Nonsubdivision Affordable Housing Development.

44A.14.1 All buildings in any nonsubdivision AHD shall comply with the following, minimum dimensional requirements:

Minimum setback from street line 150 ft.
Minimum setback from side line 50 ft.
Minimum setback from rear line 100 ft.
Maximum height of structure 40 ft.
Maximum lot coverage 20 %

44A.14.2 No building used for residential purposes shall be closer than twenty (20) feet to any other building used for residential purposes, except that, where any facing walls contain a window or windows, or door or doors, the required distance between buildings shall be increased by one (1) foot for each foot of height of the higher facing wall above the lowest adjacent ground elevation thereto. The distance shall be measured from the nearer window/door to the wall facing it. Any walls which are facing at an angle of thirty (30) degrees or less shall be considered facing walls. Stairwells, cantilevered walls, and similar architectural appurtenances shall be considered as part of the wall and shall maintain the required setback.

44A.14.3 All AHD applications shall also comply with the dimensional requirements set forth in Subsections 32.2.7, 32.2.8, 32.2.9, 32.2.10, 32.5, and 32.6 of these Regulations.

44A.15 Certificates of Occupancy. No Certificate of Occupancy for any unit in an AHD shall be issued until the applicant applies for and obtains from the Zoning Enforcement Officer a Certificate of Zoning Compliance on such form as the Planning Office shall provide.

44A.16 Conflict. Where the provisions of Sections 40, 43, 70, or the Subdivision and Other Use Regulations conflict with the requirements of this Section 44A, the provisions of this Section 44A shall be controlling.

(44A-23)
44A.17 Severability. No section or subsection of the Special Permit procedure for AHDs established in this Section 44A shall be deemed severable from other sections or subsections of the Special Permit procedure outlined in Section 40 and the Site Plan procedure outlined in Section 41 of these Regulations. In the event that any section or subsection of such procedures shall be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of a Special Permit for an AHD shall become inoperative, except that Special Permits previously issued by the Planning and Zoning Commission hereunder shall hereunder remain valid.
SECTION 44A AFFORDABLE HOUSING DEVELOPMENT

44A.1 Purpose. The purpose of this Section is to facilitate the development of affordable housing by detailing the procedures for approval of an Affordable Housing District Zone Change Petition and approval of an Affordable Housing Development.

44A.2 Definitions.

44A.2.1 An "Affordable Housing Development" ("AHD") is a residential development which meets one or more of the following criteria:

A) It is "assisted housing" which means that it is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code; or

B) It is a "set-aside development" which means that not less than twenty-five percent (25%) of its 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 (designated as "Affordable Housing 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 (80%) of the area median income or of the state median income, whichever is less, as determined by the United States Department of Housing and Urban Development.

44A.2.2 An "Affordable Housing District" ("AH District") is an overlay zoning district within which Affordable Housing Developments are permitted in accordance with the requirements set forth in this Section 44A.

44A.2.3 "Monthly payment" for any Affordable Housing Unit that is sold or resold within a set-aside development is the amount paid monthly for mortgage principal and interest, property taxes and insurance, common charges in the case of ownership in a common interest community, and utility costs (including hot water and electricity, but excluding telephone and cable television). The maximum monthly payment for an Affordable Housing Unit that is rented shall include the cost of rent, common charges if the tenant is directly responsible, heat, and utility costs for which the tenant is directly responsible (including hot water and electricity, but excluding television, telecommunications, and information technology services).

44A.3 Qualifying Standards. For An Affordable Housing District Zone Change.

44A.3.1 No tract of land shall be considered for an AH District Zone
Change unless it meets the following minimum qualifying standards:

1) The tract is located within one or more of the following zones: R-20, R-20A, R-40, R-80 SARDD, C-1, C-2, and C-3.

2) However, access may be over land in a zone not listed above, provided that the tract meets the 50’ minimum frontage requirements of this Section 44A.3.1.

This Section 44A shall not be varied by action of the Zoning Board of Appeals to permit affordable housing in districts within the Town in which affordable housing is not otherwise permitted.

3) The tract shall have frontage on one or more of the following State or Town roads or parts thereof or have a minimum of 50’ of frontage on a Town road within 500 feet of State Highway 10, State Highway 70 between the Cheshire-Waterbury boundary line and Wiese Road, Country Club Road, Higgins Road east of Oak Avenue, Jarvis Street, Oak Avenue. In addition to frontage on the foregoing roads, the tract may have access on other roads if the Planning and Zoning Commission finds traffic conditions warrant it.

4) The site is served by public water and by state or municipally approved private sanitary sewers or by public sanitary sewers.

5) The site is not less than 5 acres nor more than 25 acres.

44A.4 Procedure for an Affordable Housing Zone Change Petition.

44A.4.1 The applicant shall submit the original plus seven (7) copies of an Affordable Housing Zone Map Change Petition and of the submittals required by Section 44A.4.2 of these Regulations to the Commission in conformity with the requirements of Section 44A.4.2 and Section 70 of these Regulations. Where the submittal requirements of Section 70 and Section 44A differ, the submittal requirements of Section 44A shall control.

44A.4.2 The following documents, reports, and maps shall accompany the Zone Map Change Petition:

A) A map drawn to a scale of not smaller than 200 feet to the inch, covering the area of the proposed change and all area in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines and the names and addresses of the current property owners as indicated in the Cheshire Assessor’s records.
B) A conceptual site plan of the tract that is the subject of the Zone Change Petition drawn to a scale of not less than 100 feet to the inch containing the following information:

a) The approximate location of each of the areas to be used at the site and their intended purpose (residential, Open Space, recreational, parking, etc.).

b) Proposed density of the site, delineated in units per acre.

c) The proposed percentage of Affordable Housing Units.

C) Fee. A check made payable to the Collector, Town of Cheshire, Connecticut, for the applicable application fee.

D) A report prepared by a professional engineer demonstrating the feasibility of sewage disposal to be generated by the proposed development.

E) A report prepared by a professional engineer demonstrating the feasibility of providing sufficient water to the proposed development for daily and emergency needs.

F) A preliminary report by a professional engineer showing conceptually how stormwater would be managed on the site.

G) Preliminary Conceptual architectural plans showing examples of the building designs.

H) A preliminary traffic impact study prepared by a professional engineer showing that the site can be developed within accepted safety standards.

44A.5 Approval of an Affordable Housing Zone Change Petition.

44A.5.1 After a public hearing called and conducted pursuant to the Connecticut General Statutes, as amended, the Commission shall approve a petition seeking creation of an Affordable Housing District unless it finds the following:

A) Denial of the petition is required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; such substantial public interests clearly outweigh the need for affordable
housing; and such substantial public interests cannot be otherwise protected by reasonable changes to the petition; or

B) The petition would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses or the petition does not propose assisted housing, as defined in Section 44A.2.2 of these Regulations.

**44A.5.2** In determining whether or not to approve the petition, the Commission shall consider the following factors:

A) Consistency of the rezoning with the Town's Plan of Conservation and Development.

B) The supply of affordable housing within the Town and the Central Naugatuck Valley Planning region.

**44A.5.3** If the petition is approved, the Commission shall assign the parcel an AH District classification. The effective date of the zone change shall be as fixed by the Commission in accordance with the Connecticut General Statutes, as amended, provided that the applicant provides the Commission with a final zone change map (prepared in accordance with these Regulations and that map has been stamped and signed by the Commission and filed by the applicant in the office of the Town Clerk. The official zoning map shall be amended accordingly following the effective date of any such zone change.

**44A.6 Procedure For An Affordable Housing Development Application.**

**44A.6.1** An Affordable Housing Development Application shall be filed in the office of the Cheshire Planning and Zoning Commission. The application shall be accompanied by the fee required for a Site Plan Application. Additionally, to the extent that the submittal requirements of Section 44A.6.4 and Section 44A.4.2 (Zone Change Petition) are the same, the applicant is not required to submit duplicate submittals but may use the Section 44A.4.2 submittals to satisfy the requirements of Section 44A.6.4.

**44A.6.2** If the applicant desires to develop the AHD in phases, that request must be set forth in the Site Plan application, and the Commission shall undertake Site Development review for all phases proposed for immediate development, simultaneously with its review of the AHD Site Plan application.

**44A.6.3. Affordable Housing Development Application**

The applicant may file an Affordable Housing Site Development Application concurrently with the filing of an Application for an Affordable Housing Zone Change Petition or after its application for an Affordable Housing Zone Change has been approved by the Commission. In addition to the requirements of Section
41, SITE PLAN APPROVAL, the applicant shall submit the following with its Affordable Housing Development Application:

1) An A-2 survey map of the entire parcel of land on which the AH Development is proposed showing the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent records of the Town of Cheshire Assessor.

2) A Site Development Plan as required by Section 41.2.1 of the SITE PLAN APPROVAL regulations but at a minimum of 1 inch = 40 feet, including:

   a) Existing and proposed property lines and the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent Assessor's records.

   b) Parcel size and dimensions.

   c) Existing and proposed grade contours at 2 feet intervals.

   d) Storm drainage, sewage disposal, and water supply facilities.

   e) The location of each of the areas to be used at the site and their intended purpose (residential, Open Space, recreational, parking, etc.).

   f) Locations of existing structures, uses, roads, and other features of the parcel.

   g) All existing and proposed, public and private, streets, highways, and rights of way; access to and from the existing town roads; proposed parking and loading areas; driveways; and other proposed points of access to residential and nonresidential uses.

   h) All existing and proposed utilities and connections, including utility terminal boxes.

   i) The existing and proposed pedestrian circulation system including its interrelationship with the vehicular circulation system, Open Space system, and other areas of common use.

   j) A landscape plan describing the proposed treatment of the interior and perimeter of the AHD and the materials and techniques to be used, such as trees and/or shrubs, lawn, living screens, berms, fences, and all natural terrain
to remain in its natural conditions (such as rocky outcrops, swamps, ponds, open space, etc.).

k) Proposed density of the site as authorized by the AH District within which the property is located.

l) The proposed percentage of deed restricted affordable housing units and their proposed location.

3) A report prepared by a licensed traffic engineer describing the feasibility of proper management of the traffic anticipated from the proposed development, including the adequacy of streets and traffic controls and a description of proposed improvements, if any, to accommodate projected traffic.

4) A written summary of the proposed number of dwelling units broken down by number of bedrooms and the number of Affordable Housing Units, including the calculation used to determine the total number of dwelling units allowed pursuant to this Section 44A.

5) A map showing topography at two (2) foot contour intervals and depicting all flood plain, flood hazard, wetlands areas, watercourses, and slopes above twenty-five percent (25%).

6) A detailed map of that part or phase of the entire tract which is proposed for immediate development showing proposed location and building envelope of buildings, other structures, signs, outdoor illumination, and outside storage areas.

7) Preliminary building plans detailing the following:

   a) A typical floor plan.

   b) Typical elevations (front, back, and both sides). Identical buildings do not require multiple elevations.

   c) Exterior design standards, including the proposed product types for the buildings and proposed textures and materials.

8) A summary table indicating compliance with the qualifying and design standards of these Regulations. The table shall show proposed phasing (if any); the number, type, and size (number of bedrooms, floor area, etc.) of buildings and dwelling units; the number of parking spaces required and provided; square feet and percent of lot area covered by pavement, sidewalks, walkways, and buildings; lot area; frontage; and landscape requirements.
9) A written report prepared by a professional engineer addressing the characteristics of the surface water flow and/or drainage anticipated from the proposed development and the proposed means and manner of its disposition, including appropriate sedimentation and erosion controls and detailing all necessary easements.

10) A copy of the feasibility approval or final approval issued for the project by Cheshire's Water Pollution Control Authority.

11) An "Affordability Plan" conforming with Section 8-30g of the Connecticut General Statutes and Section 8-30g-7 of the Regulations of the State of Connecticut Agencies.

**44A.7 Approval of An Affordable Housing Development Application.**

**44A.7.1** The Commission shall approve an Affordable Housing Development Application unless it finds the following:

A) Denial of the application is required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; such substantial public interests clearly outweigh the need for affordable housing; such substantial public interests cannot be otherwise protected by reasonable changes to the application; or

B) The application would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses; or the application does not propose assisted housing, as defined in Section 44A.2 of these Regulations.

**44A.7.2** In determining whether or not to approve the application, the Commission shall consider the following factors:

A) Whether the application complies with all the requirements of this Section 44A and Section 41, of the Zoning Regulations.

B) Whether provisions for water, sewerage, and stormwater, are adequate; and do not overburden existing water, sewer, and stormwater drainage facilities on-site or off-site.

C) If applicable, whether the proposed development violates its aquifer protection approval, if any.

D) Whether the pedestrian circulation system is adequate for the pedestrian traffic anticipated in the development and incorporates all necessary safety precautions for children walking to and from schools or bus stops.

E) Whether on-site, and resultant off-site, traffic and circulation
patterns create traffic safety hazards or substantial traffic congestion within the AHD or at intersections of AHD access drives and existing, public streets.

44A.7.3 The Commission may attach appropriate modifications to an approval of an Affordable Housing Development Application to assure compliance with this Section 44A and to protect substantial public interests in health, safety, or other matters the Commission is legally authorized to consider which interest is jeopardized by the proposed AHD and which clearly outweighs the need for affordable housing.

44A.7.4 Affordable Housing Restrictive Covenant:

A) As a condition of approval of an Affordable Housing Development Application, the applicant shall be required to execute an “Affordable Housing Restrictive Covenant” complying with Section 8-30g of the Connecticut General Statutes and Section 8-30g-9 of the Regulations of Connecticut State Agencies.

B) The final form of the Affordable Housing Restrictive Covenant shall be subject to review and approval by the Town Attorney for the Town of Cheshire.

C) This covenant shall run with the land and be enforceable by the Town of Cheshire until released by the Town or until automatically released by operation of the Connecticut General Statutes as amended.

D) Such restrictions shall also be contained in the lease for rental of Affordable Housing Units.

44A.7.5 Approval of an Affordable Housing Development Application shall be conditioned upon the applicant's filing a bond with surety with the Commission to assure completion of the public improvements for the development as shown on the approved map submitted in connection with the Affordable Housing Development Application.

44A.7.6 Upon completion of the public improvements to the satisfaction of the Commission, the Commission shall release the bond. Public improvements shall mean public streets, sidewalks, street lighting, storm and sanitary sewer facilities, and any other physical improvements proposed for public ownership.

44A.7.7 Where Affordable Housing Units are to be sold and owned by individual owner's maintenance of the common improvements shall be assumed by a fully organized and functioning homeowners' or unit owners' association which association has the authority and ability to assume this responsibility. The obligations of maintenance of common improvements shall be clearly outlined in the deeds to all affected owners.
44A.7.8 The Commission may extend its development approval upon application by the developer, or its successor, as provided in the Connecticut General Statutes.

44A.7.9 A zoning permit for non-affordable units in the AHD shall be issued only after the completion and issuance of a zoning permit for a pro rata number of units of restricted Affordable Housing Units. The pro rata allocation shall be based on the proportion of the number of affordable housing units to the total units approved in the whole AHD.

44A.8 Design Standards and Dimensional Requirements For Affordable Housing Developments. The following standards shall apply to the design and development of all AHDs:

44A.8.1 In order to meet the purposes of these Regulations and to increase the supply of affordable housing in the Town of Cheshire, the maximum number of dwelling units per net buildable acre in AHDs is as follows: Ten (10) units per net buildable acre. Net buildable acreage means gross acreage excluding all ponds or other substantial bodies of water and excluding fifty percent (50%) of any acreage designated as inland wetlands, flood plain areas (as defined in Section 46.1 of these Regulations), and all land having slopes in excess of twenty-five percent (25%). If the applicant proposes a density greater than the maximum density specified in this Section, the applicant shall submit to the Commission an economic analysis detailing why the project requires the higher density.

44A.8.2 All buildings in any AHD shall comply with the following, minimum dimensional requirements:

Minimum setback from street line 25 ft.
Minimum setback from side line 25 ft.
Minimum setback from rear line 50 ft.
Maximum height of structure 50 ft.
Maximum lot coverage 20%

44A.8.3 No building shall exceed 240 feet in length. Building facades shall include relief and articulation to appear residential in character.

44A.8.4 All utilities shall be underground.

44A.8.5 Affordable Housing Units shall be substantially similar to market rate units in terms of building design, materials, finish quality, size, and workmanship and shall be dispersed throughout the development.

44A.8.6 Parking shall be provided as follows:

A) Parking spaces within a multifamily phase of development shall be
a minimum size of 9' x 18'.

B) The following minimum number of spaces are required:
   1) One-bedroom dwelling units: 1.5 spaces/unit
   2) Two-bedroom dwelling units: 1.75 spaces/unit
   3) Three-bedroom dwelling units: 2.0 spaces/unit

C) Adequate, unobstructed space shall be provided for snow storage.

44A.8.7 Concrete sidewalks shall be provided adjacent to all streets and roadways. The Commission shall determine, in its sole discretion, whether the sidewalks shall be adjacent to one or both sides of those streets or roadways. In addition, concrete sidewalks shall connect buildings, bus stops, parking areas, and recreation areas. Where the sidewalks are secondary and used only on a limited basis, they may be surfaced with wood chips, grass, quarter inch stone, or other suitable, nonpermanent materials.

44A.8.8 Exterior lighting shall be provided and maintained within the AHD to ensure proper illumination of streets, parking areas, building entrances, walkways, recreation facilities (if appropriate), and wherever else they may be required for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level, and glare from any light sources shall be shielded from dwelling unit interiors, public highways, and abutting properties so that light falling outside the AHD shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site. All lighting provided for Town roads shall conform to the requirements of the Town's street lighting policy.

44A.8.9 Open Space:

A) All land not designated as a lot or utilized for dwellings, buildings, driveways, parking, sidewalks, or accessory structures and all common, usable, outdoor space shall be deemed "Open Space". Such Open Space shall be suitably landscaped and in such condition, size, and shape as to be readily usable for circulation, parking, recreation for the members of the homeowners' or unit owners' association, and/or for conservation.

44A.8.10 Modification Of Design Standards And Dimensional Requirements:

A) The Commission may modify the design standards in this Section 44A if it finds the following:

1) Strict compliance with the design standards is not required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider;
2)  Such substantial public interests do not clearly outweigh the need for affordable housing; and
3)  Such substantial public interests can be protected by reasonable changes to the application.

B)  Application for modification of any design standards shall be made at the time as the AHD Application is made. The applicant shall set forth, in writing, the reasons for the waiver request and the specific design standard sought to be waived.

44A.9 Conflict. Where the provisions of Sections 41 conflict with the requirements of this Section 44A, the provisions of this Section 44A shall be controlling.
Referral 2.3: Town of Branford

Subject:

Proposed Zoning Regulation Amendments to add Farm Event Venue as a use and the applicable standards

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 ecosystem of the Long Island Sound.

Background:

A private applicant in the Town of Branford has proposed a new use “Farm Event Venue”. The use would be allowed by Special Exception in the Commercial and Industrial Zoning Districts.

The proposed amendments establishes requirements for Hours of Operation. The event would be required to have a coordinator and governance structure (operating procedures). The parking requirements are 1 space per 20 square feet of patron floor area and provided on-site. The events are required to provided recycling and waste removal. Additional standards and requirements for the proposed use can be reviewed in the agenda packet.

The BR, IG1 and IG2 Zones are adjacent to the Town of North Branford. The applicable zones in North Branford include B1, I1 and I2.

Communication:
In researching this proposal, I notified the adjacent municipalities in the South Central Region.
March 12, 2019

Town of Branford
Planning & Zoning Commission
1019 East Main Street
Branford, CT 06405

Re: Consideration for Zoning Regulation Amendment

Dear Board of Commissioners:

We, the sole members/Directors of Nuzzo Properties LLC and Nuzzo’s Farm LLC located at 736 East Main Street and East Main Street Rear, Branford, Connecticut hereby request consideration for a Zoning Regulation Amendment for said properties. Pursuant to Section 9.9A of the zoning regulations, the Farm seeks to amend current regulations and add a new use to include a Farm Event Venue.

For your consideration, enclosed please find 12 copies of the following:

1. Application for Zoning Regulation Amendment
2. Proposed language for event venue regulations
3. Mission Statement
4. Site Plans (previously submitted)
5. Amended Statement of Use
6. 3D renderings for farmer’s market cafe (previously submitted)
7. Application for On-Premises Liquor Permit
8. Approval for food trailer received from East Shore District Health Department

Please consider our request as we have already held several events, including two years of successful Benstock benefits which included a professional fireworks display (2nd year), in compliance with the State and Town’s regulations. We also meet the necessary zoning and plot size requirements for this request.

Lastly, according to Diana Ross from the Branford Inland Wetlands Department the change of use request is not subject to any of town’s wetlands regulations. Ms. Ross stated no approval is required and no formal request is needed.

Respectfully yours,

Anthony Nuzzo, Member/Director Nuzzo Properties LLC and Nuzzo’s Farm LLC

Audra Nuzzo, Member/Director Nuzzo Properties LLC and Nuzzo’s Farm LLC

Anthony Nuzzo and Audra Nuzzo
d/b/a Nuzzo Properties LLC
Nuzzo’s Farm LLC
736 East Main Street
Branford, CT 06405

RECEIVED

MAR 12 2019
SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS
Application #19-3.4 – Nuzzo Properties LLC (Applicant)

Proposed Changes to the Town of Branford Zoning Regulations

Section to be added - NEW Section 7.18 Farm Event Venue (see attached text) to be added to the TABLE OF USES Section 4.8.N – Agricultural Use Table (see attached table).

**Purpose:** To create a new regulation under Sect. 4.8.N Agricultural Uses to allow for multiple uses and a framework for proposed Farm Events including general requirements, hours of operation, operating rules, a farm event coordinator, parking, waste removal, facility requirements, type of required application, and liquor licensing as part of a new zoning section entitled Sect 7.18 Farm Event Venue

Attachments
APPLICATION TO THE PLANNING & ZONING COMMISSION

For the following activity: (Check the Applicable Type of Application)

☐ Zoning Regulation Amendment  ☐ Subdivision Regulation Amendment
☐ Zoning Map Amendment  ☐ CGS 14-54 Location Approval

ADDRESS OF PROPERTY  738 East Main Street and East Main Street Rear

TAX MAP  J03 BLOCK  1 LOT  le/12  ZONING DISTRICT  F2

PROPOSED USE  Event Venue with on-site liquor permit

PLEASE SUBMIT WITH COMPLETED APPLICATION

1. Application fee. (See fee schedule)
2. Application materials as summarized in the Zoning Regulations or Subdivision Regulations as applicable.
3. If applicable, provide evidence that abutting property owners have been notified, per Section 9.14.G of the Zoning Regulations.

The undersigned states that information submitted with this application is true and correct to the best of his/her knowledge; acknowledges that any approval based on erroneous or incomplete information shall be null and void and that approval of the plan is contingent upon compliance with all requirements of said regulations. The undersigned hereby authorizes the Branford Planning & Zoning Commission and its agents, the right to enter upon their property for the purpose of inspection and enforcement of the Zoning and Subdivision Regulations. ALL NAMES MUST BE PRINTED AND SIGNED.

Owner  Anthony NuZZo  Applicant  Andrea NuZZo

Address  738 East Main St.  Address  738 East Main St.
Phone  203-996-7238  Phone  203-996-7238
E-mail  anuzzo738@comcast.net  E-mail  anuzzo738@comcast.net
Fax  203-481-7325  Fax  203-481-7325

Signature  Signature

FOR OFFICE USE ONLY:
Receipt Date  Fee Paid  $340.00  CK# 1073
Approved/Denied by P&Z on  Application #  9.3.4
7.18 FARM EVENT VENUE

7.18.A General Requirements
The Commission may grant a Special Exception for a farm event venue provided that in addition to all other requirements of these Regulations the following conditions are met:

1. **Hours of Operation.** Hours of operation for any farm event venue will occur on a pre-scheduled basis. All hours of operation will comply with the Town of Branford Ordinances. Farm events will not start before 7AM or continue after 10PM Monday through Saturday, and shall not commence before 9AM or continue after 10PM on Sundays. These times are not inclusive of set up and breakdown times.

2. **Operating Rules.** All farm event venues shall have a set of operating rules addressing the governance structure of the farm event venue, hours of operation, maintenance, insurance, safety and security requirements and responsibilities, and appointment of a farm event coordinator.

3. **Farm Event Coordinator.** All farm event venues shall have a farm event coordinator authorized to direct the operations of all vendors and patrons participating/attending the farm event on the site of the farm event during all hours of operation. Current contact information for the farm event coordinator and at least one other person responsible for the farm event (i.e. assistant farm event coordinator) must be on file in the Branford Planning and Zoning Department.

7.18.B Parking

1. All farm event venues shall provide a minimum of 1 parking space per every 20 square feet of patron floor area. Patron floor area was deemed to include designated seating areas, but excluded any bar area, bathrooms and any areas restricted to staff.

2. All required parking spaces must be provided on-site. For purposes of farm event venues only, required on-site parking spaces of the host property may apply towards meeting the number of required parking spaces required for the farm event venues without rendering the host property deficient in its parking requirement so long as a written document, signed by both the property owner and the farm event coordinator, establishes that there will be no parking demand associated with the use of the host property for the same parking space(s) during the hours of the farm event venue's operation.

7.18.C Waste

1. All farm event venues shall provide for recycling and waste removal in accordance with all applicable health codes. The farm event coordinator shall be responsible for ensuring that the site is restored to a neat condition by no later than 24 hours after the end of the farm event.

7.18.D Facility Requirements

1. The site plan shall demonstrate compliance with all facility requirements as specified in the Branford Planning and Zoning Regulations and/or Connecticut Public Health Code, if applicable.

2. Adequate restrooms and hand washing stations must be easily accessible and in good working order, whether permanent or portable, in accordance with the Connecticut Public Health Code. This may include employment of handicapped accessible units.
3. Such facilities shall not provide cooking/meals unless licensed to do so, or provided by a licensed vendor.

4. Such facilities shall not provide alcohol unless licensed to do so, or provided by a licensed vendor.

5. Site access shall consist of an entrance and exit and allow for easy accessibility for fire apparatus, police protection and other emergency services. Access driveways shall provide safe access and egress from the site with optimal positions for that purpose. The intersection sight distance for each driveway shall meet or exceed CTDOT criteria for roadway design speed.

6. The proposed use is in compliance with the minimum area, setback, and other location requirements of the zoning district in which it is located.

7. The proposed use will exist on a lot of sufficient size to satisfy the space requirements of said use.

7.18.E Noise/Nuisance

1. No noise shall impact the surrounding neighborhood as a result of any event by complying with town ordinances for operating hours and noise restrictions.

2. The site shall be situated and developed so as to create no nuisance or detrimental effect on the privacy, tranquility or value of surrounding properties.
### 4.8.N AGRICULTURAL USES

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<td>4. Farmers’ Markets (See Section 7.17)</td>
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### 4.8.O ANIMAL-RELATED USES

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### 4.8.P ACCESSORY USES

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AMENDED STATEMENT OF USE
March 11, 2019

Nuzzo Properties LLC and Nuzzo's Farm LLC, owners of the real property (the Farm) and Hidden Gem LLC (liquor licensing permittee) make this Amended Statement of Use in conjunction with a Zoning Regulation Amendment Application for a Farm Event Venue pending licensing of an On-Premises Liquor Permit. The Farm is located at 736 East Main Street and East Main Street Rear, Branford, Connecticut. Pursuant to Section 9.9A of the Branford Zoning Regulations, the Farm seeks to amend current regulations and add a new use to include a Farm Event Venue.

Said Amended Statement of Use includes detail on the following matters:

1. Historical Background
2. Site Location and Property Description
4. Wetlands
5. Water Supply and Usage
6. Waste Disposal / Refuge Dumpster
7. Drainage / Stormwater
8. Lighting and Signage
9. Access
10. Off Street Parking and Loading
11. Traffic
12. Occupancy Hours
13. Operating Rules
14. Noise
15. Additional Notes

Introduction  Nuzzo Properties LLC / Nuzzo's Farm LLC intends to maintain the current zoning and building and site use of said Farm to include, but not limited to, the following:

- Retail sale of Christmas trees, wreaths, garlands, gifts and other seasonal commodities
- Retail sale of fruits and vegetables
- Retail sale of flowers/flora
- Cultivation of Christmas trees and other fruit trees
- Sale of chicken and duck eggs
- Farm Event Venue
- On-site Food Trailer (employed as needed/required)

In addition, the Farm is seeking to allow for further Farm Event Venue allowance to include an On-Premises Liquor Permit, bringing economic growth to the town, while at the same time supporting/preserving its agricultural character in a conscious manner. The owners of the Farm feel the venue would be an asset to the Town of Branford as no other farm event venue currently exists in Branford and is trending across the country.

1. Historical Background

Anthony Nuzzo and Audra Nuzzo obtained ownership of the Farm located at 736 East Main Street and at East Main Street Rear, Branford, Connecticut, on December 10, 2015 and conveyed the property to Nuzzo Properties LLC on April 18, 2016, as recorded in Book 1189 at Page 655 and in Book 1196 at Page 948/220, respectively, of
the Branford Land Records. The Nuzzos currently maintain another business (ABC-LERS, LLC) and residence on the adjacent property known as 738 East Main Street, Branford, Connecticut.

The Farm is currently zoned IG2, however, under an existing non-conforming use, has been maintained as commercial/farm use property prior to 1972. Prior to 1972 the property was owned by Francis and Leslie Lipkovich who were known in Branford as farmers, nurserymen and arborists. In 1984, Mr. and Mrs. Lipkovich conveyed the farm to their son John Lipkovich who then conveyed the property to his grandson, also named John Lipkovich. The grandson eventually conveyed ownership of the property to his spouse, Lynn Lipkovich, as joint tenants. On June 7, 2006, the property was conveyed to Anthony La Bella. During all of these ownerships, the Lipkivichs and Mr. La Bella both ran well established Tree Farms and Country Stores. In addition to trees, they also grew additional crops, including greenhouse production, and distributed approximately 1,000 farm raised eggs weekly to local and regional grocers.

2. Site Location and Property Description

No structural changes are to be made to existing structures. Aesthetic changes have been made to comply with local, state and federal regulations to obtain the on-premise liquor license.

Currently 736 East Main Street (Parcel A) and East Main Street Rear (Parcel B), Branford, Connecticut consists of 7.43 acres and 6.8 acres, respectively. Parcel A contains an industrial/commercial building which is classified Store/Shop by the Branford Assessor’s Office. This building will be designated for patron seating for the farm event venue. Abutting the building, the Farm intends on installing an additional outdoor seating area which will have no structural alterations to the property and will comply with all local and liquor licensing requirements. Parcel A also contains a cape cod single family house which is currently being used for a guest/family residence and for several business activities. Also on Parcel A exists a 416 square foot stable to house the farm’s livestock. The stable is attached to the Store/Shop. A right of Way to Baldwin Drive was also obtained in Parcel A. Parcel B is currently zoned as Farm Land by the Branford Assessor’s Office and contains a 1,428 square foot shed, a 816 square foot shed, a 1,064 square foot stable, a 2,130 square foot plastic shed and a 60 square foot metal shed. Both parcels and all outbuildings are currently used by the Farm solely as farm land, commercial retail, growing crops and raising livestock. Applicants have received approval for an on-site food trailer (d/b/a The Farm Dog) through the East Shore District Health Department. The food trailer will remain on the premises to accommodate patrons with both hot and cold food items in accordance with the liquor licensing regulations. All food production and servicing, if any, will be contained to said food trailer, unless service is provided by an off-site licensed caterer.

Public access to the parcels is by way of the existing main 50’ wide driveway off East Main Street to the south of the Farm. The width of the driveway allows for separate ingress and egress access. Additional property was obtained by the applicant off of Baldwin Drive, Branford, Connecticut, in order to allow additional access to the site. The additional 50’ wide driveway is located to the east/rear of the Farm and also allows for separate ingress and egress access.

As per Chap. 545 / Sec. 30-22(a) of the Liquor Control Act “A cafe permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a cafe. Premises operated under a cafe permit shall regularly keep food available for sale to its customers for consumption on the premises. The availability of sandwiches, soups or other foods, whether fresh, processed, precooked or frozen, shall be deemed compliance with this requirement. The licensed premises shall at all times comply with all the regulations of the local department of health. Nothing herein shall be construed to require that any food be sold or purchased with any liquor, nor shall any rule, regulation or standard be promulgated or enforced requiring the sale of food be substantial or that the receipts of the business other than from the sale of liquor equal any percentage of total receipts from sales made therein. A cafe permit shall allow, with prior approval of the Department of Consumer Protection, alcoholic liquor to be served at tables in outside areas that are screened or not screened from public view where permitted by fire, zoning and health regulations. If not required by fire, zoning or health regulations, a fence or wall enclosing such
outside areas shall not be required by the Department of Consumer Protection. No fence or wall used to enclose such outside areas shall be less than 30 inches high..."

As per Chap. 545 / Sec. 30-22(c) of the Liquor Control Act "As used in this section, "cafe" means space in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where alcoholic liquor and food is served for sale at retail for consumption on the premises but which does not necessarily serve hot meals; it shall have no sleeping accommodations for the public and need not necessarily have a kitchen or dining room but shall have employed therein at all times an adequate number of employees."

3. **Nature and Extent of Proposed Additional Uses**

The Farm's business plan is designed to continue with the everyday current functions of the farm including its continued use as an farm event venue while integrating an on-premise liquor permit. The Farm intends to apply for all necessary federal and state liquor licensing in order to operate under a cafe permit. In order to obtain such licensing and comply with the federal and state liquor licensing boards, the Farm has established an on-site food trailer.

Nuzzo Properties, LLC and Nuzzo's Farm, LLC seek to maintain The Farm's history of agriculture and retail sales while also integrating an established farm event venue containing a food trailer and on-premise liquor permit. This will allow the Farm to continue to host a variety of farm events (ie. weddings, rehearsal dinners, birthday parties, retirement parties, fundraisers, et. al.) allowing the public to take advantage of the Farm's quiet country ambiance and views. In no way does the Farm wish to lose any of the property's charm and intends on coinciding with Branford's village character. Each farm event will be handled by a farm event coordinator to ensure the size and scale of every detail is kept to a minimal interference with the town ordinances.

4. **Wetlands**

No structural changes are to be made to any property or existing structures, therefore, all existing and proposed activity on the site is outside of the wetlands and the wetlands review area, and does not impact the wetlands.

5. **Water Supply and Usage**

No changes or modifications are planned for any property or structure that would affect current water supply and usage. The anticipated increase, if any, of water usage should be nominal compared to current water usage to sustain the Farm and all of its activities.

6. **Waste Disposal / Refuge Dumpster**

Refuse will be maintained in an appropriate area to be determined (ie. dumpster), outside of all setbacks and within a fully enclosed stockade fence.

7. **Drainage / Stormwater**

No changes or modifications are planned for any property or structure that would affect current drainage and stormwater runoff. Drainage is managed on site and does not impact any streets or surrounding area. It should be noted that the Farm has a concerted interest in maintaining the land and sustain its primary agricultural function.

8. **Lighting and Signage**
All existing lighting complies with objectionable light at the property lines and disability glare, and consists entirely of full cut off/shielded type fixtures pursuant to the Town of Branford's ordinances and regulations. All existing signage is lit from top down. A plan will be submitted prior to any new installments, if necessary.

9. **Access**

Public access to the site is by way of the existing main 50' wide driveway off East Main Street to the south of the Farm. The width of the driveway allows for separate ingress and egress access. Additional public access to the site is by way of another existing 50' wide driveway off of Baldwin Drive to the east/rear of the Farm. The width of the driveway allows for separate ingress and egress access. Having both entrances allows for easy accessibility for fire apparatus, police protection and other emergency services.

10. **Off Street Parking and Loading**

Existing parking spaces are calculated for the farm event venue and on-premises liquor permit, pursuant to Sec. 6.5.D of the Branford Zoning Regulations, based on 1 space per every 20 square feet of patron floor area. For purposes of this application, the applicant has used a higher calculation necessary for the specified need. Patron floor area was deemed to include designated seating areas and public areas, but excluded bathrooms and any areas restricted to staff. Therefore, the applicable square footage is calculated as follows: total area, for purposes of calculation (1,530 sf/20 = 76.50, rounded up to 77 parking spaces). Although not required, upon consultation with town staff, additional spaces can be designated for handicap access.

Existing parking lot is gravel, located to the west, south and east of the building and currently includes in excess of 77 parking total spaces. All aspects of the parking lot complies with the zoning regulations, including streetline setbacks. The location of the parking lot also best preserves the wetlands and as much of the farmland and existing lower grade as possible.

The rear existing gravel portion located to the west of the building will be used to allow for one loading space. The use of the loading space will be infrequent.

11. **Traffic**

With regard to patron traffic, the farm event venue would produce little to no increase in traffic generation during weekdays and a de minimis increase in traffic generation during peak hours and weekends. Overall, due to the fact the Farm access is located on a busy (mainly commercial) road, no significant impact on traffic operations is anticipated. Further, the existing access driveways provide safe access and egress from the site with optimal positions for that purpose. Further, the intersection sight distance for each existing driveway meets or exceeds CTDOT criteria for roadway design speed.

12. **Occupancy Hours**

Hours of operation for farm event venue will occur on a pre-scheduled basis. All hours of operation will comply with the Town of Branford Ordinances. Initially, the Farm intends on not commencing farm events before 7AM or continue after 10PM Monday through Saturday, and shall not commence before 9AM or continue after 10PM on Sundays.

Although the Farm intends to keep more restricted hours, all regulations will also coincide with Chap. 545, Sec. 30-91(a) of the Liquor Control Act which states "the sale or the dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of alcoholic liquor in places operating under cafe permits shall be unlawful on: (1) Monday, Tuesday, Wednesday, Thursday and Friday between the hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between the hours of two o'clock a.m. and nine o'clock a.m.; (3) Sunday between the hours of two o'clock a.m. and ten o'clock a.m.; (4) Christmas, except (A) for alcoholic liquor that is
served where food is also available during the hours otherwise permitted by this section for the day on which Christmas falls, and (B) by casino permittees at casinos, as defined in section 30-37k; and (5) January first between the hours of three o'clock a.m. and nine o'clock a.m., except that on any Sunday that is January first the prohibitions of this section shall be between the hours of three o'clock a.m. and ten o'clock a.m."

Further, according to Chap. 545, Sec. 30-91(c)(2) of the Liquor Control Act "In the case of any premises operating under a cafe permit, it shall be unlawful to keep such premises open to, or permit such premises to be occupied by, the public between the hours of one o'clock a.m. and six o'clock a.m. on Monday, Tuesday, Wednesday, Thursday and Friday and between the hours of two o'clock a.m. and six o'clock a.m. on Saturday and Sunday."

13. Operating Rules

All farm event venue activities shall have an established set of operating rules addressing the governance structure, hours of operation, maintenance, insurance, security requirements and responsibilities, and appointment of an event manager/coordinator.

14. Noise

No noise impact is anticipated to the surrounding neighborhood as a result of any farm event by complying with town ordinances for operating hours and noise restrictions. Further, all neighboring properties are zoned IG2 and are commercial and general industry properties. The abutting properties will most likely be vacant/closed during most hours of the Farm’s events. In an effort to further respect neighboring properties, the site for any farm events are anticipated to be held in areas that are central to the Farm allowing acreage in between abutting neighbor’s properties. The Farm, and the assigned farm event coordinator, intend to regulate all farm events in order to keep all noise and nuisances or hazard to a minimal by regulating the number of persons who will attend or use such facility, vehicular movement, or noise or fumes of the type of physical activity.

Further, hours of operation will comply with the Town of Branford Noise Control Ordinance Chapter 189. No farm event shall commence before 7AM or continue after 10PM Monday through Saturday, and shall not commence before 9AM or continue after 10PM on Sundays.

15. Additional Notes

The proposed use does not adversely affect the general plans for the physical development of the Town of Branford, Connecticut.

The proposed use will not adversely affect the health and safety of residents and workers in the Town of Branford, Connecticut.

The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The proposed use will not be affected adversely by the existing uses.

The proposed use will exist on a lot of sufficient size to satisfy the space requirements of said use.
MISSION STATEMENT

Nuzzo's Properties LLC / Nuzzo's Farm LLC

Re: 736 East Main Street and East Main Street Rear, Branford, Connecticut

- **MAINTAIN FARM/RETAIL:** (already zoned and in compliance under existing non-conformed use under local regulations)
  Nuzzo's Farm LLC
  - Retail sale of Christmas trees, wreaths, garlands, gifts and other seasonal commodities
  - Retail sale of fruits and vegetables
  - Retail sale of flowers/flora
  - Cultivation of Christmas trees and other fruit trees
  - Sale of chicken and duck eggs
  - Venue for several events, including two years Benstock, including professional firework display, in accordance with state and local regulations
  - Parking plan existing inspected by Branford Fire Marshall Sean Heffernan for all past events
  - On-site Food Trailer

- **ESTABLISH FARM EVENT VENUE:**
  The Hidden Gem LLC

To be held in existing structure(s) and/or tent erected in defined space

Parking in existing and additional spaces in compliance with Branford Zoning Reg. 6.5

Driveway and Emergency ingress/egress in compliance with Branford Zoning Reg. 6.5.B. (additional 50 foot right of way through Baldwin Drive)

Lighting as existing in compliance with Branford Zoning Reg. 6.5.C.

Signage as existing in compliance with Branford Zoning Reg. 6.5.D.

Food, if any, to be provided and serviced by on-site food trailer approved by the East Shore District Health Department or by a licensed vendor, ie: caterer. Any and all food preparation and servicing for all farm events will be contained in food trailer, when employed.

(Rev. 3/11/2019)
Restroom facilities existing (two) permanent and/or additional (ie. portable stalls) as required

Estimated 10-12 events per year (speculative)

➢ Public (scheduled events) examples are (est. approx. 50 patrons or less):
  ◆ Pizza Truck Fridays
  ◆ Cigar & Wine Night
  ◆ Music by various artists
  ◆ Yoga at the Farm
  ◆ Farm To Table Harvest Dinner
  ◆ Tastings
  ◆ Art Shows
  ◆ Vendor expos
  ◆ Car Shows

➢ Private (by appointment only) to accommodate 199 patrons or less (prefer to cap bet. 140-170)
  ◆ Weddings
  ◆ Private Parties
  ◆ Corporate Events
  ◆ Fundraisers

❖ LIQUOR LICENSING:
  One Bad Apple LLC

➢ License to sell/serve alcohol to public during chosen events
  ◆ Obtain on-premise liquor permit: federal, state and local government licensing and permits

(Rev. 3/11/2019)
Referral 2.4: Town of Durham

Subject:

Proposed Zoning Regulation Amendments pertaining to Commercial Kennels

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 ecosystem of the Long Island Sound.

Background:


The existing regulations are “Commercial kennels, livery and boarding stables, riding schools and veterinary hospitals, provided that they are on lots of not less than 5 acres and that no dogs therein are kept in any building or enclosure within 150 feet from any property line.” The existing use is permitted all districts.

The proposed amendment established several standards and adds the applicable definitions. The use would now be permitted in all districts by Special Exception. The site requirements would need to be ten acres or more in residential zones, seven acres or more in commercial zones and five acres or more in industrial zones. The number of animals has been limited to a total of fifty, and hours of operation has been proposed. Structures housing animals shall be located not closer than 150 feet from any property line. Additional standards and the proposed definitions can be reviewed in the agenda packet.

The Town of Durham is within 500 feet of Wallingford, North Branford, Guilford and Madison

Communication:
In researching this proposal, I notified the adjacent municipalities in the South Central Region.

(Revision 2)

Section xx.x Commercial Animal Kennels, Breeding Establishments, Animal Training Facilities, Animal Boarding Facilities and Veterinarian Hospitals

Definitions:

Animal(s): Where used in this section, the term animal(s) shall include dog(s) and cat(s).

Commercial Animal Kennel: Premises maintained and operated as a business for the boarding of animals. This category does include overnight boarding.

Commercial Breeding Establishment: Premises maintained and operated as a business for the breeding of animals.

Commercial Animal Training Facility: Premises maintained and operated as a business for the training of animals. Note that the training of animals is not intrinsically included in any other use categories.

Commercial Animal Grooming Facility: Premises maintained and operated as a business for the grooming of animals. This category does include overnight boarding or training of animals.

Commercial Animal Day-Care Facility: Premises maintained and operated as a business for the temporary care of animals. This category does not include overnight boarding.

Veterinarian Hospital: Facility where animals are given medical or surgical treatment. This category does include overnight boarding.

Application Process:

Commercial Animal Kennels, Breeding Establishments, Animal Training Facilities, Animal Boarding Facilities, Animal Day-Care Facilities and Veterinarian Hospitals shall be permitted in all zones by Special Exception. Application may be made for a single use category or multiple-category uses; however all uses that may take place on the parcel must be included on the application. Note that this regulation does not apply to farms, horse stables or other agricultural uses.

Regulation:

Owners of contiguous parcels having:

- Ten (10) acres or more in Residential zones
- Seven (7) acres or more in Commercial zones
- Five (5) acres or more in Industrial zones

shall be permitted to make application to the commission under Section 13.05 of these regulations to operate Commercial Animal Kennels, Breeding Establishments, Animal Training Facilities, Animal Boarding Facilities, Animal Day-Care Facilities, Veterinarian Hospitals or a combination of the above, as an accessory use in accordance with the following:
The keeping of animals shall conform to the applicable regulations of the state's Department of Public Health, Department of Energy and Environmental Protection, Department of Agriculture, and its General Statues.

The application shall be accompanied by a site plan of the facility and floor plans for all structures on the premises.

The applicant shall demonstrate to the commission that the facility can comply with the requirements of this section, based on the proposed use(s), design and staffing levels.

In no case shall the maximum number of animals exceed fifty (50).

The facility shall be designed and constructed so as to provide adequate provisions to limit the emission of sound from the property.

The facility shall be designed and constructed to provide adequate ventilation to maintain the health of the animals.

Hours of Operation: Exterior activities (ie: runs, training, walking, etc.) shall be limited to the hours of 8:00 AM to 6:00 PM daily. All animals shall be confined to indoor areas between the hours of 6:00 PM and 8:00 AM.

All activities shall take place within the confines of an enclosed building except for training, playing or exercising activities; these shall be permitted in exterior areas when the animal(s) are under the continuous supervision and control of the operator or attendant.

Inside exercise and run areas shall be provided for periods of inclement weather.

Animals shall be maintained in such manner as not to cause a nuisance by roaming at-large, vicious disposition, excessive barking or unsanitary conditions.

Continuous fences used to contain animals shall be provided around areas where exterior activities may occur. Such fences shall be constructed to provide adequate protection against escape of the animal(s).

The application to the commission shall include the specific types of activities to be conducted and the maximum number of animals applied for; in addition to the requirements set forth in Section 13.05 of these regulation.

Structures housing animals shall be located not closer than 150 feet from any property line.

The applicant is required to send a copy of the application being filed with the Planning and Zoning Commission to the owners of all properties abutting the parcels(s) described on the application, via U.S. Mail. For noticing purposes, the owner shall be determined by the Assessor's current record. The applicant shall provide the commission with proof-of-notice, in the form of Certificate of Mailing receipts.