

**SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission**

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

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Senior Regional Planner  
Subject: Minutes for Thursday, October 14, 2021 Meeting

**Present:** Jeffrey Kohan, Charles Andres, Kevin Curry, Ted Stevens, Robert Satti, Andrew Skolnick (in-person), Alex Hutchinson (in-person), William Long, Eugene Livshits

**The meeting was held in-person at the SCRCOG, 127 Washington Ave, 4<sup>th</sup> FL West, North Haven, CT with a remote option available via Zoom.**

**1 Administration**

1.1 *Minutes of the July 8, 2021 RPC meeting.* Motion to accept the minutes as presented: Kevin Curry.  
Second: Andrew Skolnick. Vote: Unanimous.

1.2 *Summary of the August 12, 2021 RPC meeting.* The August meeting did not have a quorum, and the summary was presented for informational purposes.

**2 Statutory Referrals**

**2.1 Town of Wallingford: Proposed Zoning Regulation Amendments pertaining to Data Centers**

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

Motion: Kevin Curry. Second: Andrew Skolnick Vote: Unanimous. Abstain: Jeffrey Kohan

**2.2 Town of Orange: Proposed Zoning Regulation Amendments pertaining to Cannabis Establishments/Distributors**

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: Kevin Curry. Vote: Unanimous.

**2.3 City of Meriden: Proposed Zoning Regulation Amendments pertaining to Cannabis Micro-Cultivator**

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: Charles Andres. Second: Andrew Skolnick. Vote: Unanimous. Abstain: Kevin Curry

**3 Other Business**

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

**Referral 2.1:** City of West Haven

**Subject:**

Proposed Zoning Regulation Amendments pertaining to Parking Requirements and the Neighborhood Business 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 City of West Haven has proposed amendments to Section 20 (Commercial District) and Table 20.1, Line B (Minimum Lot Size per unit). The proposed amendment would decrease the minimum lot size per unit from 2,000 square feet to 1,300 square feet.

The amendments pertaining to Parking are met to bring the City's regulations in conformity with P.A 21-29. Parking for studio and 1-bedroom dwelling units is 1 space, and 2 spaces for 2 or more dwelling units.

**Communication:**

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

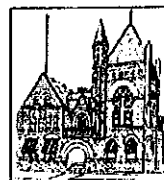
ZR # 21-93



# CITY OF WEST HAVEN, CONNECTICUT Planning and Development Department

City Hall | 355 Main Street | First Floor  
Phone 203.937.3580 Fax 203.937.3742

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



CITY HALL 1898-1967

## APPLICATION FOR CHANGE TO ZONING REGULATIONS

### 1. Article and Section of Zoning Regulations

Section 20 (Commercial District), Table 20.1, Line B. (Minimum Lot Size per Unit (Sq. Feet))

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

Passage of this amendment would allow for the residential redevelopment of larger sites within the Neighborhood Business District with a density that approximates that of the Central Business District. This amendment will also bring residential parking regulations into conformance with P.A. 21-29 effective October 1, 2021.

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

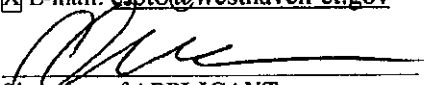
N/A

### 4. Applicant Information

Name: Planning and Zoning Commission  
Firm: City of West Haven  
Street Address: 355 Main Street  
City: West Haven State: CT ZIP: 06516

Daytime Phone:  
 Business  Home (203) 937-3580  
 Fax: \_\_\_\_\_  Cell: \_\_\_\_\_  
 E-mail: [csoto@westhaven-ct.gov](mailto:csoto@westhaven-ct.gov)

Dated: September 21, 2021

  
Signature of APPLICANT

### 5. Counsel Information

Name: Lee Tiernan, Corporation Counsel  
Firm: City of West Haven  
Street Address: 355 Main Street  
City: West Haven State: CT ZIP: 06516

Daytime Phone: (203) 937-3600  
 Business  Home  
 Fax: \_\_\_\_\_  Cell: \_\_\_\_\_  
 E-mail: [Ltiernan@westhaven-ct.gov](mailto:Ltiernan@westhaven-ct.gov)

### 6. Provide Text of Proposed Change

Proposed Text is attached.

*(Please additional sheets as necessary to provide the Planning and Zoning Commission with a complete set of amendments and a thorough understanding of the proposed changes.)*

The proposed parking regulations will be in conformity with P.A. 21-29 as it amends Section 8-2 of the CT General Statutes. The Statutes in Section 8-2(d)(9) as effective October 1, 2021 will require that regulations not impose a requirement greater than 1 space per studio or one (1) bedroom dwelling unit or greater than 2 parking spaces per dwelling units with 2 or more bedrooms.

**Proposed Parking Regulations: (Changes are in red italics)**

**Table 62.1 Summary Table of Parking and Loading Requirements**

A.	SAME USES AS PERMITTED IN RESIDENCE DISTRICT <i>Single Family Dwellings, Detached or Attached: Two and three family dwellings, Multi-family dwellings</i>	<i>1 Space per Studio and 1 Bedroom Dwelling Units. 2 spaces per 2 or more Bedroom Dwelling Units</i>	NONE
	<i>Accessory Apartment</i>	<i>1 Additional Space</i>	
	<i>Short-Term Rental</i>	<i>1 Additional Space</i>	
	<i>Home Occupation</i>	<i>2 Visitor Spaces</i>	
	<i>Congregate Housing, Assisted Living</i>	<i>1 Space per Bedroom</i>	

**Table 11.1 Area and Bulk Requirements in R-1 and R-2 Residential Districts**

KEY	REQUIREMENT	DISTRICT	
		R-1	R-2
O.	<i>Parking per Studio or 1 Bedroom Dwelling Unit</i>	1	1
P.	<i>Parking per 2 or more Bedrooms Dwelling Unit</i>	2	2

**Table 12.1 Area and Bulk Requirements in R-3, R-4, and R-5 Residential Districts**

KEY	REQUIREMENT	DISTRICT	
		R-1	R-2
O.	<i>Parking per Studio or 1 Bedroom Dwelling Unit</i>	1	1
P.	<i>Parking per 2 or more Bedrooms Dwelling Unit</i>	2	2

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# Text Amendment Comparisons

## Neighborhood Business (current)

REQUIREMENTS	C8D	NB	
A. Minimum Lot Size (Sq. Feet)	3,000	6,000	
B. Minimum Lot Size per Unit (Sq. Feet)	1,000	2,000	
C. Number of Dwelling Units Per Lot	♦	♦	
D. Minimum Front Yard (Feet)	0	25	
E. Minimum Side Yard (Feet)	0	15	
F. Minimum Rear Yard (Feet)	20	20	
G. Minimum Street Frontage (Feet)	50	50	
H. Minimum Inner Yard	10 feet per story excluding basement		
I. Maximum Building Coverage (%)	30	50	
J. Maximum Lot Coverage (%)	100	75	
K. Maximum Height (in stories)	4.6♦	2 ½	
L. Maximum Height (in Feet)	45.75♦	35	
M. Minimum Open Space (%)	0	25	

## Neighborhood Business (proposed)

REQUIREMENTS	C8D	NB	
A. Minimum Lot Size (Sq. Feet)	3,000	6,000	
B. Minimum Lot Size per Unit (Sq. Feet)	1,000	1,300	
C. Number of Dwelling Units Per Lot	♦	♦	
D. Minimum Front Yard (Feet)	0	25	
E. Minimum Side Yard (Feet)	0	15	
F. Minimum Rear Yard (Feet)	20	20	
G. Minimum Street Frontage (Feet)	50	50	
H. Minimum Inner Yard	10 feet per story excluding basement		
I. Maximum Building Coverage (%)	30	50	
J. Maximum Lot Coverage (%)	100	75	
K. Maximum Height (in stories)	4.6♦	2 ½	
L. Maximum Height (in Feet)	45.75♦	35	
M. Minimum Open Space (%)	0	25	

♦ = Number of dwelling units on a lot is based on lot size; First floor fronting the street shall be used as commercial rather than residential, if such frontage is on Campbell Avenue, Main Street, or Captain Thomas Boulevard or is located in a coastal flood hazard area.

**Referral 2.2:** Town of Hamden

**Subject:**

Proposed Zoning Regulation Amendments pertaining to Manufacturing Zone

**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 Hamden has proposed several amendments to the regulations applicable to the Manufacturing Zoning (M-Zone) District. The purpose of the amendments is to implement the recommendations from the Town's POCD. The changes essentially eliminate T- Zone (form-based) design standards for properties located in within the M-Zone. The form-based design standards were meant to create pedestrian scale, mixed use development, which is not necessarily applicable to a manufacturing district.

Please see the background information within the Agenda Packet for specific amendments.

**Communication:**

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



# TOWN OF HAMDEN

## PLANNING & ZONING DEPARTMENT

Hamden Government Center  
2750 Dixwell Avenue  
Hamden, Connecticut 06518  
Tel: (203) 287-7070  
Fax: (203) 287-7075  
www.hamden.com

October 29, 2021

Re: Proposed Town of Hamden Zoning Regulation Text Amendment  
Elimination of Certain Transect Design Requirements to M Zone Development  
Town of Hamden Planning and Zoning Commission, Applicant

Greetings,

Please find enclosed the above referenced zoning text amendment, which is being proposed by the Town of Hamden Planning and Zoning Commission (PZC). The Hamden PZC completed an update of its Plan of Conservation and Development in 2019. This zoning text amendment will allow Hamden to accomplish high priority objectives adopted with strong community consensus and relating to economic development, business retention/expansion, tax base diversification and other related fiscal concerns.

The present proposal does not create any new "M" (manufacturing) zones, it only seeks to leverage existing M zones by eliminating inappropriate design standards. Specifically, "form based" Transect zone requirements are intended to create pedestrian scale, mixed use spaces which de-emphasize automobiles and otherwise move away from conventional "Euclidian" approaches to managing land uses. Having now developed over ten years of experience with the application of its "T" zone regulations, Hamden has determined that some adjustments are needed. Those adjustments will retain the T zone standards where they have worked best, and eliminate their applicability to best suit the operational, design and other needs of Hamden's established manufacturing zones, property owners, investors and tenants.

These text amendments are also critically important in that much of the land included in Hamden's "M" zones is frankly unsuitable for development, due to resource and other constraints. In fact, when compared to other cohort communities in the region, Hamden's inventory of well located, developable M zoned land is very limited. This, together with other relevant factors, such as lack of direct highway access, put Hamden at a distinct economic disadvantage, given that most of its revenue is based on property taxes. Enhanced use of Hamden's existing M zones will reduce the burden placed on residential property owners and allow Hamden to continue to provide essential public services.

In closing, the Hamden PZC and its staff believe these proposed text amendments are also fully consistent with applicable State and Regional Plan goals, policies and objectives, as well as with any applicable coastal area goals, policies and objectives.

If you have any questions, please contact me at [Ejohnson@Hamden.com](mailto:Ejohnson@Hamden.com) or Hamden's Assistant Town Planner at [Mdavis@Hamden.com](mailto:Mdavis@Hamden.com). **The public hearing for this application is scheduled to open on December 14, 2021 at 7:00 pm in the Legislative Council Chambers, 2372 Whitney Avenue, Hamden CT.** Our intention is to hold and close the hearing that evening and vote to approve the changes such that an effective date can be set for early 2022. If at all possible, please try to accommodate that schedule by submitting any review comments to us in advance of that date and, as noted, please contact us if you have any questions or concerns.

Thank you for your time and anticipated assistance.

Erik Johnson  
Town Planner  
Hamden CT



List of Attachments: Cover letter, overview memo, application form, and proposed regulation

List of Addresses:

Bethany Town Clerk, 40 Peck Road, Bethany CT 06524

Cheshire Town Clerk, 84 S. Main Street, Cheshire CT 06410

Hamden Town Clerk, 2750 Dixwell Avenue, Hamden CT 06518

New Haven Town Clerk, 200 Orange Street, New Haven CT, 06510

North Haven Town Clerk, 18 Church Street, North Haven, 06473

Wallingford Town Clerk, 45 S Main Street, Wallingford CT, 06492

Woodbridge Town Clerk, 11 Meetinghouse Lane, Woodbridge CT 06525

Regional Water Authority Environmental Planning Department, 90 Sargent Drive, New Haven CT 06511

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

Lori Mathieu, Department of Public Health, 410 Capitol Avenue, Hartford CT 06134

Katie Perzanowski, Connecticut Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106

Copies to:

Mayor

PZC

Town Atty(s)

Hamden Chamber of Commerce

Town Engineer



Date of Filing 10/29/21  
Fee \_\_\_\_\_  
Date Paid \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Application # 21-980

**TOWN OF HAMDEN  
APPLICATION TO AMEND THE ZONING REGULATIONS**

Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations

APPLICANT Town of Hamden PZC TELEPHONE 203-287-7074  
(Name)  
ADDRESS 2750 Dixwell Avenue, Hamden CT 06518  
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: EJOHANSON@HAMDEN.COM

REGULATION TO BE:  AMENDED  ADDED or  DELETED:  
Article Number \_\_\_\_\_ Section \_\_\_\_\_ Group Use \_\_\_\_\_

CURRENT LANGUAGE (SEE CURRENT ZONING REGULS)

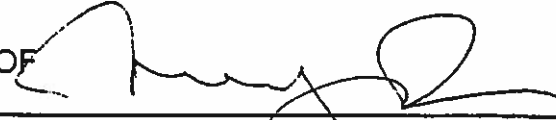
PROPOSED LANGUAGE (SEE ATTACHED)

REASON FOR PETITION FOR CHANGE IMPLEMENT 2019 POCD RECOMMENDATIONS

Have there been any previous petitions for same or similar amendments?  YES  NO

If YES, list name of applicant \_\_\_\_\_

SIGNATURE OF APPLICANT

 \*

(Name)

TELEPHONE NO. 203-287-7070

MAILING ADDRESS

2750 Dixwell Avenue Hamden CT 06518

(Street No. and Name)

(Town and State)

(Zip Code)

If you require additional space to complete any of your answers, please attach to this document.

\* MATTHEW DAVIS, ASSISTANT PLANNER  
FOR BRACK POITIER, CHAIR HAMDEN PZC

## Application for Zoning Regulation Amendments

Town of Hamden Planning and Zoning Commission (PZC)

October 29, 2021

**SCOPE:** Eliminate Applicability of Certain Transect Zone (T Zone) Design Standards to Properties Located Within Manufacturing Zones (M Zones).

**PURPOSE:** To implement 2019 Plan of Conservation and Development (POCD) recommendations relating primarily to economic development, fiscal stability and business growth/retention.

### OVERVIEW

Approximately 12 years ago, Hamden engaged in a public process to develop and evaluate a package of major changes to its zoning regulations. As a consequence, Hamden's zoning regulations and map were amended to incorporate neo-traditional and form based standards. These were applied broadly, focusing on major corridors and nodal areas. While new "transect" zones were created and mapped, these regulations were also applied to the Town's existing manufacturing zones.

Town staff, various land use commissions and private interests have now acquired over 10 years of practical experience administering these regulations. This experience, and the Town's present financial condition suggest that it would be prudent to revisit some of these regulations and to make appropriate adjustments.

In 2019, the Hamden PZC adopted its latest update to the Town's POCD. Based on public input, staff and commission recommendations and data and recommendations provided to the PZC by its professional consultants, the POCD places great emphasis on economic development, fiscal and budgetary concerns. The highest priority recommendations are intended to address these challenges.

In early 2021, the PZC began informal discussions of possible actions they could take to begin accomplishing the goals and objectives of the 2019 POCD. Changes in P&Z Department staffing and additional assignments delayed initiation of these efforts, however, in late Summer/Fall of 2021, the PZC, based on staff's recommendation, agreed to move forward with the specific changes contained in this application.

In addition to this narrative overview, the Commission's application includes the following:

1. The required standard application form.
2. A mark-up version of the current regulations showing the proposed changes.

## SPECIFIC CHANGES

1. Elimination of the "M" from the title/heading of the following regulation sections. This change will result in eliminating the applicability of the design requirements located within these sections (i.e. those under the given section heading) to development within Hamden's "M" (manufacturing) zones, unless otherwise noted below.

310.1 (subsections a, b, c, d, and will no longer be applicable to M zone development - subsections f and g will be replicated in existing section 380.1 – Manufacturing Zone – and will therefore remain applicable to development within the M zones)

310.2 (not currently applicable to M zone development and will remain as such)

320.1 (all subsections will no longer be applicable to M zone development)

320.2 (all subsections will no longer be applicable to M zone development)

320.3 (Subsections a, b and f will no longer be applicable to M zone development. Subsection "c" will be modified and the new language inserted into existing section 380.1 – Manufacturing Zone- in order to retain the limitation on permissible locations of loading docks and service areas and related screening requirements. Subsections d and e will remain applicable through application of other existing sections of the regulations).

330 (will no longer be applicable to M zone development)

340.1 (all subsections will no longer be applicable to M zone development)

340.2 (will no longer be applicable to M zone development - the ability to use first floor areas for commercial purposes will remain permitted per existing use table 6.1)

350.1a (will no longer be applicable to M zone development - parking ratios and related requirements will continue to be addressed by application of other existing sections of the regulations).

350.2 (subsections d and e will no longer be applicable to M zone development. The requirements of 350.2 a, 350.2 b and 350.2 c will remain applicable through application of other existing sections of the regulations).

350.3 (not applicable to M zone development – no changes proposed or necessary).

360.1 (subsection a will no longer be applicable to M zone development – subsection b will however continue to be applicable via other existing sections of the regulations)

360.2 (all subsections will no longer be applicable to M zone development)

360.3 (all subsections will no longer be applicable to M zone development)

360.4 (subsection a will no longer be applicable to M zone development. Bike racks will remain required via application of other existing sections of the regulations).

360.5 (all subsections will no longer be applicable to M zone development)

370.1 (will no longer be applicable to M zone development).

370.2 (not applicable to M zone development – no change proposed or necessary)

370.3 (will no longer apply to M zone development, however, landscape requirements will continue to be applicable by application of other existing sections of the current regulations).

370.4 (not applicable to M zone development – no change proposed or necessary)

2. Figures 3.2, 3.3, 3.4, 3.5, 3.6, 3.7 and Table 3.4 will no longer be applicable to M zone development.

3. Table 3.5 will be amended as follows:

- \* eliminate the frontage buildout requirement

- \* Eliminate the “maximum” front building setback and change to a conventional “minimum” setback

- \* add two footnotes applicable to the side and rear yard setbacks to clarify that where buffer areas are required per section 540.3.4, section 540.3.4 shall govern.

4. Table 3.5.1 will be amended as follows:

- \* add two footnotes applicable to the side and rear yard setbacks to clarify that where buffer areas are required per section 540.3.4, section 540.3.4 shall govern.

5. 530.1 - eliminate “M” zone from section heading/title (this will eliminate the optional “build to” line from M zone development).

6. Amend section 540.3.4 to insert the capital letter “M” in the first line after “T5”. (This will clarify the applicability of buffer requirements to M zone development abutting Residential Zones).

7. Amend existing section 380.1 (Manufacturing Zone) to add the language noted above.

## **Proposed Text Amendments**

### **Section 310 BUILDING LOCATION**

**310.1 Specific to zones T1, T2, T3, T3.5, T4, T5, M, TG, NC**

### **Section 320 BUILDING MASSING**

**320.1 General to Zones T1, T2, T3, T3.5, T4, T5, M, TG, NC**

**320.2 Specific to Zones T3, T3.5, T4, M, TG, NC**

**320.3 Specific to Zones T5, M, TG, NC**

### **Section 330 SPECIAL REQUIREMENTS T3.5, T4, T5, M, TG, NC**

### **Section 340 BUILDING USE**

**340.1 Specific to zones T2, T3, T3.5, T4, T5, M, TG, NC**

**340.2 Specific to zones T3.5, T4, T5, M, TG, NC**

### **Section 350 DENSITY AND PARKING CALCULATIONS**

**350.1 Specific to zones T2, T3, T3.5, M, TG, NC**

**350.2 Specific to zones T4, T5, M, TG, NC**

### **Section 360 PARKING LOCATION and PRIVATE ROADWAY STANDARDS**

**360.1 Specific to zones T1, T2, T3, T3.5, T4, T5, M, TG, NC**

**360.2 Specific zones T2, T3, M, TG, NC**

**360.3 Specific to zones T3, T3.5, T4, M, TG, NC**

**360.4 Specific to zones T3.5, T4, M, TG, NC**

**360.5 Specific to zones T5, M, TG, NC**

### **Section 370 LANDSCAPE STANDARDS**

**370.1 Specific to zones T2, T3, T3.5, T4, M, TG, NC**

**370.3 Specific to zones T3, T3.5, T4, M, NC**

## Section 380 SPECIAL DISTRICTS

### Section 380.1 Manufacturing Zone

#### Purpose

The purpose of the Manufacturing Zone is to provide for a broad range of industrial and commercial uses in an open setting that will not have environmentally object able influences on adjoining residential and business zones.

Zone	Min. Lot Area	Max. Height	Max. % Building Coverage	Max. % Impervious Surface	Lot Width	Frontage Buildout	Front Yard Setback	Side Yard Setback <sup>1</sup>	Rear Yard Setback <sup>1</sup>
M	20,000 sf	40'-0"	40%	60%	100 ft	<del>80%</del> min.	25 ft max.	10 ft min.	25 ft min.

If a building is set back from the front lot line by 25 feet or more, there shall be:

- a. A landscaped area at least 10 feet wide abutting the front of the building; and,
- b. A landscaped strip of not less than 5 feet wide along and contiguous to the front lot line of the property, or;
- c. An equal amount of landscaped area acceptable to the Commission in another location on the site.

Front Setback	20 ft. min + bldg. setback
Side Setback	3 ft. <sup>1</sup>
Rear Setback	3 ft. <sup>1</sup>

- Mobile storage containers may not be placed within a required front or side yard and may be used only for a period not to exceed 90 days in any 12 month period.<sup>2</sup>
- “Roll-off” construction dumpsters may not be placed within a required front or side yard and may be used only for a period not to exceed 90 days in any 12 month period, renewable for an additional 30 days, but only when associated with active demolition or construction project approved by the Building Department.<sup>3</sup>
- Loading docks and service areas shall not be permitted in front yards.

<sup>1</sup>When buffer areas are required per section 540.3.4, Section 540.3.4 shall govern.

<sup>2</sup> Effective November 15, 2012

<sup>3</sup> Effective November 15, 2012



## **Section 530 Lot, Block and Building Configuration**

### **Section 530.1 Front Yards/Build-To Lines**

**Specific to Zones R3, R4, R5, T3, T3.5, M and NC**

The purpose of this section is to create a uniform location for buildings by requiring a build-to line.

Where buildings exist on adjacent lots, the Commission or its agent may require that a proposed building match one or the other of the adjacent front yard setbacks and heights rather than the provisions of these Regulations.

#### **540.3.4 Buffer Area**

The purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion to residential dwellings. A buffer area shall be required along all side and rear boundaries of a Special Permit use, a T3.5, T4, T5, M or Special District lot abutting any lot in a Residential Zone (R1 – R5), T2, T3 zone. Such buffer area shall comply with at least the following minimum standards.

## **Referral 2.3: Town of Beacon Falls**

### **Subject:**

Proposed Zoning Regulation Amendments pertaining to Poultry and Livestock

### **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 Beacon Falls has proposed a new section pertaining to keeping of poultry and livestock for personal use. Poultry, Residential is defined as chickens, ducks, turkeys, but not guinea hens, peacock emus or ostriches. Livestock, residential is defined as horses, cows, donkeys, sheep, goats, rabbits, but not pigs and minks.

The keeping of the livestock for a residential accessory use is proposed to permit. A. one horse or one cow or one donkey. B. two sheep or two goats. C. sixteen chickens or rabbits. The application is required to have a plot plan depicting areas for keeping of the livestock and/or poultry, number and type of livestock and/or poultry, and locations, type and sizes of shelters and grazing areas. Additional general provisions can be found in the Agenda Packet. The minimum lot size for keeping poultry as an accessory residential use is greater or equal to half an acre, while for livestock it is greater or equal to three-quarter of an acre. For lot sizes between 1.5 acres and 3 acres a maximum of 24 poultry is permitted. Additional information pertaining to the maximum amounts can be reviewing in the background information (Table 1) in the Agenda Packet. Roosters are only permitted on lot sizes three acres or greater. There are additional standards proposed for management, waste management, setbacks and permitting, and site suitability.

### **Communication:**

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

Received: 11/8/2021

**Certified Mail – Return Receipt Requested**

South Central Regional Council of Governments  
127 Washington Avenue  
4th Floor West  
North Haven, CT 06473

November 3, 2021

Notice to South Central Regional Council of Governments

The Beacon Falls Planning and Zoning Commission will a public hearing on Thursday, November 18, 2021, at 6:30 pm in the Beacon Town Hall Assembly Room, 10 Maple Avenue, Beacon Falls, CT 06403 to consider:

**Application PZC-10212021-1-TA (Text Amendment)/Cody and Kristina Muth-** a request to amend the Town of Beacon Falls Zoning Regulations, Article I by creating Section 8.4.5 - Accessory Residential Poultry and/or Livestock Use Regulations

This amendment, if approved, will affect zoning rules throughout the Town of Beacon Falls.

A copy of the proposed amendment is enclosed and is on file for review in the Office of the Town Clerk, Beacon Falls Town Hall, 10 Maple Avenue, Beacon Falls, CT 06403 during normal business hours.

If you have any questions, please contact Donald Molleur, P&Z Chairman at (203) 736-4260.

Sincerely,



*Lisa Daigle*  
Clerk, Beacon Falls Planning & Zoning Commission

Town of Beacon Falls Draft Accessory Residential Poultry and/or Livestock Use Regulations

October 1, 2021

**A. INTENT**

The intent of this section is to provide regulations for the keeping of very limited number of poultry or other livestock for personal use, enjoyment, or personal consumption. The accessory residential use provided that such animals are kept in sanitary and non-offensive manner and consideration has been made to the number of animals, size of the lot and proximity of adjacent residences.

Farms and farming operations shall conform to the standards set in Article 1 Section 8.8.

**B. DEFINITIONS**

**POULTRY, RESIDENTIAL ACCESSORY USE-** chickens, ducks, turkeys but not guinea hens, peacocks emus or ostriches.

**LIVESTOCK, RESIDENTIAL ACCESSORY USE-** horses, cows, donkeys, sheep, goats, rabbits but not pigs and minks

**LIVESTOCK UNIT, RESIDENTIAL ACCESSORY USE-**

A) One horse\* or one cow or one donkey

B) Two sheep or two goats

C) Sixteen chickens or rabbits

\*Existing regulations permit a horse be kept on residential lots, provided the animal has a minimum of 40,000 square feet. A horse currently inhabiting a property conforming to existing regulations would not count against these proposed livestock units

**C. GENERAL PROVISIONS**

1) An application for an accessory residential poultry and/or livestock use shall include a plot of plan depicting:

a. the areas designed for the keeping of the livestock and/or poultry;

b. the total number of type of livestock and/or poultry kept;

c. and the locations, type and size of the shelters, grazing areas, keeping areas, and

fences

2) An application for an accessory poultry or livestock use must be submitted and signed by the owner of such property

3) Poultry and livestock must be owned by the residents or owner of the premises on which they are kept

4) The keeping of poultry and livestock under this provision shall be for the personal use of the residents or owners of the premises on which they are kept. Stabling of livestock other than those owned by the owner or resident of the lot is prohibited and no 4-H project shall be conducted simultaneously with the accessory poultry or livestock use.

5) The keeping of said poultry and livestock under this provision shall not be construed as allowing the establishment of any commercial enterprise.

6) Poultry and livestock offspring shall not apply to the calculation of number of animals until after weaning

7) The raising or breeding of livestock exclusively for their pelts is prohibited.

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8) Additional regulations of the Public Health Code, the Department of Energy and Environment Protection, the Connecticut Department of Agriculture, or the Connecticut General Statutes may apply.

#### **D. POULTRY REGULATIONS**

1. **Minimum lot size.** A property must be greater than or equal to half (0.5) an acre in order to keep poultry as an accessory residential use

2) **Number of Poultry.** A property which meets the minimum lot size may keep up to a maximum of 24 poultry. Please refer to Table 1- Number of Permitted Accessory Residential Poultry and Livestock Uses for additional information

3. **Roosters.** Roosters are not permitted on property which has less than three (3) acres

4. **Management.** Poultry shall be suitably contained on the premises at all times. Free range poultry are prohibited

5. **Waste Management.** The storage and management of waste (e.g. a combination of manure and bedding) for poultry shall be in accordance with the Public Health Code, as amended. In no case shall waste be located closer to the property lines than the minimum setback requirements for structures and enclosures for the keeping of poultry and shall not exceed two (2) cubic yards at any given time

6. **Setbacks and Permitting Requirements.**

a. the area used for grazing, exercising, or training of such animals shall be located at least ten (10) feet away from any lot line and securely fences to prevent straying and to prevent the public from entering the enclosure.

b. Structures less than four-hundred (400) square feet for the keeping of poultry shall be a minimum of twenty (20) feet from the side or rear property lines and one hundred (100) feet from the front property line or meet the setbacks of the underlying zone (whichever is greater). An owner shall apply for a Zoning Compliance Permit in accordance with the Beacon Falls Zoning Regulations.

c. Any structure for the keeping of poultry as an accessory residential use that is greater than or equal to four-hundred (400) square feet shall require review in accordance with Section 52- Special Exemptions of the Town of Beacon Falls Zoning Regulations.

d. Any pre-existing non-conforming fence for confining livestock may be repaired, maintained or replaced.

7. **Site- Suitability in Impact.** In order to minimize potential adverse impacts, the following shall apply:

a. Sites with slopes of greater than 15% shall be avoided or improved to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions for keeping poultry under these regulations.

b. An applicant may be required to submit an erosion and sedimentation control plan, depending on the site-specific characteristics of the property

c. Structure for the keeping of poultry under these regulations shall not be permitted directly over land containing an on-site sewage disposal system. Structures and enclosures (such as fenced areas) shall not be permitted directly over wells.

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d. Property drainage shall be provided to avoid collection of water. Water shall be diverted from poultry keeping in areas; however, such water shall not pollute surface or subsurface water supplies nor shall runoff be directed at neighboring properties.

## **E. LIVESTOCK REGULATIONS**

1. **Lot size requirements.** A property must be greater than or equal to three-quarters (.75) if ab acre in order to keep livestock as an accessory residential use.
2. **Number of Livestock.** A property which meets the minimum lot size may keep up to .5 livestock units. A property of 0.75 acres or more may keep up to 1 livestock unit. Please refer to Table 1- Number of Permitted Accessory Residential Poultry or Livestock Uses for additional information.
3. **Small Animals.** A property which meets the minimum lot size shall have sixteen (16) poultry OR eight (8) chickens and eight (8) rabbits as the maximum number of poultry and/or livestock. Please refer to Table 1- Number of Permitted Accessory Residential Poultry or Livestock Uses for additional information.
4. **Management.** Livestock shall be suitably contained on the premises at all times. Free range livestock are prohibited.
5. **Waste management.** The storage and management of waste (e.g. a combination of manure and bedding) for livestock shall be in accordance with the Public Health Code, as amended. In no case shall waste be located closer to property lines than the minimum setbacks requirements for structures and enclosures for the keeping of livestock and shall not exceed four (4) cubic yards at any given time.
6. **Setbacks and Permitting Requirements.**
  - a. The area used for grazing, exercising, or training of such animals shall be located at least ten (10) feet from any lot line and securely fenced to prevent straying and prevent public from entering enclosure.
  - b. Structures less than four-hundred (400) square feet for the keeping of livestock shall be a minimum of twenty (20) feet from the side or rear property lines and one hundred (100) feet from the front property line or meet the setbacks of the underlying zone (whichever is greater). An owner shall apply for a Zoning Compliance Permit in accordance with the Beacon Falls Zoning Regulations.
  - c. Any structure for the keeping of livestock under these regulations that is greater than or equal to four-hundred (400) square feet shall require review in accordance with Section 52-Special Exemptions of the Town of Beacon Falls Zoning Regulations
  - d. Any pre-existing non-conforming fence for confining livestock may be repaired, maintained or replaced.
7. **Site Suitability in Impact.** In order to minimize potential adverse impacts, the following shall apply:
  - a. Sites with slopes greater than 15% shall be avoided or improved to avoid heavy surface water runoff, soil erosion, and sedimentation control plan depended on the site specific characteristics of the property.
  - b. An applicant may be required to submit an erosion and sedimentation control plan, depending on the site-specific characteristics of the property

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c. Structure for the keeping of livestock under these regulations shall not be permitted directly over land containing an on-site sewage disposal system. Structures and enclosures (such as fenced areas) shall not be permitted directly over wells.

d. Property drainage shall be provided to avoid collection of water. Water shall be diverted from livestock keeping in areas; however, such water shall not pollute surface or subsurface water supplies nor shall runoff be directed at neighboring properties.

**Table 1- Number of Permitted Accessory Residential Poultry or Livestock Uses for additional information**

<b>Lot Size</b>	<b>Allowed Accessory Poultry and/or Livestock</b>
Less than 0.5 acres	Not allowed
0.5	8 poultry or 8 rabbits (Section D- Poultry Regulations)
0.75	12 poultry or rabbits and 1.0 livestock unit Section E- Livestock Regulations  e.g. 12 chickens and 2 goats or 12 chickens and 12 rabbits
1 acre	16 poultry (section D- Poultry Regulations) and 1.5 livestock units (Section E- Livestock Regulations)  e.g. 18 chickens (Sections D) and 18 chickens or rabbits (Section E); OR 18 chickens (Section D) and 3 sheep
Between 1.5- 3 acres	24 poultry (Section D) and 1.5 livestock units per acre  Roosters shall only be kept on lots larger than 3 acres (Section D(3)).