To: Regional Planning Commission  
From: Eugene Livshits, Senior Regional Planner  
Subject: Thursday, November 12, 2020 RPC Meeting at 5:15pm  

NOTICE: In accordance with Governor Lamont’s Executive Order 7B Regarding the COVID-19 Pandemic, this meeting will be held remotely with no in-person attendance  

AGENDA - ZOOM MEETING  
link to join at the time of the meeting: https://us02web.zoom.us/j/82118495895  
Call-in Number: 1-929-205-6099  
Meeting ID: 821 1849 5895  

1. Administration  
1.1. Minutes of the October 8, 2020 RPC Meeting  

2. Action Items  

3. Other Business  
3.1. 2021 Meeting Calendar  
3.2. Nominating Committee  

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

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Minutes for Thursday, October 8, 2020 Meeting

Present: Jeffrey Kohan, Bob Harrison, Charles Andres, Robert Satti, Trish Mase, James Giulietti, Andrew Skolnick, Eugene Livshits

In accordance with Governor Lamont’s Executive Order 7B Regarding the COVID-19 Pandemic, the October 8, 2020 Regional Planning Commission meeting was held remotely via Zoom with no in-person attendance beginning at 5:15 pm.

1 Administration

1.1 Minutes of the June 11, 2020 RPC meeting.

Motion to accept the minutes as presented: Bob Harrison. Second: Andrew Skolnick. Vote: Unanimous.

2 Statutory Referrals

2.1 Town of Woodridge: Proposed Zoning Regulation Amendments pertaining to Table 3.1- Allowed Uses by Zone (3.3.Y.2 and 3.3.MM) and Section 5.17A. (4)(c).

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.


2.2 Town of Branford: Proposed Zoning Regulation Amendment pertaining to Section 5.4.E – Maximum Building Height

By resolution, the RPC has determined that the proposed zoning regulation amendment does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.


Addition of the City of Meriden proposed Zoning Regulation Amendments pertaining to Special Exceptions and Site Plan Application procedures to Agenda.


2.3 City of Meriden: Proposed Zoning Regulation Amendments pertaining to Special Exceptions and Site Plan Application Procedures

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.


3 Other Business

3.1 Discussed potential updates to RPC Referral Submission form. Specifically, updating the contact information, and including information on an email option for submitting a notification.

Motion to Adjourn: Andrew Skolnick. Second: Bob Harrison. Vote: Unanimous.
Referral 2.1: Town of Woodbridge

Subject:

Proposed Zoning Regulation Amendments and POCD Amendments pertaining to Multi-family and Affordable Housing.

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.

The proposed amendments to the Town of Woodbridge Plan of Conservation and Development appear to be consistent with the policies and goals identified in both the State and Regional Plans of Conservation and Development.

Background:

A private applicant in the Town of Woodbridge has proposed Zoning Regulation Amendments to add Section 3.4 – Opportunity Housing. The proposed amendments allow for multiple unit structures on lots currently zoned single-family in the A, B, T3-C, T3-D, and T3-BB Zoning Districts.

The multiple unit structures would be subject to a zoning permit, and must comply with the bulk and dimensional requirements associated with a single family structure currently permitted. In addition, any proposed multiple unit structures must include an affordability component.

The proposed amendments include definitions for the following terms Rental Assistance, Deed Restricted, Administrators of Rental Assistance, Median Income, and Opportunity Housing. Three options for an affordability component are provided: 1. At least one unit or ten percent of the units (whichever is greater) preserved for at least forty years for the sale or rental to a household earning sixty percent of the median income or less using maximum household income and sale price or rental calculated in compliance with CGS 8-30g and corresponding state regulations. 2. One unit or thirty percent, whichever is greater of the units shall be leased to households receiving rental assistance. 3. The development shall qualify for as “assisted housing, as defined in CGS 8-30g without relying solely on rental assistance.

The amendments define the requirement for the exterior of the Opportunity Housing, and state that the market rate and affordable units must be comparable. A proposal to develop opportunity housing, must submit an affordability plan along with the application. The bulk standards for the opportunity housing regulation must comply with Table 4.1 of the Town of Woodbridge regulation, except the limits on the number of families would not apply.

The amendment to the Town of Woodbridge Plan of Conservation and Development includes language in Chapter 1, Housing and Demographics, Near-term Action Agenda that states “Amend Zoning Regulations to allow, subject only to the issuance of a Zoning Permit, Multi-family development in all residential zones by conversion of existing buildings or new construction, provided that all bulk requirements (height, setback, coverage, etc.) for the subject zone are met and the additional dwellings expand opportunities for low and moderate income households, including families with children.”
The Future Land Use Plan would include similar language under Two-Family Residential, and have two new categories (Low Density Multi-Family Residential, High Density Multi-Family Residential). The Low Density Multi-Family Residential would be designated primarily in the Village Area District, but also in all residential districts, when such residences expand opportunities for low and moderate income households, including families and children in the Town. The High Density Multi-Family Residential are primarily located in the Village District, which expand opportunities for low and moderate income households, including families and children in the Town. The Village Residential category is proposed to be amended to include the following language “...and High Density Multi-Family Residential.

**Communication:**

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
September 29, 2020

VIA HAND DELIVERY AND ELECTRONIC COPY

Mr. Robert Klee, Chair,
and Commission Members
Town Plan and Zoning Commission
Town of Woodbridge
11 Meetinghouse Lane
Woodbridge, CT 06525

Re: Application to Amend Woodbridge Zoning Regulations and Plan of Conservation and Development

Dear Chair Klee and Commission Members:

We represent 2 Orchard Road LLC (the "LLC"), owner of the 1.5 acre parcel at 2 Orchard Road in Woodbridge, and Open Communities Trust, LLC ("OCT"), which leases and has an option to purchase 2 Orchard Road from the LLC. The subject parcel is in Woodbridge's Residence District A Zone.

This letter and its attachments constitute a submission of an application for a zoning regulation amendment as well as an amendment to the Town’s Plan of Conservation and Development ("POCD"), pursuant to General Statutes §§ 8-3(c) and 8-23(j). This application contains, in addition to the proposed amendments, extensive supporting material because (1) this application proposes a substantial change in the Zoning Regulations of the Town (the "Zoning Regulations"); (2) the proposal is based on several claims of illegality in the Town's existing Zoning Regulations; and therefore (3) we are providing the Commission, Town officials, and the Town Attorney with the legal and factual research that supports these claims and necessitates adoption of the proposed amendments.

The Zoning Regulations have unlawfully excluded multi-family and affordable housing from Woodbridge for decades. While this application proposes an immediate step to begin to remedy this illegality, the applicants propose that the Commission and the Town take two steps overall. First, the Commission must promptly approve this application to amend the Zoning Regulations and the Town's POCD to permit, in most of the Town’s residential districts, multi-family housing with affordable units. This initial remedial measure will begin addressing the longstanding exclusion of multi-family and affordable housing and the POCD's failure to plan for housing opportunity in Woodbridge. After taking
this first step, the Town must develop and adopt a plan for residential zoning and planning that will fully correct and remedy the Town's history of exclusionary land use policies and practices, by enacting zoning regulations and adopting other measures needed to prioritize, promote, and facilitate the development of affordable housing sufficient to meet the Town's "fair share" of the region's need for such housing.

With regard to the amendment to the Zoning Regulations, the application seeks to add a new § 3.4 allowing, subject only to the issuance of a Zoning Permit, in the Residence A, B, T3-C, T3-D, and T3-BB Districts, the construction of a multi-family structure so long as that structure meets the bulk and dimensional standards that currently apply to single-family homes and the multi-family use can be safely served with water supply and sewage disposal in accordance with applicable public health and building codes. An illustration of this concept for 2 Orchard Road is attached at Tab 4.

To utilize this multi-family option, the property owner must choose and commit to one of the options for affordability spelled out in the proposed amendment at Tab 2, at § 3.4.D. For the four-unit multi-family home the Applicants are planning for 2 Orchard Road, they will use the second affordability option. Thus, the three-bedroom unit and one of the two-bedroom units will be leased to families receiving rental assistance under the federal Section 8 program or the state’s Rental Assistance Program, and these families are likely to be Black or Hispanic in view of the racial makeup of the recipients of the rental assistance programs in the surrounding region and the affirmative marketing that will be conducted pursuant to § 3.4.H.2.

OCT and the LLC are proposing a zoning regulation and POCD amendment because, as currently written, the Woodbridge Zoning Regulations, aided by portions of the POCD, effectively ban multi-family and affordable housing. As such, they violate (1) Connecticut's Zoning Enabling Act, General Statutes § 8-2; (2) the POCD requirements of General Statutes § 8-23; (3) the anti-segregation provision of the Connecticut Constitution; (4) the federal Fair Housing Act; and (5) the Connecticut Fair Housing Act. In fact, as demonstrated in detail in this package, Woodbridge has a long history of active resistance to zoning regulation amendments and development proposals that would allow multi-family and affordable housing in the Town.

The current zoning scheme is inconsistent with state law. General Statutes § 8-2 requires town zoning regulations to "encourage the development of housing opportunities, including opportunities for multifamily dwellings." However, as shown in Table 3.1 of the Woodbridge Zoning Regulations, "multi-family dwellings" are currently not permitted anywhere in the Town. In contrast, Table 3.1 shows that "single-family dwellings" are currently permitted in four Woodbridge zoning districts. "Two-family dwellings" are currently permitted only in two zoning districts that comprise just 21.5 acres, or 0.2 percent, of the Town's total land area of approximately 12,300 acres.

Moreover, as is well documented, single-family dwellings are generally not affordable for families of moderate income.\(^1\) By illegally limiting the multi-family opportunities required by statute, the Town has

\(^1\) Across the 15 municipalities in the South Central Region, single-family ownership costs are 31 percent more than two-family/multi-family ownership costs, and 67 percent more than two-family/multi-family renter costs. See Data Appendix, XXIII.
also limited affordability, and thereby excluded classes protected under state and federal law. Moreover, state law has always required zoning regulations to acknowledge regional needs. Over time, in response to local failure to meet these needs, General Statutes § 8-2 has evolved to include more forceful mandates, but notably, Woodbridge has never responded to the requirements of § 8-2 with a commensurate change to its Zoning Regulations.

Woodbridge's Zoning Regulations do contain an Affordable Housing District ("AHD"), but rather than representing at least a good faith effort to comply with state and federal housing laws, this provision only demonstrates the Town's noncompliance. A comprehensive review of town records indicates that this provision of the Zoning Regulations has not been used since its 1996 enactment. Indeed, the AHD appears to have been designed to ensure that it would never be used. The AHD allows only single-family detached housing and age-restricted housing, and contains unnecessary and exclusionary requirements not found in other zones, such as setbacks that are significantly greater; development plan requirements that are more substantial and burdensome; and parking space minimums that are inexplicably higher. Rather than "encourage the development of housing opportunities," the AHD erects insurmountable barriers to the development of housing that would serve families with children, people with disabilities, people of color and others in need of affordable housing in the region.

The Town of Woodbridge has itself recognized its lack of affordable housing. As noted in the Town's 2015-2025 POCD, current Woodbridge incomes are "highly concentrated in the top three categories of households earning $100,000 or more each year. Conversely, far fewer Woodbridge households fall into low-to-moderate income categories." Moreover, "high housing costs pose affordability challenges," and "only 39 units or 1.1 percent of Woodbridge's housing stock is assisted" by a state or federal housing affordability program. Little has changed since the Town issued its current POCD. Today, the State credits Woodbridge with 43 units of assisted housing (1.24% of the Town’s 3,478 housing units, using 2010 census figures) 30 of which are age-restricted units for seniors, meaning only 13 or 0.37% of the Town’s housing units are counted as affordable by the State and available to families with children. See Data Appendix, VIII.

In authorizing towns to use the State’s zoning power, Connecticut law has long required town zoning regulations to promote the creation of multi-family housing and housing affordable to low and moderate income families in the region. Yet, in virtually all of the residentially zoned areas of Woodbridge, the only housing permitted by the Zoning Regulations is single-family homes on lots of at least 1.5 acres (and in much of the land area, more than 2 acres); multi-family housing is simply not permitted in these areas. In the only part of the Town where housing other than single-family is permitted – two tiny zones making up 0.2% of the Town’s land – structures of two housing units, but no more, are permitted. The AHD Regulation, despite its ostensible purpose, has failed to yield a single unit of affordable housing in the 24 years since its enactment.

The Zoning Regulations thus leave no realistic possibility for the development of multi-family or affordable housing as required by law and ensure that low and moderate income households will continue to be excluded from living in Woodbridge. Simply put, the Town of Woodbridge has not met its obligations under Connecticut law, or engaged in a good faith effort to do so. Further, because the impact of this exclusionary zoning scheme falls disproportionately on Black and Hispanic households, the Town's
regulations perpetuate segregation and have a discriminatory and illegal impact on Black and Hispanic residents of the region and the State. Thus, as explained in more detail in this package, the Town's current Zoning Regulations violate the Zoning Enabling Act, the Connecticut Constitution, and the federal and state fair housing statutes.

Similarly, the POCD violates General Statutes § 8-23 by failing to consider "the need for affordable housing," or to "make provision for the development of housing opportunities, including opportunities for multifamily dwellings . . . for all residents of the municipality and the planning region in which the municipality is located" or to "promote housing choice and economic diversity in housing, including housing for both low and moderate income households." We propose an amendment to align the POCD with the Town's obligations.

The Town's non-compliance with the foregoing legal requirements has been long-running and requires not merely a change of direction but meaningful remedial actions. In Woodbridge, the history of exclusion and racial segregation extends deep into the Town's past, and will require sustained reform to fully address. The Town, therefore, must not only take prompt action to amend its Zoning Regulations and POCD, beginning to bring the Town into alignment with the mandates of state and federal law, but also overhaul its residential zoning regulations and its planning policies and practices to ensure adherence to applicable law and remedial steps for the longer term. Other states and municipalities around the country have used a range of strategies to successfully support and approve the construction and occupancy of a spectrum of housing options, including affordable housing. To fully meet its legal and remedial obligations, Woodbridge must do so as well, and it should use a "fair share" approach.

To this end, Open Communities Alliance has conducted a fair share analysis for Connecticut, using the regions defined by the regional councils of governments for purposes of determining the need for low and moderate income housing, as General Statutes § 8-2 directs. The need is staggering. Even when considering only extremely low income households that are severely cost-burdened in regard to housing (i.e., earning less than 30 percent of area median income and paying more than 50 percent of income toward housing), the region comprising the South Central Regional Council of Governments needs 25,889 units of housing. This need should be allocated among the towns in the region. We estimate that the share that may fairly be allocated to Woodbridge is 1,842 units of housing.

Given Woodbridge's obligation to provide housing opportunities for the region, the Town needs to develop an actionable plan to meet its fair share of the need for affordable housing. A meaningful version of this plan would include both a ten-year timeline for completing the realistic actions needed to enable the production of 542 units (corresponding to 20% of current housing units, based on more recent data

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ii For instance, in 1970, Woodbridge was identified as one of the most homogeneous communities with the "most severely restricted" zoning. High "residential housing prices in 1977 were tending to increase those disparities" between Woodbridge and the State. Unlike its neighbors, Woodbridge did not have a "Black population large enough to report separately." CONN. COMM’N ON HUMAN RIGHTS & OPPORTUNITIES, A STUDY OF ZONING IN CONNECTICUT 83, 47-48, 34 (1978), available at http://hdl.handle.net/11134/120002:229. See generally, Woodbridge Zoning History, Introduction: Origin And Criticisms Of "Snob Zoning," infra at 14.
than the 2010 census numbers used by the State) and an overall twenty-year timeline for enabling production of the full number of needed units. 1,842 units is a conservative estimate, as it only addresses need as represented by very low-income households suffering immense housing cost burdens. These units should include two-bedroom and three-bedroom rental units, reflecting the fact that households with children make up a significant proportion of the population in need of affordable housing. See Data Appendix, XXVIII. Meeting its legal and remedial obligations will require Woodbridge to overhaul its residential zoning, beginning with the changes requested in this application, and to undertake additional planning and infrastructure development steps. This should be based on a plan to provide its fair share of regional housing opportunities.

The LLC and OCT ask that the Town and its land use agencies move expeditiously to enact these proposed amendments as required by law, and the urgency of the current moment.

Sincerely,

Erin Boggs, Esq.
Open Communities Alliance

Anika Singh Lemar, Esq.
Jerome N. Frank Legal Services Organization

Attachments
APPLICATION OF 2 ORCHARD ROAD LLC AND OPEN COMMUNITIES TRUST LLC FOR AMENDMENT TO WOODBRIDGE ZONING REGULATIONS AND PLAN OF CONSERVATION AND DEVELOPMENT

September 29, 2020

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Opportunity Housing Zoning Regulation Text Amendment

Section 3.4 OPPORTUNITY HOUSING

A. Purpose

The purpose of the Opportunity Housing zoning regulation is to remedy the Town of Woodbridge’s prohibitions on multi-family and affordable residential development throughout most of the Town. This section amends the Town's Zoning Regulations to allow, within Woodbridge’s Residential Districts A, B, T3-C, T3-D, and T3-BB, multiple-unit structures on lots currently restricted to single-family residential development, subject only to issuance of a Zoning Permit, as is required for single-family structures. The allowed multiple-unit structures must comply with all bulk and dimensional requirements for a single-family structure and must include affordable housing units as specified in Section D of this regulation.

B. Applicable Districts

Opportunity Housing shall be a permitted use, subject to issuance of a Zoning Permit, in the Residential Districts A, B, T3-C, T3-D, and T3-BB.

C. Definitions

As used in this section:

1. "Rental assistance" means rental assistance, whether tenant-based or project-based, provided pursuant to 42 U.S.C. § 1437f and corresponding federal regulations or General Statutes §§ 8-345, 8-346 and corresponding provisions of the Regulations of Connecticut State Agencies ("RCSA"), or successor programs.

2. "Deed-restricted" and "deed restrictions" means the restrictions are contained in a deed and shall apply for forty (40) years after initial occupancy.

3. "Administrators of rental assistance" means the Connecticut Department of Housing and any Connecticut public housing agency as defined in 42 U.S.C. § 1437a(b)(6), within thirty (30) miles from any boundary of the Town of Woodbridge, including any of their contractors.

4. "Median income" has the same meaning as provided in General Statutes § 8-30g(a)(7).

5. "Opportunity Housing" means a residential development that meets the requirements set forth in this section.

D. Affordability Options
Each Opportunity Housing development shall utilize at least one of the following affordability options:

1. At a minimum, the greater of one (1) unit or ten percent (10%) of the units shall be preserved for at least forty (40) years for sale or rental to a household earning sixty percent (60%) of the median income or less, utilizing the maximum household income, and maximum sale price or rental calculated in compliance with General Statutes § 8-30g and corresponding state regulations.

2. At a minimum, the greater of one (1) unit or thirty percent (30%) of the units shall be leased to households receiving rental assistance.

3. The development shall qualify as "assisted housing" as defined in General Statutes § 8-30g(a)(3) without relying solely on rental assistance.

E. Bulk Regulations

An Opportunity Housing structure or development shall be governed by the General Bulk Regulations set forth in Table 4.1 of these Regulations, provided, however, that limits on number of families, as set forth in the "RESIDENTIAL DENSITY" section of Table 4.1, shall not apply to Opportunity Housing structures or developments.

F. Opportunity Housing Exterior

An Opportunity Housing structure or development shall not have a flat roof. On any long side of such building, walls shall have more than one (1) plane.

G. Affordable Units To Be Comparable to Market-Rate Units

In Opportunity Housing, the affordable units, including any units leased to households receiving rental assistance, shall be at least comparable in size, number of bedrooms, exterior design, construction, and quality of materials to the market-rate units.

H. Affordability Plan

Any person seeking a permit for an Opportunity Housing development shall submit with its application an Affordability Plan, which shall include at least the following:

1. Designation of the person, entity or agency that will be responsible for the duration of any affordability restrictions, for the administration of the Affordability Plan and its compliance with the income limits and sale price or rental restrictions of the applicable affordability option chosen pursuant to subsection D, above.

2. An Affirmative Fair Housing Marketing Plan governing the sale or rental of all dwelling units, consistent with the requirements of General Statutes Chapter 127c,
§ 8-37ee and with the corresponding RCSA. For units to be leased to households receiving rental assistance, the Affirmative Fair Housing Marketing Plan shall be reasonably calculated to lease units to such households, including, but not limited to, advance notice to and consultation with administrators of rental assistance, provided that if any such unit has not been leased to such a household after diligent execution of the Affirmative Fair Housing Marketing Plan for a period of no less than two (2) months, the vacant unit may be leased to any household and the next available unit shall be offered for lease first to households with rental assistance as necessary to reach the required thirty percent (30%) proportion.

3. A sample calculation of the maximum sales prices or rents of the intended affordable dwelling units.

4. For an Opportunity Housing development proposed pursuant to option 1 in subsection D, above, a description of the projected sequence in which the affordable dwelling units will be built and offered for occupancy and the general location of such units within the proposed development. If a development is constructed in phases, each phase shall include at least the required percentage of affordable dwellings for that phase.

5. Deeds, restrictive covenants, lease provisions or site plan conditions that will govern the affordable dwelling units.

I. Rounding

For purposes of determining whether a building qualifies as Opportunity Housing, fractional units of 0.5 and above shall be rounded up. [Example: in determining the number of units comprising ten percent (10%) or thirty percent (30%) of a building, 0.5 units shall be counted as one (1) unit, 1.5 units shall be counted as two (2) units, and so on.]

J. Filing

The final deeds, restrictive covenants or lease provisions executed to comply with this Section shall be filed with the Zoning Enforcement Officer and with the Town Clerk prior to the issuance of any Zoning Permit.
Note re Additional Text Changes

Table 3.1 ("Allowed uses by Zone"): Revise to add Opportunity Housing as allowed use in Residential Districts A, B, T3-C, T3-D, and T3-BB.

Table 3.2 ("Required Floor Area for Primary Dwelling Units"): Delete.

Table 4.1: Delete cap on families per building in final row of table.
Plan of Conservation and Development Text Amendment

General Statutes § 8-23 conditions a municipality's eligibility for discretionary state funding on adoption of a POCD, which must be prepared or amended "at least once every ten years." A POCD's purpose "is to set forth the most desirable use of land and an overall plan for the town," operating on a "merely advisory" basis to provide "overall objectives" that will be implemented by specific zoning regulations.¹

The statute requires that planning commissions "shall consider" a series of issues when preparing a POCD, including "the need for affordable housing," the "state plan of conservation and development adopted pursuant to chapter 297" (General Statutes § 16a-24 et seq.), and "the regional plan of conservation and development adopted pursuant to section 8-35a."²

Other POCD requirements mimic language in § 8-2(a) regarding multi-family and affordable housing:

[The POCD] shall . . . make provision for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a" and "promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encourage the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to chapter 297.³

Woodbridge's POCD does not currently meet the express requirements set forth in § 8-23. We propose the following revisions to bring it into minimal compliance with the requirements of state law.

Chapter 1, Housing and Demographics, Page 27: Add the following bullet under Section 2, "Near-term Action Agenda":

- Amend Zoning Regulations to allow, subject only to the issuance of a Zoning Permit, multi-family development in all residential zones by conversion of existing buildings or new construction, provided that all bulk requirements (height, setback, coverage, etc.) for the subject zone are met and the additional dwellings expand opportunities for low and moderate income households, including families with children.

1 AvalonBay Cmty., Inc. v. Town of Orange, 775 A.2d 284, 298 (Conn. 2001).
2 General Statutes § 8-23(d).
3 General Statutes § 8-23(e)(1) (emphasis added).
Future Land Use Plan, pp. 132-133: Add the following language:

- Under the heading, "Land Use Definitions," amend the third bullet, "Two-Family Residential" to read as follows (new language underlined):

  **Two-Family Residential:** properties that are designated for residential uses with two-family residences, located primarily in the Village District area of Town, but also allowed in all residential districts when such residences expand opportunities for low and moderate income households, including families with children, and are constructed in compliance with the bulk regulations of the subject district.

- Add two new bullets between "Two-Family Residential" and "Elderly Assisted Residential" as follows:

  **Low Density Multi-Family Residential:** properties that are designated for multi-family dwellings, located primarily in the Village District area of Town, but also in all residential districts when such residences expand opportunities for low and moderate income households, including families with children, and are in compliance with the bulk regulations of the subject district.

  **High Density Multi-Family Residential:** properties that are designated for multi-family dwellings, located primarily in the Village District area of Town and which expand opportunities for low and moderate income households, including families with children, in the Town.

- Under the heading, "Future Land Use Plan Classifications," add at the very beginning the following new bullet:

  **Low Density Single-Family Residential:** properties that are designated for low density Single-Family residences, and Two-Family Residential and Low Density Multi-Family Residences.

- Under the heading, "Future Land Use Plan Classifications," amend the bullet "Village Residential" to read as follows (new language underlined):

  **Village Residential:** properties that are designated for moderate density residential uses, including single-family and two-family residences [and], in-law uses, and High Density Multi-Family Residential.
PROPOSED MULTI-FAMILY PLOT PLAN

CONCEPTUAL LAYOUT #1

2 ORCHARD ROAD
WOODBRIDGE, CONNECTICUT

MAY 2020

DESIGN CRITERIA:
- Permeation Rate: 10.1-20.0 Mmho/m
- Permeation Rate: 0.2-0.5 Mmho/m
- Permeation Rate: 25-50 Mmho/m
- Permeation Rate: 50-100 Mmho/m

SOIL TEST DATA
Observation Pit Data
Date: 12/19/19
By: Trinkaus Engineering, LLC

Pit # HH-1
0-4" Topsoil
4-35" Orange Brown Fine Sandy Loam
35-42" Light Brown Medium Compact Sandy Till
Bar Probe to 49" (No Ledge), Restrictive Layer @35"

Pit # HH-2
0-5" Topsoil
5-30" Orange Brown Fine Sandy Loam
30-38" Light Brown Medium Compact Sandy Till
Bar Probe to 48" (No Ledge), Restrictive Layer @30"

Pit # HH-3
0-5" Topsoil
5-27" Orange Brown Fine Sandy Loam
27-37" Grey Brown Medium Compact Sandy Till
Bar Probe to 48" (No Ledge), Restrictive Layer @27"

Pit # HH-4
0-6" Topsoil
6-27" Orange Brown Fine Sandy Loam
27-39" Grey Brown Medium Compact Sandy Till
Bar Probe to 48" (No Ledge), Restrictive Layer @27"

Percolation Test Data:
Date: 12/19/19
By: Trinkaus Engineering, LLC

Perc. Test # P-1 @ 25" 20 Min/Inch

LOT & BUILDING REQUIREMENTS:
- Lot Size: 6,500 Sq. Ft.
- Lot Width: 60'
- Lot Depth: 100'
- Front Yard: 25'
- Side Yard: 10'
- Rear Yard: 10'
- Lot Coverage: 25%
- Building Height: 25' - 30'
Referral 2.2: Town of Woodbridge

Subject:

Proposed Zoning Regulation Amendments pertaining to Distance Requirements for Package Stores

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 Woodbridge has proposed Zoning Regulation amendments to Section 3.3 HH 3.a. The proposed amendments would eliminate a 500-foot distance requirement from a single family or multiple family residential use.

Currently, package stores are permitted in the Town of Woodbridge by Special Exception in the DEV2, GB, and BI Zoning Districts. The GB and BI Zoning Districts are adjacent to the City of New Haven, and DEV2 is adjacent to the Town of Hamden. The adjacent property in Hamden is owned by the State of CT, while the adjacent property in New Haven is predominantly commercial.

Communication:
In researching this proposal, I notified the adjacent municipalities in the South Central Region.
November 3, 2020

Kristine Sullivan
Town Planner
Town of Woodbridge
11 Meetinghouse Lane
Woodbridge, CT 06525

RE: Application to Amend Woodbridge Zoning Regulations

Dear Ms. Sullivan:

Please accept this letter as an application to amend the Woodbridge Zoning Regulations. In particular, I seek to amend Section 3.3 HH 3. a. of the regulations related to Liquor Establishments by proposing the elimination of subsection i.: “Any single family or multiple-family residential use;” from the 500 foot separation distance requirement contained therein.

As we have discussed, I am proposing this amendment for a number of reasons. First of all, I believe this amendment will help resolve an incongruity in your current regulations permitting liquor establishments in your commercial zones. As you know, “package stores” are permitted in the DEV1, GB and B1 zoning districts by special exception. However, package stores are subject to the distance requirements as set forth in subsection 3 a. i. of Section 3.3 HH. When applying the distance requirements to the properties located in those three permitted zones, as best as I can determine, there are no qualifying sites to permit a package store. Why permit package stores in these zones if the distance requirements disqualify all of the sites?

The largest disqualifying factor when you examine the properties within the permitted zones is the separation distance from single or multiple-family residential uses. By eliminating that category from the separation distance requirement contained in the regulation, package stores could be permitted in those zones without impacting the neighboring environs.

It is also worth noting that a contributing factor in the application of the regulation is that under your distance requirements, the distance is measured from property line to property line which further exacerbates the problem.

The second reason for proposing this regulation is that a review of municipal zoning regulations in proximity to Woodbridge revealed that in the Towns that still apply separation distance requirements for package stores, which incidentally has been significantly reduced in the past 10 years, there are few, if any, Towns that include separation distances from residential uses.
general, we have seen a relaxation of the “blue laws” and zoning separation distances related to alcohol sales over the past twenty years. Your town has seen some evolution in your regulation as well, when the manufacturer beer and brew pub exception was adopted in this section of the regulation. I would respectfully suggest that this is a modest way of continuing that evolution which would be a benefit to the Town and its goal of continued economic development opportunities in its commercial zones, as well as a convenience for its residents given the fact that there are currently no retail package stores located within the Town limits.

Finally, as mentioned above, because package stores are permitted by special exception only, even with the elimination of the proposed subsection of the separation distance requirements, the Commission retains all of its special exception review criteria in Section 3.3 HH 4. when reviewing each individual site for the appropriateness of a package store location.

I have enclosed a check for $310.00 as a filing fee for this application. I would request that the Commission accept the application at its next regularly scheduled meeting and thereafter schedule a public hearing for its consideration.

If you have any questions or comments or require further information, please let me know.

Very Truly Yours,

THE PELLEGRINO LAW FIRM, P.C.

BERNARD PELLEGRINO
BP/ssp

cc: Steven Shapiro
Referral 2.3: Town of Wallingford

Subject:

Proposed Zoning Regulation Amendments pertaining to Industrial Expansion District, Interchange District, Watershed Protection District.

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 zoning regulation amendments to Section 4.9 – Industrial Expansion (IX) District (adjacent to City of Meriden), Section 4.10 – Interchange (I-5) District (not within 500 feet of a municipality in the South Central Region, Section 2.1 – General Terms, and Section 4.13 – Watershed Protection District (includes areas adjacent to Meriden and North Branford).

The amendments to the IX District includes the addition of data centers, motels and financial institutions as permitted uses subject to Site Plan Approval. The Research Operations use has been revised to Research facilities, laboratories, and scientific and technical research and development. There area for hotels, motels, conference centers has been revised to at least 150 guest rooms or a minimum of 60,000 square feet, and additional language “Such uses may include ancillary: a. restaurants, b. meeting rooms, c. recreational facilities per Section 4.9.E.5, and d. retail stores per section 4.9.E.4. The amendment would decrease the minimum open space to 40% from 50%, and increase the maximum coverage to 30% from 25%.

Additional amendments include permitting by Special Exception: Ground mounted solar panels, when not regulated by the CT Siting Council, provided they meet the standards identified, Windmills and similar energy conservation systems that utilize the power of the wind, when not regulated by the CT Siting Council, provided the identified standards are met. Additional language in Subsection E.3, encouraging the use of a provision for properties located in the Watershed Protection Overlay District that allows the Commission to waive up to 25 percent of required parking spaces. In Subsection E.5 adding language for open space area to larger and contiguous land wherever feasible. In Section 2.1 Brewery/Cidery/Winery is defined.

The amendments to the Watershed Protection (WPD) District include revisions to Subsection B. Stormwater Runoff Treatment, Section D – Parking Lots, and new Subsections E – Sidewalk treatment and F – Uses. The specific amendments can be reviewed within the Agenda Packet.

Communication:

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

Town Hall, 45 South Main Street, Wallingford, CT 06492

SENT VIA EMAIL TO: [X] Eugene Livshits – South Central Regional Council of Governments
[ ] Joanna Rogalski – Naugatuck Valley Council of Governments
[ ] J.H. Torrance Downes – Lower CT River Valley Council of Governments

Date: 11/2/2020
TO: Eugene Livshits
FROM: Thomas Talbot, Acting Planner

Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed application is referred to the Regional Agency to review and report on:

( ) Proposed subdivision located within 500 feet of another South Central municipality

( X ) Adoption or Amendment of ZONING REGULATIONS affecting the use of a zone within 500 feet of another South Central Municipality (see attached proposed amendment applications #901-20 and #902-20 (all except the I-5 District, Section 4.11)

The change was originally requested:
( X) by municipal agency (PZC)
( ) by petition

Public hearing has been scheduled for 12/14/2020

Material submitted herein:
( ) Legal Notice
( ) Map of proposed subdivision
( X) Supporting statements, site map
( X) Text of proposed amendment

Other: See current Zoning Regulations and Zoning Map on Town Web Site under Planning and Zoning Department.
www.wallingford.ct.us.

[Signature]
Thomas Talbot, Acting Planner

Wallingford Town Hall
45 South Main Street
Wallingford, CT 06492
Phone (203) 294-2090 Fax: (203) 294-2095
§4.9 INDUSTRIAL EXPANSION (IX) DISTRICT

A. Purpose - To provide suitable locations for industrial and office uses on or near major streets.

B. The following uses are permitted subject to Site Plan Approval in accordance with Article VII:

1. Public utility facilities, buildings and storage yards. 10/02/94
2. Offices, including data centers.
3. Printing and publishing.
4. Research facilities, laboratories, and scientific and technical research and development operations, manufacturing, compounding, packaging and assembling materials and products, and non-retail dry-cleaning facilities, not using perchloroethylene in the cleaning process, in facilities of at least 25,000 square feet. 09/19/99
5. Storage and warehousing except that self-storage and the types of storage listed as specified in §4.8.B.8 and §4.8.B.9.g shall not be permitted. 09/19/93 05/15/02
6. Agriculture, farming, forestry, truck or nursery gardening, including greenhouses; keeping of livestock and poultry.
7. Hotels, motels, conference centers or combination thereof, containing at least 150 guest rooms or a minimum GFA of 60,000 sq. ft. Such uses may include ancillary: (a) restaurants; (b) meeting rooms; (c) recreational facilities per Section 4.9.E.5; and (d) retail stores per Section 4.9.E.4. containing not fewer than 150 sleeping rooms, provided that lot area of such facility shall not be less than 5 acres and be equal to the area requirement contained in §4.5.B.8.
8. Governmental buildings, facilities and uses.
9. Deleted 02/15/17
10. Outpatient Medical Treatment Facility 10/02/94
11. Nonresidential Elder Care Centers 03/19/95
12. Deleted 05/15/99
13. Manufacturing, compounding, packaging and assembling materials and products, and non-retail dry-cleaning facilities, not using perchloroethylene in the cleaning process, in facilities of at least 25,000 square feet. 09/19/99
14. Financial institutions.

C. The following permitted uses require approval of a Special Permit in accordance with §7.5:

1. Helipads, with the following provisions: 08/22/95
   a. That the location is such that no undue nuisance or danger there from will affect any neighboring property and,
   b. that the site provides adequate room for landing and taking off.
2. Uses in this zoning district generating 100 peak hours vehicle trips or more using the standards in the most recent edition of Trip Generation, ITE, or a more accurate source, if available, subject to the following: 04/16/94 08/10/96 10/18/03
   a. Submission of a traffic impact analysis containing present roadway conditions, existing roadway capacity, existing and projected volumes (ADT, Peak A.M. and Peak P.M.), existing
and projected volume capacity rations, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience.

b. A traffic impact analysis will be required: 05/17/88
   1. For an addition to an existing use, which use is now under the provisions of this section, and
   2. When an addition to an existing use brings that use under the provisions of this section.
   3. The traffic impact analysis shall cover the entire use, not merely the addition.

c. No traffic impact analysis or Special Permit will be required for an addition to an existing Special Permit use if the addition generates 25 peak hour vehicle trips or less. This provision shall be permitted to be used one time over the life of the use on a specific site.

d. In all cases in which the Commission feels that a peer review of the applicant’s traffic impact analysis is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the Commission on the application.

3. Excavation and filling of land as per §6.10., subject to: 09/19/92
   a. All work must be complete, including final grading and seeding within 12 months of the start of the excavation and fill.

4. Deleted 11/17/07

D. The following permitted uses require a Special Exception from the EZA:

1. Child day care centers.
2. Group day care homes.
3. Satellite receiving dishes or dish-type antennae in excess of two feet in diameter subject to the following conditions: 11/19/95
   a. Shall not be located between any street line and the building to which it is accessory.
   b. If roof mounted, shall not exceed a height of 15 feet.
   c. Shall be properly screened and/or landscaped.

4. Ground mounted solar panels, when not regulated by the Connecticut Siting Council, provided they:
   a. Shall not exceed 15 feet in height, including all supporting structures.
   b. Shall not be located within any required front yard for a principal structure.
   c. Shall be fully screened from any adjacent property line and the street line.
   d. Shall be permanently anchored in compliance with the State Building Code.
   e. Technical literature shall be submitted to supplement any proposed application for the above.

5. Windmills and similar energy conservation systems that utilize the power of the wind, when not regulated by the Connecticut Siting Council provided:
   a. The lot shall have a minimum of 217,800 square feet.
Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined        Deletions = Strikethrough
Revised to 10/30/2020

b. No windmill or similar structure shall exceed 50 feet in height.
c. No windmill or similar structure shall be located in any require yard.
d. The windmill or similar structure shall be set back from all lot lines and from the principal building a distance of at least equal to the height of the windmill or similar structure.

E. The following accessory uses are permitted:

1. Uses and structures accessory to a permitted use.
2. Signs in accordance with §6.9.
3. Off-street parking and loading in accordance with §6.11.
   The commission may waive up to 25 percent of the required parking area if the applicant demonstrates that such a waiver is warranted, providing that an area equal to the space required for such parking shall be reserved at the site in conformance with the requirements of this is chapter. In properties located within the Watershed Protection Overlay District, use of this provision shall be particularly encouraged wherever feasible. In properties located within the Watershed Protection Overlay District, additional parking provisions as noted in §4.13.D shall apply.
   Loading docks to be located at side or rear. The Commission may require screening of loading areas when such areas are visible from public rights-of-way.
4. Retail operations which are obviously secondary to, but integrated with, the main use on the premises, provided that the retail operation shall not utilize more than 3,000 square feet or 10 percent of the GFA of the principal use, whichever is smaller.
5. Ancillary food service and recreation facilities for the use of employees or clientele of uses in §4.9.B.
6. Accessory buildings as per §6.2.B. 09/19/92
7. Outside storage as per §6.12. 09/19/92
8. Satellite receiving dishes of two feet or less in diameter not located within a required front yard for a principal structure. 11/19/95
9. Hydrogen road vehicle fuel station operations secondary to the main hydrogen generation equipment manufacturing provided that it is for the purposes of demonstration anc/or testing prototype hydrogen fueling equipment as manufactured by the site operator and provided that the hydrogen road vehicle fuel station operation shall not fuel more than thirty (30) vehicles per day or dispense more than one-hundred (100) kilograms of hydrogen per day. 12/1/16 1/16/10

F. Special Requirements

1. Deleted 03/19/11
2. A description of the proposed operations in sufficient detail for a determination of whether or not they are permitted in the district.
3. Any use within the IX District shall be established, operated and maintained in such a manner as to provide that each use shall be a good neighbor and in no way detract or limit the intended development of the area. 08/22/95
4. Landscaping - in addition to the landscaping requirements of §6.14, the following additional requirements shall apply in the IX District:
   a. Front landscaped area
      1. There shall be a front landscaped area equal to the required front yard contained in §5.1.C. abutting the front property line(s).

5. Wherever feasible, open space areas shall be larger areas of contiguous land (except those areas which are part of parking lot landscaping). Open space areas shall promote natural and native landscaping versus manicured lawns in an effort to limit the application of fertilizers and pesticides, particularly parcels located within the Watershed Protection Overlay District.

G. The following uses are permitted subject to approval of a Zoning Permit:

1. Structure or rooftop mounted antennas, subject to the requirements and procedures listed in §6.25. 05/18/97
2. Mobile Food Vendor, subject to the following: 06/14/14
   a. Must be removed from the permitted location for at least four (4) hours in any 24 hour period.
   b. Must be located on private property, and provide written permission from the owner of said property.
   c. Must be located within permitted parking area, not within any required landscaped areas.
   d. If vendor occupies parking spaces, those spaces must be in excess of the other current uses on the site. Should such use(s) on the site change so as to require said spaces so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to occupy said spaces.
   e. Must also have available two (2) parking spaces in addition to those required for the other current uses on the site. Should such use(s) on the site change so as to require said space so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to utilize said spaces.
   f. Must be mounted on wheels or other method of moveable design, and must be readily moveable. If the operation is not immediately mobile, it shall be considered a "building" and be required to comply with applicable regulations for buildings.
   g. Must be self-contained; connections to external utilities shall not be permitted.
   h. Shall not have any signage beyond that which is affixed to the food service unit; temporary signage per Section 6.9.C shall not be permitted for a mobile food vendor.
   i. No storage or location of any materials, seating, or other items associated with the mobile food vendor shall be permitted to be kept or located outside of the food service unit.
   j. Shall obtain any necessary approvals under Health Code, Ordinance, or any other state or local requirements.

H. The following uses are permitted and do not require any zoning approval:
1. Mobile Food Vendor, provided any of the following conditions are met:
   a. Will not be located/parked on a property for more than twenty (20) days in any 365-day period; OR
   b. Is not located on the same property for more than four (4) hours in any 24-hour period.
§2.1 GENERAL TERMS

Brewery/Cidery/Winery – A place where beer/cider/wine is made commercially; classified as a “manufacturing” land use for the purposes of these regulations.

Open Space – That portion of the ground space on the same lot as the principal building which is either landscaped or maintained in its natural vegetative state, ex-typically developed and maintained for conservation or recreation purposes. Open Space shall not include those portions of a lot that are utilized for off-street parking or loading, driveway or building purposes.

§6.1 HEIGHT LIMITATION

A. The building height limit shall be applied separately for each wing or other distinct portion of the building.

B. Spires, water tanks and similar structures occupying an aggregate of not more than 10 percent of the building area, not to exceed 50 feet in height or such height shall be limited to the distance to the nearest property line, may be erected in all zones except for the I-5 district.

C. Spires, water tanks and similar structures which exceed a height of 50 feet shall require a Special Permit, but shall not be permitted in the I-5 district.

§6.12 OUTSIDE STORAGE

A. Outside storage, including storage of merchandise, supplies, machinery and other materials shall be allowed only in commercial, design, industrial, industrial expansion, and the Route 5 districts, but shall not be allowed in the I-5 district. Outside storage areas shall not extend into the area required for setback from a street line or into the required sidelines adjacent to a residential, multi-family, rural, or limited business district. Outside storage areas shall be enclosed by buildings, fences, walls, landscaped earthen berms, or evergreen shrubs or trees, so as to screen the storage area from view from any other lot or from any street. Such screening shall not apply to areas for the parking of registered motor vehicles in daily use or the parking of new or used motor vehicles, heavy equipment, farm equipment, or boats on bonafide sales lots.

B. Metal Containers

Metals containers and trailers for storage purposes are permitted in CB, I (except I-5), and RF zones subject to the following conditions:

10/02/94 05/18/97

B. Metal Containers

Metals containers and trailers for storage purposes are permitted in CB, I (except I-5), and RF zones subject to the following conditions:

05/18/97 12/15/91
## §5.1C SCHEDULE OF LOT AND BUILDING REQUIREMENTS – INDUSTRIAL EXPANSION, INTERCHANGE DISTRICTS AND DESIGN DISTRICTS

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<th>MINIMUM FRONTAGE (feet)</th>
<th>MINIMUM SIDE (each)</th>
<th>MINIMUM REAR</th>
<th>MINIMUM OPEN SPACE (percent)</th>
<th>MAXIMUM COVERAGE (percent)</th>
<th>BUILDING HEIGHT (feet)*</th>
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(1) See Section 5.2.F.

* The maximum building height may be increased, provided the setback requirements are increased one foot for each additional foot of building height.

** The maximum height may be increased by one (1') foot for every two (2') feet by which the distance of such portion lies inside the nearest line of any required front, side and rear yard, to a maximum of sixty (60') feet. The maximum height may be further increased beyond sixty (60') feet by one (1') foot for every five (5') feet by which distance of such portion lies inside the nearest line of any required front, side and rear yard to a maximum height of eighty (80') feet, provided that no portion of the building shall lie within five-hundred (500') feet of a residential zone.

*** The maximum building height may be increased one foot for each five feet increased in the minimum front, side and rear yard setback.

Except that in properties located in any Watershed Protection Overlay District, the requirement shall be 50%
§4.13 WATERSHED PROTECTION (WPD) DISTRICT

A. Purpose - An overlay district which provides for additional conditions, standards and safeguards to the permitted uses of the underlying district in order to protect and maintain the surface waters of the Wallingford, Meriden and SCRWA Public Water Supply Watersheds to a quality consistent with their use as the primary source of drinking water for Wallingford and area towns.

B. Stormwater Runoff Treatment - The following requirements for treatment of stormwater runoff shall apply to all commercial, industrial, institutional, public authority or multi-unit residential developments which are located within the Wallingford, Meriden or ZCCRWA Watershed Protection District, within the Town of Wallingford, as delineated on the effective "Official Zoning Map of the Town of Wallingford". stormwater runoff generated by the initial 0.5" to 1.0" of rainfall from all parking lots and from travel ways where topographically feasible, within the confines of any approved commercial or industrial development, located upon the three Public Water Supply Watersheds, shall be collected and treated:

1. Treatment shall be required to the extent that the quality of the stormwater runoff from the site shall comply with the Connecticut Water Quality Standards & Criteria for class AA drinking water supply surface waters as promulgated by the Connecticut Department of Environmental Protection, Water Compliance Unit or with §19-13-B102 of the State Public Health Code, or the latest revision thereof, as it applies to the standards for quality of untreated water at the intake to a treatment plant with "complete conventional treatment", whichever is more stringent except that the standard for total coliform in §19-13-B102 of the Public Health Code shall apply.

2.1. The volume amount of stormwater runoff to be collected and treated (within the range of the initial 0.5"") shall be equal to the volume generated from the first 1.0" of rainfall that falls upon the finished surface area of any impervious or semi-impervious areas (which shall include but not be limited to those areas composed of Portland cement concrete, bituminous concrete, asphalt, brick, paving stones, pavement millings, and "chip seal" pavement), excluding the roofed area of any building. This volume shall be herein referred to as the "Water Quality Volume." occurring within any specific 48 hour period which is initiated by the start of a rainfall event) shall be determined for each site on an individual basis by the Wallingford Water Division in accordance with site usage, acreage, topography and other considerations.

3.2. The treatment system shall be incorporated within a stormwater management system for the total site which will provide a mechanism to divert and capture for treatment "Initial Water Quality Volume runoff" from appropriate areas as defined above and which will provide for the remainder of the stormwater runoff to be diverted into a conventional detention basin for peak flow attenuation.

4.3. Treatment shall consist of all of the following: a system which incorporates recognized technologies which have been demonstrated to provide the necessary pollutant removal capabilities. In all cases, minimum treatment shall consist of a "grease trap" type separator designed to remove and retain oils, scums, and other floatables from the diverted "initial" runoff, to be followed by storage in an
infiltration basin. This infiltration basin shall be designed to promote infiltration of the effluent into the ground. Water in this infiltration basin shall be aerated. All proposed treatment systems shall be subject to approval by the Wallingford Water Division. Since operation of the treatment system will be intermittent, equipment and structures shall be housed so that the system can operate in all seasons of the year.

a. Diversion Structure - A manhole or catch basin structure located at the downstream end of the stormwater collection system designed to divert the Water Quality Volume from the finished surface areas of the site to the stormwater treatment system. The diversion structure shall include a weir or baffle wall to divert all volume in excess of the Water Quality Volume around the stormwater treatment system into the conventional detention basin.

b. Oil-water-grit separator - A multi-chambered, baffled, flow-through tank shall be located downstream of the diversion structure to remove and retain sediment, floatables, oils and greases from the Water Quality Volume.

c. Filtration Basin - An open surface basin (separate from the stormwater detention basin) constructed with a sand filter bottom and underdrain pipe system designed to hold and filter the “water Quality Volume”. The treated stormwater will discharge to either a conventional detention basin or a watercourse downstream of the site.

4. The entire treatment system shall be designed in accordance with the requirements of the Wallingford Water Division Technical Standards and Details.

5. The owner shall submit complete hydraulic calculations, details and design drawings and an operations/maintenance plan for the stormwater management and treatment systems to the Wallingford Water Division. The owner shall also develop and submit for approval by the Water Division, a street-sweeping plan for the completed site which shall set forth a schedule for the periodic sweeping of parking lots and travel ways. The owner shall also develop and submit for approval by Water Division, a schedule for the periodic cleaning of the required separator.

Construction shall not begin on any project located within a WPD until approval of the stormwater and treatment systems has been granted by the Wallingford Water Division. Construction of the stormwater treatment system shall not begin until a permit for such has been granted by the Wallingford Water Division. The entire system shall be subject to inspection by the Water Division prior to backfilling.

6. The Water Division shall, on a regular basis, sample the effluent of the stormwater management system prior to its leaving the site. The sample shall be analyzed by a State certified laboratory for parameters to be determined by the Water Division in order to confirm compliance of the site runoff with the previously cited water quality standards. The Water Division shall bill the owner of the site for the cost of the analysis of up to four samples per year. The owner shall also develop and submit for approval by the Water Division, an operations and maintenance plan which shall include the following:

a. Mechanical street sweeping of the finished surface areas on the site at least once per year, plan for the completed site which shall set forth a schedule for the periodic sweeping of parking lots and travel ways.
b. Inspection and removal of vegetative growth, accumulated sediment, trash, leaves and debris from all catch basin grates and sumps at least once per year;
d. Inspection and removal of vegetative growth in and around the sand filter and detention basin including mowing the grass on the bottom, sides and berms at least twice per year;
e. Inspection and removal of accumulated grass clippings, leaves, trash and debris from the surface of the sand filter and the bottom of the detention basin at least once per year;
f. Rake and remove sediment from the sand filter when there is evidence the infiltration capacity of the filter bed has been significantly reduced to a point where the observed time to drain the filter exceeds 36 hours after the end of a rainfall event;

5.g. Designate the proper procedures and locations for the disposal of sediments, vegetation, trash, debris and oily and greasy liquids from the stormwater treatment system; and

h. Any other operations and maintenance components deemed necessary and appropriate by the Wallingford Water Division based on the specific proposal.

6. The Water Division shall have the right to access the site without notice for the purpose of inspecting the stormwater system and to ensure that the owner properly maintains and operates the facility. The Water Division may periodically take water samples, and determine when required, maintenance and replacement of the stormwater treatment system components are necessary to comply with the requirements of this section.

8. The owner shall post a performance bond with the Water Division to cover the construction and start-up of the storm water treatment system, in an amount and in a form to be determined by the Water Division. This work may also be incorporated within the normal water/sewer utility installation performance bond required for the site.

9. After the system is constructed the owner shall submit "As-Built" drawings of the stormwater treatment system.

C. Installation of Storage Containers:

1. All storage vessels located within the Wallingford, Meriden & SCWWA Public Water Supply Watersheds and located above or below ground level, or in a building, that will hold hazardous, toxic, and/or contaminated materials, either solid or liquid, shall be constructed of non-porous material. Hazardous, toxic and contaminated materials shall be as defined in Title 49, Code of Federal Regulations, Parts 170-179. (Department of Transportation)

2. All storage vessels for liquid material located above ground, or in a building, shall be contained within a non-porous structure large enough to retain all of the escaping liquid should the storage vessel rupture. The only exception to this requirement shall be storage vessels of 275 gallon capacity or less in residential homes.

3. All storage vessels for liquid or solid material located below ground, and not in a building, shall be positioned within a non-porous vault large enough to retain all of the stored material should the storage
vessel rupture. An alternative to the non-porous vault may be a dual-walled vessel with a UL approval. The dual-wall vessel shall be constructed with a secondary wall completely surrounding the primary wall, and there shall be a definite annular space between them.

4. A monitoring system shall be incorporated for all buried installations to detect leaks. The leak monitoring system may be a simple flexible dipstick capable of protruding into the space between tank and vault or the annular space to be provided with the dual-wall system. More elaborate electronic systems will be acceptable.

5. For all installations not meeting at least one of the exemptions listed below, a written inventory record itemizing the balance of incoming material vs. outgoing material shall be kept on a daily basis. A record of the monitoring results shall also be kept on a daily basis. These records shall be available on demand without notice, to officials of the Town Water Division or Fire Prevention Bureau. Facilities shall be exempt from the daily reporting requirements if they:
   a. Generate small quantities of hazardous waste as defined by §5 of the Hazardous Waste Management Guidelines for Small Quantity Generators promulgated by the Connecticut Department of Environmental Protection Connecticut Department of Energy and Environmental Protection, January, 1984 or latest revision.
   b. Meet one of the exemptions defined in §22a-449(d)-1(c) of the regulations for Nonresidential Underground Storage of Oil and Petroleum Liquids promulgated by the Connecticut Department of Environmental Protection Connecticut Department of Energy and Environmental Protection, April 17, 1985 or latest revision.

6. A written permit signed by the designated authority in the Water Division and Fire Prevention Bureau shall be required prior to installation and such permit shall be renewed annually.

D. Parking Lots

1. Lots Treatment - No parking lot containing more than ten parking spaces shall be treated with use—sodium chloride for ice control in parking spaces, drive aisles, and driveways.

2. The maximum number of permitted parking spaces on properties in any designated Watershed Protection District shall be §120 of the parking requirements listed in §6.11.

3. On properties in any designated Watershed Protection District, the maximum number of permitted tractor-trailer parking and loading spaces, including those adjacent to loading bays, shall be 120% of total number of approved loading bay doors.

E. Sidewalk Treatment - Sodium Chloride shall not be applied to sidewalks or impervious walkways.

F. Uses - In considering proposed uses on properties in this zone that require a Special Permit in the underlying zone, the Commission shall consider potential impacts to the watershed based on the specifics of the proposal, including but not limited to: amount of impervious area, minimization of parking/loading spaces as practicable, cohesiveness of open space, maintenance of open space in its natural state as opposed to development of lawn area, proposed treatment system, and proposed parking area/sidewalk treatments for winter. If the Special Permit is approved, the Commission may
include conditions of approval that it deems necessary in order to best protect the watershed, in addition to the requirements of this section.
Referral 2.4: Town of Wallingford

Subject:

Proposed Zoning Regulation Amendments pertaining to Restaurant Parking

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 is proposing to amend Section 6.11.C – Required minimum parking area. The amendment is applicable to “Restaurants, nightclubs, taverns, square pubs, with or without provisions for a dance floor.” The existing regulation requires 1 space for 75 square feet of GFA, the amendment would make it 1 space for 75 square feet of customer seating, standing, or dancing area.

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

Existing Section 6.11.C.: 

C. Required minimum parking area - Parking facilities shall contain space for vehicles in accordance with the following table. Parking shall not infringe on driveways needed for access except in the case of a single or two-family dwelling unit. Parking areas shall be landscaped in accordance with the provisions of §6.14.E. 02/17/17

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Number of Car Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants, nightclubs, taverns, pubs, with or without provisions for a dance floor</td>
<td>1 space for each 75 square feet of GFA</td>
</tr>
</tbody>
</table>

Proposed Section 6.11.C. : 

C. Required minimum parking area - Parking facilities shall contain space for vehicles in accordance with the following table. Parking shall not infringe on driveways needed for access except in the case of a single or two-family dwelling unit. Parking areas shall be landscaped in accordance with the provisions of §6.14.E. 02/17/17

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<tr>
<td>Restaurants, nightclubs, taverns, pubs, with or without provisions for a dance floor</td>
<td>1 space for each 75 square feet of GFA customer seating, standing or dancing area</td>
</tr>
</tbody>
</table>

Purpose: to tie parking requirements directly to customer occupied portions of restaurants.
Referral 2.5: North Haven

Subject:

Proposed Zoning Regulation Amendments pertaining to Section 4.2.1.12

Staff Recommendation:

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

Background:

A private applicant in the Town of North Haven has proposed an amendment to Section 4.2.1.12. The amendment would permit studios for dance, musical and theatrical instruction, gymnasiums and physical culture establishments in the CN Zoning Districts. The CN-20 District is adjacent to the Town of Hamden. The Zoning District in Hamden are T-4 and T-5. The area consists of predominantly commercial uses.

Communication:
In researching this proposal, I notified the adjacent municipalities in the South Central Region.
30 October 2020

Mr. Eugene Livshits
Regional Land Use Planner
South Central Regional Council of Governments
127 Washington Avenue-4th Floor West
North Haven, CT 06473

Re: Proposed Amendment to the North Haven Zoning Regulations to add Section 4.2.1.12 to permit studios for dance, musical and theatrical instruction, gymnasiums and physical culture establishments in CN Zoning Districts.

Dear Mr. Livshits,

In accordance with Connecticut General State Statutes, enclosed please find a copy of the above referenced proposed amendment to the North Haven Zoning Regulations.

A Public Hearing for this application is scheduled for 7 December 2020.

Very truly yours,

[Signature]

Alan A. Fretrickson
Land Use Administrator
AAF/le
Enclosures

cc: Michael J. Freda, First Selectman
    V. Carlson, Chairman, Planning & Zoning Commission
TOWN OF NORTH HAVEN
PLANNING AND ZONING COMMISSION
APPLICATION FORM
(Only one item per form)

(ADDRESS OF BUILDING OR BLOCK MAP, BLOCK & LOT NUMBER) ZONE TOTAL SQUARE FOOTAGE

THIS APPLICATION IS FOR AND MUST INCLUDE THE FOLLOWING:

☑ Site plan approval (Submit 14* copies of the site plan) ▶ 1 original and 14 copies of the application

Certified A-2 Survey

☐ 2 copies of Bond Estimate Form

* 14 PLANS @ 24” x 36”

Cite the regulation that permits proposed use

TITLE OF PLAN:

________________________________________________________________________

________________________________________________________________________

Date and most current revision date of plan:

CAM site plan review (Submit 14* copies)

☑ Amend zoning regulations 4-21-12 Section to be amended (Submit 14 copies of proposed amendment)

Proposed zone change (Submit 14* copies of location map).

Special Permit

☐ Fill permit (Submit 14* copies)

Excavation permit (Submit 14* copies)

Permit to grade or regrade the property (Submit 14* copies of a certified plan showing existing grades and proposed grades)

ANSWER ALL QUESTIONS THAT ARE APPLICABLE OR WRITE N/A:

Does the property for which this application is submitted:

☐ Lie within 500’ of an adjoining municipality or will traffic or water drainage impact an adjoining municipality

☐ Lie within the Coastal Area Management boundary

☐ Contain any wetlands and/or watercourses

☐ Lie within the Aquifer Protection Zone

☐ Lie within the floodplain or floodway

☐ Lie within 50’ of the Quinnipiac River or Muddy River

ENGINEER’S NAME: Aja Bogan-Dennison

PRINT: Applicant’s Name

99 Kings Hwy, North Haven

203-589-6277

Applicant’s Phone Number

Applicant’s Signature

ENGINEER’S PHONE NUMBER: 203-589-6277

FAX NUMBER: 076473

Print Owner’s Name

Owner’s Address

Owner’s Phone Number

Owner’s Signature
The Application proposes to amend the North Haven Zoning Regulations by adding Sec. 4.2.1.12 as follows:

4.2.1.12 - Studios for dance, musical and theatrical instruction, gymnasiums and physical culture establishments.