

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

**RPC
Representatives**

Bethany:
Michael Calhoun

Branford:
Charles Andres

East Haven:
Sal Brancati

Guilford:
Matthew Yorzinski

Hamden:
Robert Roscow

Madison:
Joel Miller

Meriden:
Kevin Curry

Milford:
Jim Quish

New Haven:
Elias Estabrook

North Branford:
Trish Mase

North Haven:
James Giulietti

Orange:
Ralph Aschettino

Wallingford:
Jeffrey Kohan

West Haven:
Kathleen Hendricks

Woodbridge:
Andrew Skolnick

To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Thursday, June 13, 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 April 11, 2019 RPC Meeting **1**

2. Action Items

2.1. Town of North Branford: Proposed Zoning Regulation Amendments pertaining to Farm/Outdoor Events. Submitted by: Private Applicant. Received: May 09, 2019. Public Hearing: May 16, 2019 (request made to keep comment period open) **3**

2.2. Town of Wallingford: Proposed Zoning Regulation Amendments pertaining to Electric Charging Stations. Submitted by: Town of Wallingford. Received: June 04, 2019. Public Hearing: June 10, 2019 (continued to July 8, 2019) **7**

2.3. Town of Madison: Proposed Zoning Regulation Amendments to add Planned Development District regulations. Submitted by: Private Applicant. Received: June 04, 2019. Public Hearing: June 20, 2019 **9**

3. Other Business

The agenda and attachments for this meeting are available on our website at www.scrkog.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.

La Agenda y Adjuntos para esta reunión están disponibles en nuestro sitio web en www.scrkog.org. Favor en contactar con SCRCOG al (203) 234-7555 para obtener una copia de la Agenda en un idioma distinto al Inglés. Ayudas/servicios auxiliares e intérpretes para personas de Dominio Limitado del Inglés serán proporcionados con dos semanas de aviso.

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

DRAFT - Not yet approved by the Commission

MEETING MINUTES

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

Present: Michael Calhoun, Jeffrey Kohan, James Giulietti, Sal Brancati, Andrew Skolnick, Elias Estabrook,
Kevin Curry, Robert Roscow; Eugene Livshits

1 Administration

1.1 Minutes of the March 14, 2019 RPC meeting.

Motion to accept the minutes as presented: Kevin Curry. Second: Andrew Skolnick. Vote: Unanimous.

2 Statutory Referrals

2.1 City of West Haven: Proposed Zoning Regulation Amendments to table 39.2 and to add “Recycling Processing Facility”

The referral was amended and the updated material was presented to the Regional Planning Commission.

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.

Motion: James Giulietti. Second: Andrew Skolnick. Vote: Unanimous.

2.2 Town of Cheshire: Proposed Zoning Regulation Amendments to Section 44a – Affordable Housing Development

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: Robert Roscow. Second: Kevin Curry. Vote: Unanimous.

2.3 Town of Branford: Proposed Zoning Regulation Amendments to add Farm Event Venue as a use and the applicable standards

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: Andrew Skolnick. Vote: Unanimous.

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

2.4 Town of Durham: Proposed Zoning Regulation Amendments pertaining to Commercial Kennels

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: Andrew Skolnick. Vote: Unanimous.

3 Other Business

Motion to Adjourn: Robert Roscow. Second: Jeffrey Kohan. Vote: Unanimous.

Referral 2.1: Town of North Branford

Subject:

Proposed Zoning Regulation Amendments pertaining to Farm/Outdoor Events

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 North Branford has proposed zoning regulation amendments pertaining to Farm/Outdoor Events and Activities. The use is proposed as a Special Use Permit in the I-2 Zoning District and requires Site Plan approval.

The Farm would be need to meet the definition contained in Section 6.13 – “Farm: *** The term “farm” shall mean any lot or other tract of land of 160,000 square feet or more used for growing crops, harvesting the vegetative products of the land and/or the keeping and feeding of livestock or poultry” and have a minimum area of 20 acres.

The outdoor event area is has to be at a minimum 200 feet from any off-site residence and 100 feet from the property boundary. The Commission has the discretion to increase the distance requirements and/or require screening from neighboring properties. An event requires a general event operational plan, which determines the number of attendees permitted, maximum number and type of events. The hours of operation for the event are 9 am to 9 pm Sunday through Thursday and 9 am to 11 pm on Friday and Saturday.

The proposed amendment includes Permit Procedures, which can be reviewed in the agenda packet. The I-2 Zoning District is adjacent to the Town of Branford, East Haven and North Haven.

Communication:

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

March 26, 2019

Carey Duques, Town Planner
Planning & Zoning Commission
Town of North Branford
909 Foxon Road
North Branford, Connecticut 06471-1290

RECEIVED

APR 02 2019

**PLANNING &
ZONING DEPT.**

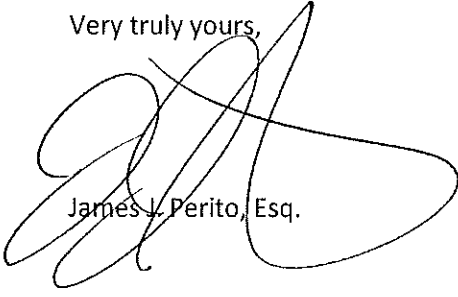
Dear Ms. Duques,

Enclosed please find the Zoning Regulation Text change application of Kate and Ryan Van Wilgen. Ryan and Kate would like to develop a farm event operation at the Van Wilgen Garden Center. The site is located in the I-2, Industrial Zone. The proposed regulation would require a minimum site area of 20 acres in the I-2 zone. The proposed regulation is based on a version previously submitted by other farm operations in town but has been revised to have more specificity. Most importantly, it would apply only to the I-2 industrial zone. We believe farm events in this zone on a minimum farm of 20 acres will have no impact on surrounding areas and would have limited applicability. We also believe this regulation change would provide the town with a good mechanism to explore if farm events could be a suitable use in other zones.

The reason the Van Wilgens are seeking this change is that their type of farming requires a lot of resources and capital input, but the retail season is very short. The garden center focuses its operations for the busy spring season which then, depending on the weather, tapers off as the summer months pass on. The past three seasons have been abnormal and have impacted sales. If the regulation is passed, farm events could help supplement the farm income and expose the farm and its products, holiday trees, fall plantings, etc. to a greater customer base.

The regulation requires a special use application and site plan with a General Operational Plan that delineates all the details of the number of events, type of events, parking provisions and impacts. By adopting this regulation change, the PZC and town would be allowing the potential for a farm event operation in the I-2 zone while having final discretion on what to approve and where.

Very truly yours,


James J. Perito, Esq.

JJP/jmv
Enclosures

42.5.18 Farm/Outdoor Events and Activities. Included under Use Line A-6.4a (As a "U". Special Use Permit in the I-2 zone.)

Any Farm meeting the definition contained in Section 6.13 of these regulations but having a minimum area of twenty (20) acres, may be permitted subject to the provisions of this regulation, to host activities, uses and events that are related to a Farm's total offerings but not necessarily incidental to agriculture.

Special Use Standards

1. The outdoor event area, including such areas containing buildings, permanent structures, tents, temporary bathroom facilities and parking areas, etc. that will be used for such events, shall be a minimum of two hundred (200) feet from any off-site residence and one hundred (100) feet from any property boundary. The Commission may require greater distances if the circumstances of any specific application before it warrant such but said increased distances shall not be greater than 30% of the required distance. The Commission may require such areas to be adequately screened from neighboring properties with fences or naturally vegetated buffering.
2. The maximum number of attendees/guests permitted for any event shall be determined based upon the applicant's demonstration in its General Event Operational Plan that site conditions, parking availability, impacts on Town infrastructure and neighborhood properties, and public health and safety considerations can be accommodated.
3. The maximum number and type of events permitted shall be determined based upon the applicant's demonstration in its General Event Operational Plan that site conditions, parking availability, impacts on Town infrastructure and neighborhood properties, and public health and safety considerations can be accommodated. Minor changes to the annual operational plan may be approved by the Zoning Enforcement Officer. An increase of not more than 20% in the number or duration of events from the original operational plan approved by the Planning & Zoning Commission shall be considered a minor change. Any proposed changes that are not minor in nature shall be reviewed and approved by the Planning & Zoning Commission through submittal of a Special Exception Modification application. The Commission may waive the requirement for a public hearing.
 - A. Events can only occur between the hours of 9:00 a.m. and 9:00 p.m. Sunday through Thursday and 9:00 a.m. and 11:00 p.m. on Fridays and Saturdays.
4. The site plan shall show adequate emergency vehicle access to all assembly areas.
5. The site plan must be approved by the Police and Fire Departments.
6. Tents and membrane structures shall comply with the State of Connecticut tent and membrane structures codes and all related regulations. If tents or membrane structures are used for event hosting, they shall be removed during the off-season.

Permit Procedures

A Special Use Permit shall be required pursuant to the provisions of Section 42.2 of these Regulations for a farm to offer events and activities pursuant to this subsection and shall be subject to the Special Use Standards set forth herein. When acting on the application for a Special Use Permit, the Planning and Zoning Commission may impose other conditions that it deems necessary to protect the health safety and welfare of the public, including the residents of the particular environs, including, but not limited to, the required setbacks, the maximum number of attendees and the number of events per week, if the Planning and Zoning Commission determines that such conditions or limitations are reasonably necessary to ensure public safety or welfare.

The application for a Special Use Permit shall include an Existing Conditions Map, generated to A-2/T-2 survey standards and a Site Development Plan containing at least the following information, both existing and proposed:

1. All buildings and structures, including the area for any temporary structures including tents and temporary washrooms and toilet facilities, catering and water supply facilities;
2. Streets, driveways, and on-site parking facilities;
3. A schematic landscaping plan, including trees, shrubs, lawns, and any other natural features not be disturbed;
4. A location map at a scale of 1" = 800' showing the location of the proposed development in relation to existing streets.
5. All standards and requirements specified in Section 41.1, 41.2 and 62.5 of the Zoning Regulations.
6. Provisions for soil erosion and sedimentation control, in accordance with Section 62.4 of the Zoning Regulations.
7. All provisions of this Section and any additional considerations deemed necessary by the Commission in their consideration for the Special Use Application.

The applicant shall also submit a General Event Operational Plan describing the operations on the site for events proposed to be permitted by the Special Use Permit. Said plan shall include a list of the types and nature of the events proposed, the amount and approximate dates for hosting such events, the number of persons expected, and the proposed hours of operation for each type of events, including the proposed hours for providing music/entertainment for such events, if applicable, and such other information as may be requested by the Commission. The General Operational Plan shall also describe traffic and parking operations as well as emergency service accessibility.

Following Special Use Permit and Site Plan approval under this Section, the permittee shall (on or before May 1st) provide the Zoning Enforcement Officer with an Annual Event Operational Plan that shall include, in addition to the information contained in the General Event Operational Plan, a list of scheduled events including the dates, number of persons expected, and nature of the event. The list may be amended from time to time by the permittee upon 45 days written notice to the Zoning Enforcement Officer.

Referral 2.2: Town of Wallingford

Subject:

Proposed Zoning Regulation Amendments pertaining to Electric Charging Stations

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 Town of Wallingford has proposed amendments pertaining to electric charging stations. There are no existing regulations applicable to electric charging stations. Existing language pertaining to gasoline service is found in Section 4.6.D.9; 4.8.C.11; 4.16.C.1.h; and 4.22 D.2 and states the following: “Gasoline service stations. No gasoline dispensing appliance shall be located within 25 feet of any street or property line”.

Each of these Sections is proposed to be amended to state that “Vehicle fueling/charging and/or service stations, including auto detailing, car washes, oil change facilities, and similar facilities. Location of dispensing appliance shall be subject to the determination of the Commission per the Special Permit application; however, under no circumstances shall any gasoline dispensing appliance be located within 25 feet of any street or property line.”

The I-40 and CB- 40 Zones are adjacent to the Town of North Haven, while the RF-40 and T-30 Zones are adjacent to the City of Meriden.

Communication:

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

Proposed Modification

Change Sections 4.6.D.10; 4.8.C.11; 4.16.C.1.h; and 4.22.D.2 to read as follows:

Gasoline Vehicle fueling/charging and/or service stations, including auto detailing, car washes, oil change facilities, and similar facilities. Location of dispensing appliance shall be subject to the determination of the Commission per the Special Permit application; however, under no circumstances shall any ~~No~~ gasoline dispensing appliance ~~shall~~ be located within 25 feet of any street or property line.

Referral 2.3: Town of Madison

Subject:

Proposed Zoning Regulation Amendments to add Planned Development District regulations

Staff Recommendation:

The proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant in the Town of Madison has proposed Planned Development District (PDD) Regulations. The PDD has the opportunity to diversify the Housing Stock, encourage open space and economic development through mixed use development.

The location, permitted uses and layout of the PDD need to be in conformance with the Town of Madison POCD. Other factors of the PDD as listed in the statement of purpose include compatibility with the surrounding neighborhood and land uses, protection of natural and historic resources, and preservation of at least 15% of the site devoted to residential as open space. For further details, please refer the Statement of Purpose in the agenda packet.

The establishment of the PDD requires an approval of a Master Plan in accordance with Section 29 (Site Plan Review). The PDD has a minimum district size of 2 acres, if within “Coastal Zone” consistency with Madison’s Municipal Coastal Program. In addition, there is a requirement for 200 feet of frontage on a Town or State Road. The location must be in a RU Zoning District and be located in an area designated as a future development opportunity in the POCD.

The proposed density requirement is 10 units per buildable acre, the height is restricted to 2 ½ stories (37.5’ total height), and the parking is 2 spaces per dwelling unit. The proposed amendments describe the requirements of the Master Plan, including permitted and prohibited uses. The detailed descriptions can be reviewed within the agenda packet, but include standards pertaining to Commercial Building Height (60’), Max. Building coverage (30%), parking for non-residential, stormwater management, landscaping, performance buffers, and architectural design.

Communication:

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



TOWN OF MADISON
CONNECTICUT
LAND USE OFFICE

8 CAMPUS DRIVE
MADISON, CONNECTICUT 06443-2563
(203) 245-5632
FAX (203) 245-5613

May 30, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED

JUN 4 2019

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

**SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS**

19-16. Regulation Amendment. Petitioner: 155 New Road Madison LLC. Petition for Regulation Amendment to add Section 32, Planned Development District, to the Town of Madison Zoning Regulations. The Planned Development District is a floating zone, to permit flexible, comprehensively planned commercial, residential or mixed use developments that further the policies, goals and strategies of the Plan of Conservation and Development.

To Whom It May Concern:

Pursuant to the Connecticut General Statutes, you are hereby notified of the pendency of the above referenced application before the Madison Planning and Zoning Commission. A copy of the application is enclosed.

This application will be before our Planning and Zoning Commission on Thursday, June 20, 2019, at 7:30 P.M., Room A, Madison Town Hall, 8 Campus Drive, Madison, Connecticut.

We look forward to your comments after your review.

Sincerely,

Mary R. Haburay
Land Use Assistant

Enclosure: Application #19-16

Section 32

PLANNED DEVELOPMENT DISTRICT (2019)

32.1. GENERAL:

32.1.1. The Planning and Zoning Commission recognizes there are highly visible undeveloped lots in the Town of Madison which are privately owned and may be subject to future development. In order to ensure that future development will both enhance the neighborhoods adjacent to these sites and advance the goals and strategies of the 2013 Plan of Conservation and Development, the Commission hereby creates a Planned Development District ("PDD") which will provide a legislative framework for development on these properties.

32.2 STATEMENT OF PURPOSE:

32.2.1. Planned Development Districts (PDD) are intended to provide an attractive alternative to the subdivision of land, to diversify Madison's overall housing portfolio, to encourage open space and economic development by allowing residential, commercial or a mixture of uses in a comprehensively planned setting. The PDD requires sensitivity in design in order to achieve a development that will be complementary to adjacent land uses while advancing Madison's planning objectives. The provisions of this Section are designed to permit modification of the strict application of the standards and provisions of these Regulations to accomplish the purposes set forth below. Factors to be considered by the Commission in approving a Map Amendment to Planned Development District shall include:

- (a) That the location, uses and layout of the proposed PDD are in conformance with the intent of, and the goals and objectives contained in, the Plan of Conservation and Development
- (b) Harmony and compatibility of the PDD with surrounding neighborhoods and land uses, including the incorporation of adequate buffers to protect abutting property values, minimization of traffic impacts on residential streets, to the extent practical, the establishment of traffic patterns which direct commercial traffic to major thoroughfares and away from residential areas and provide for adequate on-site parking, prevention of glare and noise from non-residential areas of the development negatively impacting adjoining residential properties and protection of groundwater resources where adjoining properties use onsite wells for potable water supplies.
- (c) Protection of natural and historic resources including, but not limited to, inland and tidal wetlands and watercourses, coastal resources, groundwater resources, flood plains, ledge outcroppings, steep slopes, wildlife habitats, historic sites and landscapes, archaeological and/or scenic vistas.
 - i. Particular care must be made to limit the visibility of development from scenic and rural roads.

ii. Efforts must be made to properly document key cultural, scenic, historical, archaeological and natural resources as part of the application process.

iii. Preservation of a minimum of 15 percent of the site that is devoted to residential use as open space.

32.3. ESTABLISHMENT OF DISTRICT:

32.3.1. The Commission shall establish the PDD by approving a Master Plan in accordance with Section 29 of the Regulations and this Section, which, while not intended to be a substitute for detailed documentation associated with a subsequent site plan approval, shall provide sufficient information required by Section 29 to determine whether the proposed development is in conformance with Section 32.2.1 and the Madison Plan of Conservation and Development (“POCD”). Such adoption shall constitute a zoning map amendment, subject to a public hearing in accordance with Section 17 of these Regulations. Once enacted, the PDD will supersede all pre-existing zoning on the specific property and any development on the rezoned property will be subject to the specific PDD requirements set forth herein.

32.3.2. Eligibility. The following characteristics are required for a site to be eligible for the PDD designation:

(a) Minimum District Size: 2 acres (parcel or combination of parcels including contiguous lots and lots across a road).

(b) If within the “Coastal Zone” proposed PDD’s must be found consistent with Madison’s Municipal Coastal Program.

(c) The proposed PDD must have a minimum frontage of 200 feet on a Town or State Road.

(d) Parcel Location: The Lot(s) eligible for a PDD shall be (i) located in the following zoning districts: RU, and (ii) must further be located within an area specifically designated as a future development opportunity in the POCD.

(e) Residential Density: To promote the diversification of housing types and opportunities in Madison, and to ensure the viability of this type of zoning district, a PDD may have 10 residential dwelling units per acre. For purposes of calculating Density as defined in Section 32.3.2.(e), the parcel area shall exclude wetlands and watercourses as defined by C.G.S. §22a-38 (Connecticut Inland Wetlands and Watercourses Act) and shall further exclude slopes in excess of thirty-three (33%) percent. Each dwelling unit shall have its own entry from the exterior of the building in which it is located. Each dwelling unit shall contain not more than three bedrooms and shall be served by a public water supply.

Attached Housing Bulk Requirements in PDD

ZONE: PDD	
MINIMUM LOT AREA	2 acres
UNITS PER BUILDABLE ACRE	10
MAXIMUM STORIES	2-1/2
MINIMUM UNITS PER BUILDING	2
MAXIMUM UNITS PER BUILDING	4
OPEN SPACE	15% of residential dev
BUILDING HEIGHT	37.5' total building height to peak of roof
PARKING	2 spaces per D/U per §32.3.2(f).

(f) Residential Parking: Each dwelling unit shall be served by two off-street parking spaces. Both Garage spaces and parking spaces in front of garages count in this computation.

32.3.3. Appropriateness: In determining the appropriateness of a proposed PDD, the Commission shall consider the following factors:

- (a) Access to major roads and proximity to community services.
- (b) Physical characteristics of the applicable parcel(s).
- (c) Existing municipal infrastructure's capability to support the proposed development.
- (d) Consistency with policies and goals of the POCD.

32.4. MASTER PLAN:

32.4.1. A Master Plan shall be submitted to the Commission to determine whether the proposed use and layout of the PDD conform to the requirements of Section 32.2 and to the POCD. The Master Plan, once adopted, shall establish the dimensional characteristics of the PDD and its uses. Only the uses listed on the Master Plan are approved uses within the PPD; uses not enumerated on the Master Plan are not permitted without a Master Plan Amendment.

32.4.2 Permitted Uses in the PDD.

- (a) Residential uses, including attached housing as a principal use at the density allowed in Section 32.3.2.e

- (b) Home occupation, accessory to a residence
- (c) Resident Clubhouse
- (d) Passive and active recreation; walking and/or bicycle trails.
- (e) Accessory structures, tennis court, pool, and other recreational amenities customary and incidental to residential use
- (f) Medical Office
- (g) Professional Offices, Financial Institutions
- (h) Retail, retail-restaurant and personal services
- (i) Wellness Center, out-patient and urgent care facilities
- (j) Hotel, Inn, Bed and Breakfast
- (k) Accessory uses customary to Commercial Uses.
- (l) Underground Parking
- (m) High-Tech facilities, Bio-tech facilities
- (n) Micro-breweries, brew pubs and breweries
- (o) Residences above first floor of mixed use building
- (p) Nursery school/day care center for more than six persons at any one time

32.4.5. Prohibited Uses. In order to achieve the goals of the POCD and PDD's, the Commission has specifically determined that the following uses are prohibited in the PDD:

- (a) Automotive Service Station or Automotive Repair Shop
- (b) Motor vehicle, trailer coach and boat sales, leasing and renting
- (c) Auto repair maintenance and paint shops
- (d) Car washes
- (e) Water parks, theme parks and amusement parks
- (f) Tattoo parlors
- (g) Propane storage facility
- (h) Adult uses
- (i) Self-storage facility
- (j) Industrial warehouse
- (k) Manufacturing
- (l) Massage Parlors

32.4.6 All graphic elements of the Master Plan shall be prepared by a licensed engineer, architect or landscape architect and include:

- (a) Plan showing existing site conditions and structures, including tidal and inland wetlands and watercourses, which, along with other surveys and plans listed below, shall be at a scale of one (1) inch equals 40 feet or larger.
- (b) Boundary survey of the properties involved in the project prepared to Class A-2 accuracy by a Connecticut licensed land surveyor.
- (c) Plan indicating structures to be retained, substantially rehabilitated, or demolished; new structures to be built on the property; parking areas; vehicular and

pedestrian circulation; and the areas to be landscaped or dedicated to public use. This plan shall provide sufficient information to determine proposed uses and size of buildings including heights, floor area ratios, and lot coverage and the amount of off-street parking to be provided, if any.

(d) A description of the existing uses of the property and their present location, and a description of any proposed new uses or change in uses and their proposed location on the site.

(e) Narrative report describing the proposed new uses and changes in uses, if any, and the proposed structures to house said uses, including style and method of building construction and the cumulative amount of square feet intended for each type of proposed new use. A change of use shall require an amendment to the Master Plan.

(f) Preliminary traffic impact report prepared by a professional engineer for any PDD of twenty (20) acres or more.

(g) Information on the location, availability, and capacity of public utilities capable of serving the development for any proposed new use. Underground utilities for the development are required.

(h) An impact statement regarding the effect, if any, of the proposed new uses or change in uses on surrounding residential properties and a description of what, if any, changes are proposed in flow of traffic or pedestrians, as well as buffering to minimize the impact.

(i) A sign plan for commercial uses, indicating the general position, content, and appearance of signs visible from the public right-of-way and in accordance with Section 10.4 of the Regulations.

(j) Preliminary building elevations, including renderings of architectural style, materials, and sample floor plans. Final plans shall not deviate substantially from the preliminary concepts.

(k) Narrative report describing the history and architectural significance of all structures on the site, including period, style and method of building construction; the cumulative amount of square feet intended for each type of proposed use; the number of proposed units including their approximate size and character; the specific type of proposed residential use (i.e. Market-rate, affordable, or age-restricted housing); and intended ownership of residential units and commercial space.

(l) In the event of adaptive reuse of a previously developed Lot, a narrative report describing the types of hazardous materials that may be encountered during renovations, and the steps that will be taken to isolate and abate such materials.

(m) Information on the location, availability and capacity of public utilities capable of serving the development.

(n) For waterfront properties the applicant shall submit a suitability analysis of the site for various water-dependent uses to the Commission.

32.4.6. Project Phasing/Construction. When a mixed-use development is proposed the Commission may require the residential portion of the development to be constructed prior to or simultaneously with the commercial or business portion of the development.

32.4.7. Changes to the Master Plan.

(a) Any modifications that change the dimensional elements of an approved Site Plan shall follow the Site Plan Procedures in Section 29.

(b) Any modifications to the use elements in the Master shall follow the Zoning Map Amendment Procedures in Section 17.

32.5 DETAILED SITE PLAN:

32.5.1. As part of or after the Master Plan approval, a Detailed Site Plan Application shall be submitted for approval in accordance with Section 29 and including all of the information required by the approved Master Plan.

32.5.2. Site Plans may be submitted in phases provided that such phases include of all those public amenities and features used as public protection for the surrounding area. Such phases shall be capable of complete and self-sufficient existence with the completion of the remaining phases.

32.5.3. Detailed Site Plans must be submitted within 24 months of Master Plan Adoption. The Master Plan shall become null and void if the Site Plan is not approved within that timeframe. The Commission may grant one extension of this period upon written request of the Applicant, but in no event shall the extension exceed 24 months.

32.6. SPECIFIC DESIGN STANDARDS

32.6.1. Residential Buildings shall not exceed a height 37.5' total building height to peak of roof.

32.6.2. Commercial Buildings shall not exceed a height of 60 feet.

32.6.3 Accessory Buildings for Residential Uses shall not exceed a height of 20 feet.

32.6.4 Such maximum height shall not apply to the following when not for human occupancy: spires, ornamental cupolas, towers, chimneys, flagpoles and silos, as well as features such as tanks and heating, ventilating, air conditioning, railings, and elevator equipment

including elevator shaft, solar collectors that are located on the roof of a building and do not occupy more than 25 percent of the area of the roof.

32.6.5 Additional Bulk Standards

Minimum Front Yard	Maximum Building Coverage	Minimum Rear Yard
25'	30%	30'

32.6.6 Parking for non-residential uses shall be in accordance with the provisions of Section 8 of these Regulations. 30

32.6.7 Stormwater management shall be designed to adequately handle run-off without creating negative impacts on natural resources or adjacent properties in accordance with the standards referenced in Book III of the Madison Zoning Regulations: Stormwater Management and Soil Erosion and Sediment Control. Low impact, soft-engineering techniques are favored, if feasible.

32.6.8 Architectural Design. The architectural design of buildings and other structures, including the building materials, color and exterior elevations shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike neighborhood, and to preserve the appearance of the community.

32.6.9. Landscaping: The development shall be suitably landscaped with particular emphasis on areas abutting neighboring residential properties. A comprehensive landscaping plan shall be included in the Detailed Site Plan and shall include a plant list, with plant names, quantities, size at planting, and size when mature. Typical sections may be required. Existing planting shall be identified on the Plan. If existing planting is to be used then the plants must be identified by names, quantities, size.

32.6.10. Performance Buffers Buffer areas: A minimum 10 foot wide landscaped or natural buffer shall be provided for all rear, side and front lot lines, except that a landscaped or natural buffer of 50 feet shall be provided where a PDD abuts residential development.

32.7 INFORMAL CONSIDERATION:

32.7.1. The Commission recommends that, prior to the submission of a formal application for approval of a Planned Development District, the applicant review with the Commission and its staff in a preliminary and informal manner any proposal for a Planned Development District.

32.7.2. The Commission recommends that the preliminary plans meet the requirements for a Master Plan. The Commission or its staff may request that the applicant submit such additional information as may lead to a rendering of a nonbinding opinion by the Commission.

32.8 CERTIFICATE OF ZONING COMPLIANCE:

32.8.1. Prior to the issuance of any Zoning Permit or Certificate of Zoning Compliance to permit any occupancy of the PDD, the developer shall file with the Commission a financial guarantee, in form, amount and surety approved by the Commission to guarantee the provision of all facilities common to the entire development, including but not limited to private roads, buffer strips, walkways, recreational facilities, club houses and other common areas.

32.8.2. The financial guarantee shall be conditioned upon completion of said common facilities within two (2) years of the date of approval of the first such Certificate of Zoning Compliance, except that the Commission may extend the time for completion for an additional period not to exceed one (1) year after public hearing for a good cause shown.

32.9 ADDITIONAL LIMITATIONS:

32.9.1. Adoption of a Planned Development District by the Commission shall constitute authorization to establish the uses, buildings, structures and site development in accordance with the standards and Site Plans adopted by the Commission for the District and in accordance with detailed specifications approved by the Commission.

32.9.2. The development authorized by the Commission shall be completed within five (5) years from the effective date of the District, except that the Commission may extend the time for completion for one (1) year periods after public hearing for good cause demonstrated to the satisfaction of the Commission; otherwise the Commission shall be deemed authorized by the owner or owners of land within the District to amend these Regulations and the Zoning Map, deleting the Planned Development District and establishing for such land the provisions of another zoning district.

May 24, 2019

Ronald Clark, Chair
MADISON PLANNING & ZONING COMMISSION
TOWN OF MADISON
8 Campus Drive
Madison, Connecticut 06443

Re: Proposed Text Amendment to Madison Zoning Regulations
File Number: H-922

Dear Chairman Clark and Members of the Planning and Zoning Commission:

This office represents 155 New Road Madison LLC in connection with the enclosed Petition to Amend the Madison Zoning Regulations to add Section 32, Planned Development District, a floating zone, to permit flexible, comprehensively planned commercial, residential or mixed use developments that further the policies, goals and strategies of the 2013 Plan of Conservation and Development.

As you will see from the Petition, while it supports comprehensively planned development for areas identified in the POCD as development opportunities, it incorporates many standards already found in the Madison Zoning Regulations. The Amendment offers a mechanism for adaptive reuse of previously developed areas, represents an opportunity to introduce transitions between residential and commercial zoning districts, and finds resonance in the goals and strategies of the Madison Plan of Conservation and Development.

The Law pertaining to Zoning Amendments

Section 17 of the Zoning Regulations provides that the Commission "may from time to time, after public notice and hearing, amend, change, or repeal these regulations or districts as provided by statute." Section 8-3 of the Connecticut General Statutes governs the establishment and changing of zoning regulations and districts and provides at §8-3(b), in pertinent part:

"... In making its decision the commission shall take into consideration the plan of conservation and development, prepared pursuant to section 8-23, and shall state on the record its findings on consistency of the proposed establishment, change or repeal of such regulations and boundaries with such plan. . . ."

With respect to amendments to zoning regulations and zoning maps, courts in Connecticut allow zoning authorities broad discretion in determining the public need and the means of meeting it, "because the local authority lives close to the circumstances and conditions [that] create the problem and shape the solution." (Citations omitted; internal quotation marks omitted.) *Konigsberg v. Board of Alderman*, 283 Conn. 553, 582 (2007); *Morningside Association v. Planning and Zoning Board*, 162 Conn. 154, 157-58 (1972) (local zoning authority acts in legislative capacity when it enacts or amends its regulations).

Under Connecticut law, the test of the legislative action of a commission is twofold: (1) The zone change must be in accord with a comprehensive plan . . . and (2) it must be reasonably related to the normal police power purposes enumerated in [the city's enabling legislation]...." (Internal quotation marks omitted.) *Konigsberg*, *supra*, at 583, citing *Campion v. Board of Alderman*, 278 Conn. 500, 527 (2006).

"A comprehensive plan has been defined as a general plan to control and direct the use and development of property in a municipality or a large part thereof by dividing it into districts according to the present and potential use of the properties . . . The requirement of a comprehensive plan is generally satisfied when the zoning authority acts with the intention of *promoting the best interests of the entire community*." (Citations omitted.) (emphasis supplied) *First Hartford Realty Corporation v. Plan & Zoning Commission*, 165 Conn. 533, 541 (1973). "In the absence of a formally adopted comprehensive plan, a town's comprehensive plan is to be found in the scheme of the zoning regulations themselves." (Internal quotation marks omitted.) *Protect Hamden/North Haven from Excessive Traffic & Pollution v. Planning & Zoning*, *supra*, 220 Conn. 551.

The Petition is consistent with the Madison Plan of Conservation and Development

Planned Development Districts offer a unique mechanism for promoting architectural character in Madison because of their underlying comprehensive planning that creates a sense of place (POCD at 18). A PDD with commercial or mixed uses, including residential options that will expand housing opportunities in Madison for aging and younger residents, also promotes economic development that will provide important benefits to the community including employment, enhanced local availability of goods and services, and net tax revenue (POCD at 42).

An identified task in the Economic Development section of Chapter 5, Community Development, of the POCD specifically includes consideration of a planned development district approach to future zoning (POCD at 42). Areas of possible business and residential opportunities where PDD's represent a flexible zoning tool are identified on Maps included in Chapter 5. The POCD encourages the diversification of Madison's housing portfolio, a goal that can be achieved through the planned development process (POCD at 46).

Adding a planned development district to the Madison Zoning Regulations as a flexible zoning tool is consistent with State Growth Principles in that it may be a means of

expanding housing opportunities and design choices to accommodate a variety of household types and needs and to diversity Madison's housing "portfolio." (Principle 2, POCD at 71). A PDD offers an opportunity to concentrate development around transportation nodes and along major transportation corridors as a framework for more intensive development (Principle 3, POCD at 71).

Upon the foregoing demonstration of consistency with the goals and policies of the Madison Plan of Conservation and Development, the Commission has the legal authority to approve the proposed text amendment to the Madison Zoning Regulations with a finding that the amendment is in the interests of the community as a whole and consistent with the POCD. We look forward to discussing the proposed amendment with you in more detail.

Very truly yours,



Marjorie Shansky

Attachments

Cc: 155 New Road Madison LLC