

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

**RPC
Representatives**

Bethany:
Bob Harrison

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Matthew Yorzinski

Hamden:
Robert Roscow

Madison:
Joel Miller

Meriden:
Kevin Curry

Milford:
Robert Satti

New Haven:
Elias Estabrook

North Branford:
Tricia Mase

North Haven:
Theresa Ranciato-
Viele

Orange:
Vacant

Wallingford:
Jeffrey Kohan

West Haven:
Kathleen Hendricks

Woodbridge:
Andrew Skolnick

To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Thursday, February 11, 2021 RPC Meeting at 5:15pm

NOTICE: As permitted by Governor Lamont's Executive Order 7B, as extended by Executive Order 9L, regarding the COVID-19 Pandemic, this meeting is being held remotely with no in-person attendance

AGENDA - ZOOM MEETING

link to join at the time of the meeting: <https://us02web.zoom.us/j/84594605585>

Call-in Number: 1-929-205-6099

Meeting ID: 845 9460 5585

1. Administration

1.1. Minutes of the December 10, 2020 RPC Meeting

2. Action Items

2.1. Resilient CT Program – Update

2.2. Town of Orange: Proposed Zoning Regulation Amendment to delete Article XXIV – Transit Oriented Development District. Proposed Zoning Map Amendment to rezone parcel from TODD to LI-2 or LI-4. Submitted by: Town of Orange. Received: January 22, 2021. Public Hearing: March 2, 2021.

2.3. Election of Officers and Executive Committee

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.

127 Washington Avenue, 4th Floor West, North Haven, CT 06473

www.scrkog.org T (203) 234-7555 F (203) 234-9850 elivshits@scrcog.org

**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, December 10, 2020 Meeting

Present: Jeffrey Kohan, Bob Harrison, Charles Andres, Robert Satti, Tricia Mase, James Giulietti, Andrew Skolnick, Eugene Livshits. **Guest Speaker:** David Murphy

As permitted by Governor Lamont's Executive Orders, regarding the COVID-19 Pandemic, the meeting was held remotely with no in-person attendance

1 Administration

1.1 *Minutes of the November 12, 2020 RPC meeting.* Motion to accept the minutes as presented: Robert Satti. Second: Bob Harrison. Vote: Unanimous.

2 Statutory Referrals

2.1 *City of Meriden: Proposed Zoning Regulation Amendments pertaining to Places of Worship*

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

2.2 *Town of Hamden: Proposed Zoning Regulation Amendments pertaining to Outdoor Cafes*

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: Andrew Skolnick. Second: Robert Satti. Vote: Unanimous.

2.3 *Town of North Branford: Proposed Zoning Regulation Amendments pertaining to Farm Events in Residential Zones*

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: Bob Harrison. Second: Andrew Skolnick. Vote: Unanimous.

3 Other Business

3.1 David Murphy, US Manager of Resiliency Planning, SLR provided an update on the Resilient CT project. The project is led by CIRCA, in coordination with state agencies, regional councils of governments (COGs) and municipalities to provide a regional and watershed focused Climate Adaptation Planning Framework. The project area consists of regions and municipalities in New Haven and Fairfield Counties impacted by Hurricane Sandy, and will include both coastal and riverine climate vulnerability assessments.

3.2 2021 Regional Planning Commission Meeting Calendar was presented. Motion to adopt the Meeting Schedule as presented: Andrew Skolnick. Second: Charles Andres. Vote: Unanimous.

3.3 The RPC Representatives discussed the Officers and Executive Committee for 2021, and notified that two vacancies on the Executive Committee will need to be filled.

Motion to Adjourn: Robert Satti. Second: Andrew Skolnick. Vote: Unanimous.



Town of Orange, Connecticut

Zoning Department

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

January 19, 2021
CERTIFIED MAIL 203-891-4746
camento@scrcog.org demirjian@orange-ct.gov
www.orange-ct.gov

Mr. Carl Amento, Executive Director
Council of Governments
127 Washington Avenue
4th Floor - West
North Haven, CT 06473-1715

PETITION TO AMEND THE ORANGE ZONING REGULATIONS -
-Submitted Upon the Initiative of the Orange Town Plan & Zoning Commission.
To amend the Orange Zoning Regulations by DELETING Article XXIV Transit Oriented
Development District.

PETITION TO AMEND THE ORANGE ZONING MAP -
-Submitted Upon the Initiative of the Orange Town Plan & Zoning Commission.
To amend the Orange Zoning Map. To change property known as
28 Salemme Lane (a.k.a. Assessor's Map 3-1-1 (Owned by Yale University)
To change this parcel from Transit Oriented Development District TODD to Light
Industrial LI-2 OR Light Industrial LI-4.

Dear Mr. Amento:

In accordance with the Connecticut General Statutes, enclosed for your review are the above referenced Petitions. The tentative Public Hearing date on these Petitions is March 2, 2021. A Copy of the Existing Regulation & Proposed Amendment is attached. An electronic copy with attachments was also sent to you.

If you have any questions, please contact me at 203-891-4746.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jack Demirjian".
Jack Demirjian,
Zoning Administrator
& Enforcement Officer

enclosures
cc: TPZC Members
V. Marino, Esq.
J. Zeoli, First Selectman

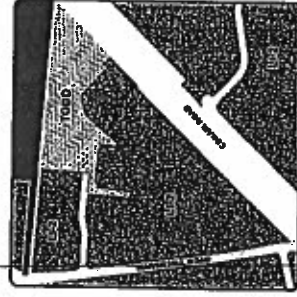
Town of Orange



**Zoning Map
Effective:
March 28, 2018**



TODD Eligible Area



Tighe & Bond
Engineers | Environmental Specialists



Zoning District	Description
OB	Business Office Park District
C-1	Commercial C-1 District
C-2	Commercial C-2 District
LI-1	Light Industrial District #1
LI-2	Light Industrial District #2
LI-3	Light Industrial District #3
LI-4	Light Industrial District #4
LS	Local Shopping Center District
SL	Senior Living District
OP	Office Park District
R-1	Residential
ROD	Transit Oriented Development District

Town of Orange, CT
Tuesday, May 7, 2019

Chapter 383. Zoning

Article XXIV. Transit Oriented Development District

[Added 12-7-2010; amended 11-19-2013; 4-19-2016; 9-19-2017; 12-5-2017]

§ 383-215. Purpose of district.

- A. The purpose of the Transit Oriented Development District ("TODD") is to create high density mixed use, transit oriented development near a Metro-North Rail Station. It is further the intent to provide a range of housing, businesses and services specifically geared towards commuters and users of the railroad, designed in an aesthetically pleasing, environmentally conscious and pedestrian scaled manner.
- B. The properties within a Transit Oriented Development District shall be regulated by an approved concept plan, which includes any additional standards or requirements deemed appropriate by the Commission.

§ 383-216. Applicability/eligibility.

- A. In order to apply to the Planning and Zoning Commission for a zone change to TODD, the property which is the subject of the application must be located within the area designated as "TODD Eligible Area" as shown on the inset on the Zoning Map titled "Inset Map Of TODD Eligible Area For The Purposes Of Section 383-216 Of The Zoning Regulations."
 - B. In order to apply to the Planning and Zoning Commission for a zone change to TODD, the property which is the subject of the application must be served by an existing rail station or planned rail station. If an application for a zone change is submitted on the basis of a planned rail station, then the applicant shall, as part of the zone change application proceeding, submit such material in form and content acceptable to the Commission relating to the status of the planned rail station.
 - C. If the property which is the subject of the application is not contiguous to the train station or an existing TODD development, the Commission shall, as part of its review of the zone change application, consider the continuity and contiguity of the proposed development with the train station and/or other TODD development and may deny such zone change request if the Commission finds that such proposed development would not provide for the orderly development and expansion of the TODD area.
-
- D. Unless otherwise authorized by the Commission, no permits for construction shall be issued until the train station construction has commenced.

§ 383-217. Uses permitted by special permit.

Unless otherwise authorized by the Commission (such as may be needed for establishment of the train station), no development shall exceed an overall intensity of 20,000 SF of total building floor area (not including any parking structures) per acre of land.

A. Retail uses, including banks, subject to the following:

- (1) All retail uses shall be supportive of the principal land uses within the TODD, including the railroad station, offices, hotels and multi-family residential uses.
- (2) The retail uses shall be designed to primarily serve the market of railroad station commuters, residents of the multi-family dwellings within the TODD, employees of the offices and/or hotels within the TODD, and guests of the hotels within the TODD. This shall be illustrated by size, type and signage of the proposed retail uses.
- (3) No individual retail use shall exceed 5,000 square feet of building area.
- (4) All retail uses shall be within a building used primarily for one of the other permitted uses.
- (5) All retail uses shall be oriented to a public or private street, or other public space.

B. Restaurants and other food and beverage service establishments subject to the following:

- (1) All restaurants and other food and beverage service establishments shall be within a building used primarily for one of the other permitted uses.
- (2) All restaurants and other food and beverage service establishments shall be oriented to a public or private street, or other public space.
- (3) Takeout service may be provided as an accessory use by restaurants and other food and beverage service establishments.
- (4) Outdoor dining may be permitted by the Commission by special permit when customers are seated and served at tables and when such outdoor dining area is adjacent to the indoor dining area.

C. Business and professional offices, including medical offices.

D. Railroad transit stations.

E. Structured parking.

F. Hotels with accessory restaurants and/or conference centers.

G. Day care center.

H. Multi-family residential units subject to the following conditions:

- (1) No more than 250 residential units shall be created within the entire TODD District.
- (2) No unit shall contain more than two bedrooms.
- ~~(3) No units shall be located on the ground floor of a structure.~~
- (4) At least 10% of all housing units constructed within any development in the TODD shall be deed restricted to remain affordable for the life of the project to persons or families earning 80% or less of the area median income. In addition, at least 10% of all housing units constructed within any development in the TODD shall be deed restricted to remain affordable for the life of the project to persons or families earning 60% or less of the area median income. The area median income shall be as published by the U.S. Department of Housing

and Urban Development (HUD). Affordable units shall be similar to the market rate units, equitably mixed throughout the development, and the proportion of affordable units by bedroom shall be identical to that of the overall project.

- (5) Except as provided in § 383-217H(6) below, multi-family residential units shall only be permitted in conjunction with the development of new office, hotels, research, retail and similar nonresidential uses. There shall be a minimum of 1,000 square feet of such new nonresidential use for each residential dwelling unit and such nonresidential space shall be built and substantially completed (shell and infrastructure complete and ready for demising and/or tenant fit-up) before any residential unit shall be occupied. Except as provided in § 383-217H(6) below, a parking garage shall not count as non-residential space. The Commission may require the phasing of development to assure that the minimum nonresidential development occurs prior to or contemporaneously with the residential development.
- (6) In order to promote the development of a train station, the Commission may endorse a concept plan where the number of residential units for the entity constructing the commuter parking structure shall be determined as follows:
 - (a) One multi-family residential unit per 1,000 SF of new office, retail or similar nonresidential uses plus one additional multi-family residential unit per three parking spaces to be constructed in the commuter parking garage to be deeded or leased to the State of Connecticut (such spaces in the commuter parking garage shall not count towards the parking requirements for the residential units).
 - (b) Not more than 200 residential units may be so authorized.

I. Research facilities.

§ 383-218. Site design.

A. Parking.

- (1) On-street parking shall be provided in the vicinity of all retail and service uses. This may be parallel or angled spaces. Surface parking lots may be permitted if, in the opinion of the Commission, sufficient parking cannot be provided on the street or in a parking structure alone or if such surface parking is a temporary situation pending construction of a parking structure in a later phase of the development. Surface parking lots shall not be located between the principal building and a public or private street. Any surface parking lot shall be visually screened from the street to the satisfaction of the Commission.
- (2) Parking for the rail station shall be provided in a multi-level parking structure located within 300 feet of the station. Parking counts or reports from similar train stations shall be provided to assist the Commission in determining an appropriate number of parking spaces.
 - (a) The owner or operator of said structure may charge a fee for parking.
 - (b) The applicant shall submit plans demonstrating adequate circulation for the peak number of trips anticipated, drainage and ventilation of the parking structure.
- (3) Landscaping and/or planters shall be placed around all parking lots and structures. Surface parking lots shall have landscaped islands and borders which consist of grass lawns, low shrubs, perennials, and trees and provide visual interest in all seasons. For any parking area with 30 or more parking spaces, one tree and one low shrub shall be provided for every 10 spaces or fraction thereof. The species of trees is subject to the review and approval of the Commission. Trees shall not have a caliper less than 2 1/2 inches, nor a height of less than eight feet. Required trees and shrubs must be located in planting islands within the parking

area, rather than on adjacent borders. Planting islands for re-landscaped trees and shrubs shall not be less than 180 square feet nor have a minimum dimension less than eight feet.

- (4) All parking structures shall be designed in a way that does not create an adverse impact upon roadways or other spaces, in ways through architectural design and placement of other uses between the parking structure and the public spaces.
 - (5) Parking for residential units shall be provided at one space per every one bedroom unit and 1.5 spaces for every two bedroom unit. Parking for residential units may share spaces in any structured parking facility, provided that the entryway to the building containing the residential units is located within 300 feet of the closest entrance of said parking facility and lighted pedestrian walking paths or sidewalks are provided.
 - (6) Parking for hotels shall be provided at 1.0 spaces for each sleeping room plus spaces as required for restaurants or conference facilities. A portion of the parking requirement is encouraged to be located underground.
 - (7) Parking for office, retail, restaurant or other commercial uses shall be provided at three spaces per 1,000 square feet of floor area. Parking may be provided in a structure and/or underground.
 - (8) All parking spaces and facilities are encouraged to be shared or jointly used wherever possible. The Commission may consider the joint or shared use of parking, upon review of a parking use study, submitted by the applicant, which analyzes periods and amount of projected usage for each of the proposed uses. The Commission may reduce the parking requirements as set forth in this section for particular uses upon:
 - (a) A demonstration that such lesser amount of parking will be sufficient for the proposed uses; and
 - (b) Provision of any documents required to memorialize any parking arrangement or agreement.
 - (9) Parking stalls shall be a minimum of nine feet wide by 18 feet in length, but may be reduced to 8.5 feet in width in low turnover parking structures. Where ninety-degree parking spaces are provided, a twenty-four-foot aisle way should also be provided. Angled spaces are permitted with the angle not to be less than 45 degrees. Angled spaces shall require a minimum fifteen-foot aisle and appropriate one way signage and surface markings. Parallel spaces are permitted in close proximity to retail and personal service uses only and shall be clearly marked as temporary spaces only so as to prohibit use by commuters. Parallel spaces shall be nine feet in width by 20 feet in length and shall require painted ground markings to divide spaces.
- B. Loading. Loading spaces shall be provided in such number, location and design as the Commission deems sufficient to serve the TODD development. Loading spaces may, at the discretion of the Commission, be shared by multiple buildings. The Commission may regulate the hours of operation of loading spaces.
- C. Open space/public gathering spaces. Any development within the TODD shall provide for areas of open space and/or civic space to enhance the overall TODD area. The concept plan shall include public sitting and gathering areas which may include but is not limited to a public plaza or passive recreation areas. The area shall be equipped with benches or chairs, pedestrian scaled lighting, and adequate trash receptacles. The area(s) should be generally centrally located in the most advantageous locations on the site. Water features and public art are encouraged to be included.
- D. Building design.

- (1) The first floor of a mixed use or non-residential buildings should be orientated to public streets and pedestrians rather than parking lots. At least 67% of the front facade of a first floor use which is facing a new or proposed public street shall be windows. Mirrored glass or dark tints which blocks views of inside the building from the outside is prohibited. Mullions are permitted as long as they are appropriate for the overall architectural style of the building. Doors which swing into the sidewalk area shall be recessed so as to not conflict with pedestrian movements. Awnings, colorful window displays, and other elements which create visual interest are encouraged.
- (2) In keeping with the desired pedestrian scale, developments with facades over 50 feet in length will be designed to visually reduce the scale and mass of the building by either extending or recessing the facade to break up the flat plane of the building or by providing projecting features on the front facade such as entry areas, arcades or bay windows.
- (3) Unless otherwise approved by the Commission, architectural styles found in and around the area and elsewhere in New England should be used. Applicants should use decorative details on the exterior of the building appropriate to the architectural style that is being emulated. Buildings should have minimum details of window sills and frames and door frames. Other details such as quoins and lintels are encouraged.
- (4) Natural building materials such as stone, brick or wood should be used. Exterior building materials shall be clearly specified as part of the concept plan and the detailed site plans submitted with the special permit applications. Materials which provide an identical outward appearance may be used subject to review and approval by the Commission. Prefabricated aggregate stone shall not be permitted. Wrought iron, copper or other metalwork can be used in detailing for items such as railings, balconies or other architectural details but shall not be used for visible doors or siding. A combination of materials may be used, but the entire building should be of the same architectural style. Concrete blocks shall not be visible on any outer facade of a building.
- (5) A parking structure for a train station shall be located in close proximity to the train station and shall be designed and constructed to reduce its appearance of being a parking structure. Other parking structures should not be located directly on or be visible from a main access road or access drive within the TODD area. Unless a parking structure is designed with similar architecture as other buildings in the TODD development or otherwise shielded by landscaping or liner buildings, the parking structure shall not be visually prominent from open or public gathering spaces. Parking structures shall be landscaped or have planters located near all entrances.
- (6) All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units which may be located on higher floors. Mansard roofs or gabled roofs are preferred with flat roofs only being permitted where the proposed structure is taller than adjacent structures. Flat roofs should have a parapet and cornice appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels and an ornamental frieze are encouraged.
- (7) Fabric awnings are permitted with steel supports over windows or storefronts. Colors and lettering on all awnings on the same building shall be uniform. No neon signs shall be permitted.

E. Height, coverage, setback and bulk requirements.

- (1) The Commission shall consider and may impose such height, coverage, setback and bulk requirements as it deems appropriate in approving the concept plan as part of the rezoning application, in accordance with the goals of the TODD, sound planning and public health safety and welfare.

§ 383-219. Infrastructure.

- A. Vehicular circulation - Any development within the TODD shall demonstrate how it will contribute to the establishment of an overall roadway system that will benefit the TODD area. The Commission may require that roadways be deeded to the Town and/or that access easements be provided to the Town in order to ensure that this outcome is achieved. No certificate of occupancy shall be issued until any such required conveyances are accomplished.
- B. Traffic impacts - Any development within the TODD shall demonstrate how it will address and mitigate traffic impacts from the proposed development. The Town may hire a traffic consultant (at the applicant's expense) to ensure that traffic issues are adequately addressed.
- C. Pedestrian/bicycle circulation - Any development within the TODD shall demonstrate how it will contribute to the establishment of an overall pedestrian and bicycle system that will benefit the TODD and surrounding parts of the community. A pedestrian circulation plan showing safe, illuminated means of circulation throughout the site shall be provided. Pathways and sidewalks shall conform to any model sidewalk specifications (width, materials, street furniture, etc.) established by the Commission for the TODD area. Bicycle lanes and locations for secure bicycle racks shall be incorporated. The Commission may require that pedestrian and bicycle ways be deeded to the Town and/or that access easements be provided to the Town in order to ensure that this outcome is achieved. No certificate of occupancy shall be issued until any such required conveyances are accomplished.
- D. Transit connections - Any development within the TODD shall demonstrate how it can accommodate transit services which may be available at the time of application or provided in the future.
- E. Piped utilities - Any development within the TODD shall demonstrate how it has addressed the need for an overall approach to providing for piped utility systems (such as water, sewer, natural gas, storm drainage, etc.) for the subject site and other sites within the TODD and adjacent areas. Development in the TODD area should include "low impact development" (LID) approaches to stormwater management. The Commission may require that utility easements be deeded to the Town and/or that access easements and construction easements to such utility easements be provided to the Town in order to ensure that this outcome is achieved. No certificate of occupancy shall be issued until any such required conveyances are accomplished.
- F. Long term maintenance - Any development within the TODD shall demonstrate how it has arranged for or will participate in a long-term maintenance program for the TODD area (including a Special Services District if created).

§ 383-220. Procedural requirements.

- A. Informal consideration. It is recommended that, prior to the submission of a formal application for approval of a Transit Oriented Development District or a TODD project, the applicant review with the Commission and its staff in preliminary and informal manner any proposal for a TODD related application.
- B. Petition. A petition for a change of zone for the establishment of a TODD shall be submitted to the Commission in writing and shall be signed by the owner or owners of all parcels within the proposed district, in accordance with the provisions of § 383-210, and shall be accompanied by the following:
 - (1) Statement. A written statement specifying the proposed uses of the area, special design considerations and features, architectural guidelines and themes, and how the proposal is consistent with the purpose of the TODD.

- (2) Concept plan. A concept plan shall be presented to the Commission showing the general intent of the proposal. The following information shall be presented in enough detail to allow the Commission to determine if the plan is in the spirit of the Zone's intent.
- (a) Location and size of property, including a boundary map and a map showing the project site in the context of the surrounding area.
 - (b) Existing topographic grades of the property, shown in accordance of a minimum of five-foot intervals.
 - (c) Location of proposed buildings, lots, roads, parking areas and structures, open space areas, including proposed general grading characteristics.
 - (d) Information regarding the proposed development of a rail station.
 - (e) General building and parking layout.
 - (f) Proposed area and gross square footage of the proposed buildings and uses.
 - (g) Concept plan for uses to be proposed which may not necessarily include specific tenants.
 - (h) General vehicular and pedestrian circulation showing all proposed public and private drives, walking paths, sidewalks, and means of traffic calming and/or pedestrian safety.
 - (i) Proposed public areas such as parks, lawn areas and recreational facilities.
 - (j) Landscaping and lighting plans showing areas of existing mature trees, all existing and proposed surface water resources, proposed landscaping treatments, proposed open space and recreational areas, and detail of proposed pedestrian-scaled lighting fixtures to be used. Any development within the TODD shall provide for street trees, landscaping, and other enhancements to the public realm.
 - (k) General streetscape and architectural design or theme, with exterior elevations, perspective drawings and descriptive information regarding building materials and exterior finishes.
- (3) Tentative phasing plan.
- (a) Existing and proposed utility plan.
 - (b) Proposed grading of the property in a general concept, including the proposed amount of material which would be added, removed, and/or relocated on the property.
 - (c) Traffic impact analysis, which describes the potential impact of the proposed uses on public roads, and, if needed, includes recommended improvements to such roads; and the adequacy and efficiency of the proposed internal circulation system. The Commission may request that the traffic impact be analyzed as to individual components of the overall plan.
- (4) Application fee. Fees shall be paid to amend the Zoning Map as set forth in § 270-1 of the ~~Town Code with an additional fee for special permit approval and for site plan approval to be~~ paid at the time of submission of detailed development plans once the Commission determines the concept plan is acceptable.

C. Review of concept plan.

- (1) After the application submission has been deemed complete for the establishment of a Transit Oriented Development District, the Commission shall hold one or more public hearings

on the application. . . part of its review, the Commission may require additional information be submitted by the petitioner.

(2) After the public hearing, the Commission may endorse or not endorse the concept plan or may endorse the concept plan subject to modifications specified by the Commission. If the Commission does not endorse the concept plan, it shall not approve the zone change request. Endorsement of the concept plan shall not constitute preliminary or final approval of any development within the Transit Oriented Development District and shall only authorize the submission of a special permit application and detailed site plans at a later date setting forth the specifics of the proposed development and showing any modifications specified by the Commission. No entitlement or vested right shall be established by the submission, review, or preliminary endorsement of a concept plan as part of a zone change request.

- D. Special permit/site plan applications. A special permit application along with a detailed site plan and a site plan application shall be submitted to the Commission as required by Article XIII of the Zoning Regulations prior to any construction or development within the TODD.
- E. Criteria for approval of special permit/site plan applications. The Commission may approve the special permit only after the Commission finds that the proposed development is consistent with the approved concept plan and any other requirements included within its approval. The Commission may approve the site plan only after the Commission finds that the site plan is consistent with the approved concept plan and any other requirements included within its approval.

§ 383-221. Requirements for maintenance of common land and facilities.

In order to ensure long-term maintenance of commonly held land and facilities and to prevent maintenance expenditures by the Town, the following shall be required:

- A. All TODD projects shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, common parking spaces, drainage facilities and other commonly held facilities. This document shall be approved by the Town attorney.