To: Regional Planning Commission  
From: Joshua Petro, Regional Planner  
Subject: RPC Meeting – Thursday, November 10, 2022 at 5:15pm  

NOTICE: This is a hybrid meeting with in-person attendance at the SCRCOG Office and remote access via Zoom. 

Office Location: 127 Washington Avenue, 4th Floor West, North Haven, CT 06473 
Zoom: https://us02web.zoom.us/j/86113308884 

1. Administration 
   1.1. Minutes of the October 13, 2022 RPC Meeting  

2. Action Items 
   2.1. Town of Hamden: ADU Regulations Amendment. 
       Received: October 14, 2022. Public Hearing: November 15, 2022.  
   2.2. Town of Branford: Proposed Amendments Concerning Alternative Energy as Part of Sec. 6: Basic Standards. 
       Received: October 17, 2022. Public Hearing: N/A.  
   2.3. Town of North Haven: Proposed Amendment to Section 5.2.1.12 to permit CDL training schools in Industrial IG Districts. 
   2.4. Town of Madison: Text Amendment to Sec. 32 Planned Development Dist. 
       Received: October 26, 2022. Public Hearing: November 17, 2022.  

3. Other Business 
   3.1 Regional Program Updates
MEETING MINUTES

The meeting of the Regional Planning Commission (RPC) was held on Thursday, October 13, 2022 at 5:15 p.m. at the SCRCOG Office and on Zoom.

Presiding: Charles Andres, Chair

Voting Members Present: Alex Hutchinson, Charles Andres, Sean Cosgrove, Jay Cruikshank, Tricia Mase, Tom Torrenti, Jeffery Kohan, Andrew Skolnick

Non-Voting Members Present: Laura Brown

Staff Present: Joshua Petro

1. Administration

   1.1. Minutes of the September 15, 2022 RPC Meeting

       Motion to accept the minutes as presented: Andrew Skolnick. Second: Jay Cruikshank. Abstain: Tom Torrenti, Alex Hutchinson. Vote: Unanimous.

2. Statutory Referrals


       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 does there appear to be any impact to the habitat or ecosystem of the Long Island Sound.

       Motion: Andrew Skolnick. Second: Jeffrey Kohan. Vote: Unanimous.

   2.2. City of New Haven: Proposed Text Amendment to the Site Plan Review section of the Zoning Ordinance. Received: August 3, 2022. Received: September 27, 2022. Public Hearing: N/A.

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


2.3. **Town of Orange: Proposed Regulation Amendment – Self Storage Facilities.**
*Received: September 20, 2022. Public Hearing: October 9, 2022.*

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 does there appear to be any impact to the habitat or ecosystem of the Long Island Sound.


2.4. **Town of Hamden: Addition of Section 678 – Adult-Use Cannabis.**
*Received: October 4, 2022. Public Hearing: November 8, 2022.*

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 does there appear to be any impact to the habitat or ecosystem of the Long Island Sound.


2.5. **Town of Woodbridge: Proposal of a Three-Lot Subdivision Totaling 30 Acres.**
*Received: October 4, 2022. Public Hearing: N/A.*

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 does there appear to be any impact to the habitat or ecosystem of the Long Island Sound.


2.6. **Town of East Haven: Petition for Text Amendment to Zoning Regulations.**
*Received: September 28, 2022. Public Hearing: October 3 and 12, 2022 and November 2, 2022.*

By resolution, the RPC has determined that the zoning regulation amendments
proposed by the documents which appear to be finalized do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor does there appear to be any impact to the habitat or ecosystem of the Long Island Sound. Not all documents submitted as part of this proposal seem to be finalized, and thus the RPC cannot comment on the proposal as a whole.


3. Other Business

3.1 Regional Program Updates

Updates were provided on initiatives related to Housing.

Housing: The next Housing Working Group meeting is scheduled for Wednesday, the 26th of October, from 1:00 pm – 2:30 pm. SCRCOG will also begin the second prong of its 2022-2023 Affordable Housing Initiative consisting of intentional community engagement sessions. Ben Fink has been chosen as the consultant to facilitate these sessions, and a kick-off meeting is scheduled for the 3rd of November from 11:00 am – 12:30 pm. SCRCOG is also continuing to work on its regional housing plan and in particular drafting a supplementary action plan.

Motion to adjourn.

Motion: Andrew Skolnick. Second: Jeffrey Kohan. Vote: Unanimous.
Referral 2.1: Town of Hamden

Subject:

ADU Regulations Amendment

Staff Recommendation:

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

Background:

The Town of Hamden has submitted a proposed zoning regulations amendment to Art. VI Sec. 620: Accessory Dwelling Units in Single-Family Homes and Sec. 620.1: Dwelling Units, Accessory to Non-Residential Use.

Sec. 620 is comprised of a list of conditions to which ADUs must adhere. A new clause is proposed which would allow ADUs to be detached from the principal dwelling unit so long as the ADU remains on the same lot. The clause which prohibits this would be removed. Additionally, the requirement of both a window and a walk-out ingress/egress on the same wall as opens to grade has been added to the requirements for any ADU located in a garage or basement. Finally, a limit of 30% has been proposed in Sec. 620 on the allowable increase in size of a principal dwelling unit for the accommodation of an ADU.

Sec. 620.1 would be changed such that the allowance of up to three (3) ADUs as accessory to a non-residential use would be switched from R-4 Zones to T-3.5, T-4, and T-5 Zones.

Two amendments would affect both sections: minimum size requirements would have to be equal to 30% of the gross floor area of the principal dwelling unit or 300 ft² and use as a short-term rental is explicitly prohibited.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
South Central Regional Planning Commission (RPC): Referral Submission Form

SCRCOG is required to be given notice by certified mail, return receipt requested **thirty days before the public hearing for Zoning Amendments (Regulations, Map) and Subdivision Applications** (see below for applicability). **Notice can be sent by email, instead of certified mail, per the requirement of the Connecticut General Statutes (CGS) 8-3b, 8-26b. Amendments/Update to the Municipal Plan of Conservation and Development are required to be submitted to SCRCOG at least 65 days before the public hearing, per CGS 8-23.**

<table>
<thead>
<tr>
<th>Municipality:</th>
<th>Date Sent:</th>
<th>Public Hearing Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamden</td>
<td>October 14, 2022</td>
<td>November 15, 2022</td>
</tr>
</tbody>
</table>

**Subject: ADU Regulations Amendment**

<table>
<thead>
<tr>
<th>Referral is From (Select one):</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Private Applicant – Applicant Name:</td>
</tr>
<tr>
<td>□ Town/City Planning Department or the Planning and Zoning Commission</td>
</tr>
</tbody>
</table>

**Preferred Municipal Contact for this Referral:**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Phone Number:</th>
<th>Email:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eugene Livshits</td>
<td>203-287-7074</td>
<td><a href="mailto:elivshits@hamden.com">elivshits@hamden.com</a></td>
</tr>
</tbody>
</table>

**Statutory Responsibility (Select Below):**

- [x] Application involves a proposed Zoning Regulation Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region

  - [ ] Application involves a proposed Zoning Map Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region

  - [ ] Application involves a Subdivision of Land, which will abut or include land in two or more Municipalities

  - [ ] Application involves an Amendment and/or Update to a Municipal Plan of Conservation and Development (POCD)

  - [ ] Applicant requests a voluntary RPC review for informational purposes only; an RPC resolution is not necessary

**Process (Select Below): The communication should be addressed to SCRCOG, Re: RPC Referral**

- [ ] Material sent via “Certified Mail - Return Receipt Requested” to SCRCOG, 127 Washington Avenue, 4th Floor West, North Haven, CT 06473

- [x] Material sent via Email to: rpc@scrcog.org

- [ ] This application has been previously submitted for RPC Review. If checked, on what date:

  - For any questions, please email rpc@scrcog.org.

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

www.scrcog.org T (203) 234-7555 F (203) 234-9850 rpc@scrcog.org
TOWN OF HAMDEN
APPLICATION TO AMEND THE ZONING REGULATIONS

Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations

APPLICANT Christopher Soto ________________________ TELEPHONE 203-287-7077
(Name)
ADDRESS 2750 Dixwell Ave Hamden, CT 06518
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: csoto@hamden.com

REGULATION TO BE:  □ AMENDED □ ADDED or □ DELETED:
Article Number VI  Section 620 Group Use Residential

CURRENT LANGUAGE See Attached

PROPOSED LANGUAGE See Attached

REASON FOR PETITION FOR CHANGE In light of recent changes in the State Statutes, the Town of Hamden wishes to enact its own ADU regulations that would create increased oppurtunities for the creation of ADUs above and beyond that of the State Statute.

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

If YES, list name of applicant

Application to Amend the Zoning Regulations, Revised 07/17/12
SIGNATURE OF APPLICANT  Christopher Soto

TELEPHONE NO. 203-287-7077

MAILING ADDRESS
2750 Dixwell Ave 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.
Section 620: Accessory Dwelling Units in Single-Family Homes (added language in Bold)
A single-family dwelling may be converted to allow the incorporation of one Accessory Apartment Dwelling Unit in any zone permitting a single-family residence subject to a Zoning Permit and the following conditions:

a. Accessory Dwelling Unit may be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling.

b. Public sewer and public water supply shall serve the principal dwelling. If not, the subject lot shall have a minimum area of 6,000 square feet or as required by the applicable zone, whichever is greater.

c. An Accessory Apartment Dwelling Unit shall have a minimum floor area of 300 square feet or 30% of the gross floor area of the principal dwelling unit, whichever is less. The maximum floor area of 600 square feet, and a maximum of two bedrooms.

d. One of the occupants of the dwelling shall be the owner of record.

e. No Accessory Apartment Dwelling Unit shall be located in a garage or basement unless one wall opens to grade, and contains both a window and walk-out ingress/egress.

f. An Accessory Apartment Dwelling Unit shall be self-contained, with separate entrance, cooking, sanitary and sleeping facilities for the exclusive use of the occupant.

g. No exterior change shall be made to the existing front of the principal dwelling except for dormers or windows.

h. Expansion of a principal dwelling shall be permitted to accommodate an Accessory Apartment via dormer(s) or an addition beyond the existing foundation. Principal dwelling unit or accessory building shall not be increased by more than 30% to accommodate any accessory dwelling unit.

i. No accessory building shall be used or created for the purpose of accommodating an Accessory Apartment.

j. Accessory Dwelling Units cannot be used for short-term rentals.

k. The principal dwelling, Accessory Building and Accessory Apartment shall conform to all requirements of the applicable building, health, fire, sanitary and zoning codes.
620.1 Dwelling Units, Accessory to Non-Residential Use
A dwelling unit, when accessory to a legal non-residential use, is permitted subject the following conditions:

a. The application shall include all contiguous property under the same name or all property deemed by the Commission to be part of the same development.

b. Up to three dwelling units that are accessory to a non-residential use located in an R-4 Zone T-3.5, T-4, T-5, are permitted.

c. Retail, service shall only be permitted on the first floor level.

d. Separate entrances and exits shall be provided for the residential and non-residential portions of the building.

e. Accessory dwelling units shall conform to all requirements of the applicable building, health, housing, fire and sanitary codes.

f. The building shall be served by public sewer and water supply,

g. Accessory Dwelling Units cannot be used for short-term rentals

h. An Accessory Dwelling Unit shall have a minimum floor area of 350 square feet or 30% of the gross floor area of the principal dwelling unit, whichever is less. The maximum floor area of 600 square feet, and a maximum of one bedroom.

<table>
<thead>
<tr>
<th>Table 6.2 Required Floor Area for Accessory Dwelling Units</th>
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<tbody>
<tr>
<td>Unit-Type</td>
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<tr>
<td>-----------</td>
</tr>
<tr>
<td>1-room</td>
</tr>
<tr>
<td>2-room (1-BR)</td>
</tr>
<tr>
<td>3-rooms (1-BR)</td>
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</tbody>
</table>
**Referral 2.2: Town of Branford**

**Subject:**

Proposed Amendments Concerning Alternative Energy as Part of Sec. 6: Basic Standards

**Staff Recommendation:**

The proposed zoning regulation amendment does not appear to cause any negative inter-municipal impact to the towns in the South Central Region nor does there appear to be any impact to the habitat or ecosystem of the Long Island Sound so long as the land used for installing any ground-mounted system is not significantly impacted such that a greater loss of natural resources, ecosystem services, or other goods or services which may be considered reasonably equivalent is sustained than the potential gain expected from the proposed system.

**Background:**

The Town of Branford has submitted a proposed zoning regulations amendment on behalf of a private applicant that would alter Sec. 4: Business Districts and Sec. 6: Basic Standards.

This referral proposes amending regulations made effective as of the 6th of June 2022 but which have yet to be incorporated into the publicly accessible version of the town’s zoning regulations. Much of the language is thus not considered as being added. Due to lack of knowledge regarding the prior amendment, however, the language has been considered in its entirety. The prior amendment has been attached and a summary provided below.

Amendments proposed in the referral submitted for this meeting include allowing large-scale ground-mounted solar arrays by special permit in all business districts except BC (Business Center). Drainage and stormwater control measures are also required as part of the preliminary plan for any large-scale ground-mounted array.

Amendments proposed in the referral submitted for this meeting include allowing large-scale ground-mounted solar arrays by special permit in all business districts except BC (Business Center). Drainage and stormwater control measures are also required as part of the preliminary plan for any large-scale ground-mounted array.

The prior amendment appended three rows to Table 4.8.P Accessory Uses, located in Sec. 4 subsection 8: Table of Uses – Business Zones. These rows respectively describe if and by what mechanism the three applicable types of solar arrays discussed in Sec. 6.16B may be permitted in each business zone included in the existing table.

Alterations to Sec. 6 include the addition of a sixteenth subsection titled “Alternative Energy” consisting of two parts: 6.16A Purpose and 6.16B Solar. 6.16A states the purpose of the section to be both ensuring the compatibility of alternative energy structures with surrounding neighborhoods and supporting the implementation of these systems as accessory uses to a lot or building.

Sec. 6.16B describes the requirements for four types of solar arrays. Requirements include height, lot coverage, impervious surface standards, and designation as an accessory use. The four types of arrays include: roof-mounted, small-scale ground-mounted separately in residential and non-residential districts, and large-scale ground-mounted in non-residential districts. Further requirements are described for large-scale arrays.

**Communication:**

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
APPLICATION TO THE PLANNING & ZONING COMMISSION

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

☒  Zoning Regulation Amendment  ☐ Subdivision Regulation Amendment
☐  Zoning Map Amendment  ☐ CGS 14-54 Location Approval
☐  Zoning Map Amendment (PDD/Mastcr Plan)  ☐ Zoning Map Amendment (PDD/Master Plan Modification)

ADDRESS OF PROPERTY (only if applicable)

N/A

PROPOSAL  APPLIED

PLEASE SUBMIT WITH COMPLETED APPLICATION

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

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

Applicant  DANIEL RABIN

PLEASE PRINT

Address  24 Stone St, Branford
Phone  203 980 9609
E-mail  rabinkux@sbcglobal.net

Signature  DANIEL RABIN

FOR OFFICE USE ONLY:

Receipt Date  Fee Paid  N/A
Approved/Denied by P&Z on  Application # 22-10-4
Proposed Amendments to the Branford Zoning Regulations
October 4, 2022

Sections that are shown with strikethrough shall be deleted.
Sections that are underlined shall be added.

Section 4.8

<table>
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<tr>
<th>4.8.P. ACCESSORY USES</th>
<th>BC</th>
<th>BR</th>
<th>BL</th>
<th>MU</th>
<th>IG1</th>
<th>IG2</th>
<th>CP</th>
<th>BL-HR</th>
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</thead>
<tbody>
<tr>
<td>1. Signs</td>
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<td>2. Parking lots</td>
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<tr>
<td>3. Non-Agricultural Farm Events (See Section 7.19)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SE</td>
<td>N</td>
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<tr>
<td>4. Food preparation for on-site consumption in conjunction with a manufacturing facility that produces a food or beverage that is also sold at retail for on-site consumption.</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<td>S</td>
<td>N</td>
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<tr>
<td>5. Roof Mounted Solar Array (see Section 6.16)</td>
<td>P</td>
<td>P</td>
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<tr>
<td>7. Large Scale Ground-Mounted Solar Array in Non-Residential Districts (see Section 6.16)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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SECTION 6 BASIC STANDARDS:

Section 6.16 - Alternative Energy

6.16A Purpose
1. This Section is intended to promote the safe, efficient, and effective use of alternative energy sources while ensuring that alternative energy structures are compatible with the surrounding neighborhood.
2. It is further the intent of this Section to encourage and facilitate the implementation of alternative energy systems when implemented as an accessory use to the principal use of a lot and/or building.

6.16B Solar
1. Roof-Mounted Solar Array:
Roof-mounted solar arrays shall be allowed as a permitted accessory use in all zones provided, they are located on an approved conforming principal or accessory structure. Provided the
following criteria will be met, a zoning permit is not required:

a. The array shall not exceed the maximum height permitted in the zoning district by more than two (2) feet.

b. The highest point of the solar panel array shall not project above the roof ridge line of the structure upon which it is mounted for a pitched roof, or three (3) feet above a flat roof.


2. Small Scale Ground-Mounted Solar Array in Residential Districts.
Lot Coverage – Ground-mounted systems shall meet the existing lot coverage restrictions for the zoning district except as defined below.

a. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.

b. Ground-mounted systems shall not count toward the maximum number of accessory structures permitted.

A ground-mounted solar array may be permitted as an accessory use subject to an approval required by existing zoning regulations.

a. Solar energy systems are exempt from lot coverage and impervious surface requirements if the area under the system contains vegetative ground cover or another permeable surface.

4. Large Scale Ground Mount Solar Array in Non-Residential Districts.

a. The Planning & Zoning Commission may, following the issuance of a Special Exception, approve a large-scale, ground mount solar array which meets the setback requirements of that zone.

b. The Planning & Zoning Commission may, following the issuance of a Special Exception approve a large-scale ground mount solar array to be located as the principal use of a lot, subject to the standards of Section 9.8.

c. Large Scale Ground Mount Solar Arrays are not permitted on land where development is restricted.

d. (NEW) Plan Requirements.

i. The information required by Section 6.9.E regarding Drainage and Stormwater Control shall be provided.

ii. In addition to the requirements of Section 6.9.E, proposed Drainage And Stormwater Control measures shall be based on the best available technology and the guidelines specified in a document entitled “Guidance Regarding Solar Arrays and the General Permit for the Discharge of Stormwater and Dewatering Wastewater from Construction Activities” dated January 8, 2020 published by the CT DEEP as it may be amended.

iii. Alternative design criteria, principles, methods and practices may be used with the approval of the Commission or its designated agent.
When required, measures for the detention and controlled release of stormwater runoff shall meet the following standards, and shall be designed in accordance with the requirements set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended:

1. The Connecticut Department of Transportation Drainage Manual shall be used as a source of analysis.

2. Peak discharge from the two (2) year, ten (10) year, 25-year, and 100-year frequency, 24-hour duration, type iii distribution of New Haven County storms shall be analyzed.

3. No increases in peak flow from these storms shall be allowed to leave the site. This may be accomplished through the use of, but not limited to, the following design elements:
   (1) Detention basins,
   (2) Retention ponds,
   (3) Roof or parking lot storage, or
   (4) Other acceptable means.

4. The required stormwater detention volume shall be that necessary to handle the routed stormwater runoff from the drainage area of a 25-year frequency, twenty-four (24) hour, type iii distribution rainfall in New Haven County, as published by the National Weather Service or other recognized agency.

5. Runoff shall be computed in accordance with one of the following methods:
   (1) US Army Corps of Engineers, Hydraulic Engineering Center – Hydrologic Modeling System (HEC-HMS or HEC-1),
   (2) US Department of Agriculture, Natural Resource Conservation Service, Technical Release 55 (TR-55) or TR-20,
   (3) The Rational Method, or
   (4) An alternative methodology if presented by a licensed professional engineer and approved by the Commission.

6. Culvert design shall conform to the Connecticut Department of Transportation standards.

7. Stormwater systems should be designed to trap floatable materials separately from sediment and be accessible for cleaning and maintenance.

Land uses and developments shall conform to the following performance standards for stormwater management:

1. No development shall result in a direct discharge of untreated stormwater, either on or offsite.

2. Post-development peak flow discharge rates shall not be greater than predevelopment peak flow discharge rates.

3. New development shall maximize recharge to groundwater.

4. New development shall be required to remove, onsite, no less than 80 percent of the annual total suspended solids generated from development runoff.
GUIDANCE REGARDING SOLAR ARRAYS
AND THE GENERAL PERMIT FOR THE
DISCHARGE OF STORMWATER AND DEWATERING WASTEWATERS FROM CONSTRUCTION
ACTIVITIES

January 8, 2020

Solar development has expanded over the last several years as Connecticut and other states have invested in this important resource to further greenhouse gas emission reductions. The large amount of impervious surface inherent in the construction of a large-scale solar array is unlike most other construction activities regulated under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“general permit”) and entails challenges not encountered in traditional development projects. If not properly managed through appropriate design and mitigation measures, stormwater discharged during and after the construction of solar arrays can be a significant source of pollution resulting from increased runoff, erosion, and sedimentation, which can adversely impact wetlands or other natural resources. Solar installations must be properly designed to assure soil stabilization, minimize soil disturbance and soil compaction, and address ineffective controls to manage the total runoff volume and velocity that can lead to the loss of topsoil, erosion and sediment discharges from disturbed areas and stormwater outlets, and erosion along downstream channels and streambanks. The ability to address such significant environmental problems during construction and post-construction becomes more difficult as site imperviousness increases.

The environmental objectives of the general permit that solar facilities must meet have not changed. What has changed are the design assumptions and application of stormwater management techniques and engineering principles and practices to meet those requirements, as well as the Department’s knowledge and experience with respect to the ability of different techniques and engineering practices to meet the underlying environmental requirements. The Department is obligated to apply its best understanding of management techniques and engineering practices and principles. At the same time, the Department strives to provide more predictability and transparency around its approaches to permitting solar facilities in order to promote environmental compliance and competitive solar development in the state.

To that end, DEEP is publishing this Guidance, available at www.ct.gov/deep/stormwater to capture the Department’s current approach to reviewing construction activities for large-scale solar arrays to assist the professionals engaged in designing and constructing solar array projects, both large and small, and to provide a more transparent understanding of how the Department is considering emerging issues and the manner of addressing them. The Guidance describes the Department’s expectations around how such professionals must ensure that any such project is designed and constructed in a manner that takes into account site conditions such as: the amount, frequency, intensity and duration of precipitation; soil types, topography, surficial geology, hydrology and natural resources; and any changes to such conditions resulting from site activities during and after construction to minimize erosion and sedimentation and to control stormwater discharges, including peak flow rates and total stormwater runoff volume and velocity. This guidance should also help facilitate the preparation and efficient review of a Stormwater Pollution Control Plan (Plan) submitted in support of an application for coverage under the general permit.

This guidance should not be confused with, and is not intended to contain, enforceable requirements. A professional may propose to design and construct a solar array in another manner. A design professional may decide, based on the particular conditions for a project or a site, that the best technique or engineering practice is to deviate from this guidance. The Department is willing to consider alternative approaches. To be approved, however, any proposal must address the issues noted in this Guidance as well as demonstrate compliance with the requirements of the general permit. This guidance is provided for informational purposes only and is not meant to modify or replace any provision of the general permit or any applicable laws or regulation. In the event of a conflict between this guidance and the general permit or any applicable law or regulation, the permit or applicable law or regulation shall govern.

The Department notes that it has separately initiated a public comment process on the proposed Construction General Permit, which includes similar provisions described in this guidance. The adoption of any provisions in the proposed Construction General Permit would supersede this Guidance. Any questions about the applicability of this Guidance may be directed to Karen Allen at Karen.Allen@ct.gov.
Design and construction guidance

(1) Roadways, gravel surfaces and transformer pads within the solar array are considered effective impervious cover for the purposes of calculating Water Quality Volume (WQV). In addition to these impervious surfaces, all solar panels in the array should also be considered effective impervious cover for the purposes of calculating the WQV if the proposed post-construction slopes at a site are equal to or greater than 15% or if the post-construction slopes at a site are less than 15% and the conditions in (a) – (e), inclusive, below have not been met:

(a) The vegetated area receiving runoff between rows of solar panels (see Figures 1 and 2, below) is equal to or greater than the average width of the row of solar panels draining to the vegetated area;

(b) Overall site conditions and solar panel configuration within the array are designed and constructed such that the runoff remains as sheet flow across the entire site;

(c) The following conditions are satisfied regarding the design of the post-construction slope of the site:

- For slopes less than or equal to 5%, appropriate vegetation shall be established as indicated in Figure 1, below; and

- for slopes greater than 5%, but less than 10%, practices including, but not limited to, the use of level spreaders, terraces or berms as described in Figure 2, below, shall be used to ensure long term sheet flow conditions; and

- for sites with slopes greater than or equal to 8%, erosion control blankets or stump grindings or erosion control mix mulch or hydroseed with tackifier should be applied within 72 hours of final grading, or when a rainfall of 0.5 inches or greater is predicted within 24 hours, whichever time period is less; and

- for slopes equal to or greater than 10% and less than 15%, the Plan includes specific engineered stormwater control measures with detailed specifications that are designed to provide permanent stabilization and non-erosive conveyance of runoff to the property line of the site or downgradient from the site.

(d) The solar panels should be designed and constructed in such a manner as to allow the growth of vegetation beneath and between the panels.

(e) A one-hundred (100) foot buffer should be maintained between any part of the solar array and any "watercourses" as that term is defined in Conn. Gen. Stat. § 22a-38. The buffer shall consist of undisturbed existing vegetation or native shrub plantings.

(2) The lowest vertical clearance of the solar panels above the ground should not be greater than ten (10) feet. The panels should, however, be at an adequate height to support vegetative growth and maintenance beneath and between the panels. If the lowest vertical clearance of the solar panels above the ground is greater than ten (10) feet, non-vegetative control measures will be necessary to prevent/control erosion and scour along the drip line or otherwise provide energy dissipation from water running off the panels.

(3) The Commissioner may require that a letter of credit be secured prior to undertaking construction activity in circumstances where site conditions, scale of project or previous compliance issues present elevated risks associated with potential non-compliance. For previously permitted projects, the amount of the letter of credit has been established at $15,000.00 per acre of disturbance. The wording of such letter of credit shall be as prescribed by the Commissioner. The Permittee should maintain such letter of credit in effect until the Commissioner notifies the permittee that the Notice of Termination, filed in compliance with Section 6 of the general permit has been accepted by the Commissioner. The Commissioner may reduce the amount of the Letter of Credit upon showing of compliance with milestones set forth in the Plan or specified in this general permit. If requested by the Commissioner, the registrant must provide proof that the bank is regulated under state or federal
Design requirements for post-construction stormwater management measures.

(1) Post-construction stormwater control measures should be designed and constructed to provide permanent stabilization and non-erosive conveyance of runoff to the property line of the site or downgradient from the site.

(2) Orientation of panels should be considered with respect to drainage pattern, flow concentration, drainage area and velocity (i.e. rows perpendicular to the contours may result in higher runoff and flow concentration).

(3) The permittee should conduct a hydrologic analysis that:

(a) Evaluates 2, 25, 50 and 100-year storm post-construction stormwater flows; and

(b) Is based on site specific soil mapping to confirm soil types; and

(c) Is able to determine and confirm the infiltrative capacity of any stormwater management measures and, in addition, reflects a reduction of the Hydrologic Soil Group present on-site by one (1) step (e.g. soils of HSG B shall be considered HSG C) to account for the compaction of soils that results from extensive machinery traffic over the course of the construction of the array; and

(d) Is based on slope gradient, surveyed soil type (adjusted per subparagraph (c), above), infiltration rate, length of slope, occurrence of bedrock, and change in drainage patterns (see also page 23 at https://www.ct.gov/deep/lib/deep/Permits_and_Licenses/Land_Use_Permits/Inland_Water_Permits/LWRD-inst.pdf); and

(e) For an engineered stormwater management system, demonstrates no net increase in peak flows, erosive velocities or volumes, or adverse impacts to downstream properties.
Figure 1
Solar Panel Installation with Slopes ≤ 5%

Figure 2
Solar Panel Installation with Slopes > 5% and ≤ 10%

Amendments to the Branford Zoning Regulations  
*Approved May 19, 2022, Effective June 6, 2022*

Sections that are shown with strike-through shall be deleted.  
Sections that are underlined shall be added.

**SECTION 2.2 DEFINITIONS**

Add *NEW* definitions as follows:

**Solar Array** - an interconnected arrangement of units designed to absorb energy from the sun for the purpose of transmitting that energy for specific uses. Energy may be converted by the ARRAY to a different form such as electricity, or simply transfer absorbed thermal energy via a medium to a point of preferred utilization. **SOLAR ARRAYS** may be mounted on discrete independent structures bearing directly on the ground (GROUND MOUNTED), or mounted on substructures dependent on buildings to resist structural loads. The term **ROOF MOUNTED** includes wall panel and parapet applications in addition to roofs.

**Small Scale Ground Mounted Solar Array** - shall not exceed an area equal to one half of the footprint of the principal structure.

**Large Scale Ground Mounted Solar Array** - may be the principal use of a property or exceed one half of the footprint of the principal structure.

3.3.B Accessory Uses.

<table>
<thead>
<tr>
<th></th>
<th>No permit required.</th>
<th>ADDITIONAL CRITERIA (SEE SECTION)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Home Office / Studio</td>
<td>3.10.A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Zoning Permit required (See Section 9.2).</th>
<th>ADDITIONAL CRITERIA (SEE SECTION)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Parking areas for Principal Uses (less than 25 parking spaces)</td>
<td>6.5</td>
</tr>
<tr>
<td>(2)</td>
<td>Family day care homes registered pursuant to CGS Section 17b-733</td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>Farm Stand (R-1, R-2, R-3, R-4 and R-5 Zones only)</td>
<td>3.8</td>
</tr>
<tr>
<td>(4)</td>
<td>Minor Home Occupation</td>
<td>3.10.B</td>
</tr>
<tr>
<td>(5)</td>
<td>Portable on-demand storage units (R-1, R-2, R-3, R-4 and R-5 Zones only)</td>
<td></td>
</tr>
</tbody>
</table>
(6) Pools, tennis courts and other recreational structures (R-1, R-2, R-3, R-4 and R-5 Zones only) 3.8

(7) Sheds, decks, garages, up to 750 square feet total on a lot (R-1, R-2, R-3, R-4 and R-5 Zones only) 3.8

(8) Signs pertaining to a permitted principal use on a lot 6.6

(9) Roof-mounted Solar Arrays 6.16

(10) Small Scale Ground-Mounted Solar Array in Residential District 6.16

3. Site Plan Approval required (See Section 9.6).

| (1) Parking areas for Principal Uses (25 or more parking spaces) | 6.5 |
| Pools, tennis courts and other recreational structures (MF Zones only) |
| Sheds, decks, garages, up to 750 square feet total on a lot (MF Zones only) |

4. Special Exception Approval required (See Section 9.8).

| (4) Accessory Apartment (R-3, R-4 and R-5 only) | 7.4 |
| Bed and Breakfast | 7.7 |
| Major Home Occupation | 3.10.C |
| Sheds, decks, garages, over 750 square feet | 3.8 |
| Farm Stand (MF Zones only) |

Section 4.8

<table>
<thead>
<tr>
<th>4.8.P ACCESSORY USES</th>
<th>BC</th>
<th>BR</th>
<th>BL</th>
<th>MU</th>
<th>IG1</th>
<th>IG2</th>
<th>CP</th>
<th>BL-HR</th>
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</thead>
<tbody>
<tr>
<td>5. Signs</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>6. Parking lots</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>7. Non-Agricultural Farm Events (See Section 7.19)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SE</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>8. Food preparation for on-site consumption in conjunction with a manufacturing facility that produces a food or beverage that is also sold at retail for on-site consumption</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>S</td>
<td>S</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>9. Roof Mounted Solar Array (see Section 6.16)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>10. Small Scale Ground-Mounted Solar Array in Non-Residential Districts (see Section 6.16)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
SECTION 6 BASIC STANDARDS:

NEW Section 6.16 - Alternative Energy

6.16A Purpose
1. This Section is intended to promote the safe, efficient, and effective use of alternative energy sources while ensuring that alternative energy structures are compatible with the surrounding neighborhood.
2. It is further the intent of this Section to encourage and facilitate the implementation of alternative energy systems when implemented as an accessory use to the principal use of a lot and/or building.

6.16B Solar
1. Roof-Mounted Solar Array:
   Roof-mounted solar arrays shall be allowed as a permitted accessory use in all zones provided, they are located on an approved conforming principal or accessory structure. Provided the following criteria will be met, a zoning permit is not required:
   a. The array shall not exceed the maximum height permitted in the zoning district by more than two (2) feet.
   b. The highest point of the solar panel array shall not project above the roof ridge line of the structure upon which it is mounted for a pitched roof, or three (3) feet above a flat roof.

2. Small Scale Ground-Mounted Solar Array in Residential Districts.
   Lot Coverage – Ground-mounted systems shall meet the existing lot coverage restrictions for the zoning district except as defined below.
   a. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
   b. Ground-mounted systems shall not count toward the maximum number of accessory structures permitted.

   A ground-mounted solar array may be permitted as an accessory use subject to an approval required by existing zoning regulations.
   a. Solar energy systems are exempt from lot coverage and impervious surface requirements if the area under the system contains vegetative ground cover or another permeable surface.

4. Large Scale Ground Mount Solar Array in Non-Residential Districts.
   a. The Planning & Zoning Commission may, following the issuance of a Special Exception, approve a large-scale, ground mount solar array which meets the setback requirements of that zone.
   b. The Planning & Zoning Commission may, following the issuance of a Special Exception approve a large-scale ground mount solar array to be located as the principal use of a lot.
subject to the standards of Section 9.8.
c. **Large Scale Ground Mount Solar Arrays are not permitted on land where development is restricted.**
Referral 2.3: Town of North Haven

Subject:

Proposed Amendment to Section 5.2.1.12 to permit CDL training schools in Industrial IG Districts

Staff Recommendation:

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

Background:

The Town of North Haven has submitted a proposed zoning regulations amendment on behalf of a private applicant that would alter Sec. 5.2.1: Uses Permitted in General Industrial IG Districts by adding text to subsection 5.2.1.12.

Currently, wholesale distribution and trucking terminals are permitted within this subsection. The proposed amendment would include commercial tractor trailer operator (CDL) training schools as a permitted use on the condition that such a school be affiliated with either a wholesale distribution or trucking terminal which possesses a gross building area totaling at least 250,000 ft².

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
South Central Regional Planning Commission (RPC): Referral Submission Form

SCRCOG is required to be given notice by certified mail, return receipt requested thirty days before the public hearing for Zoning Amendments (Regulations, Map) and Subdivision Applications (see below for applicability). Notice can be sent by email, instead of certified mail, per the requirement of the Connecticut General Statutes(CGS) 8-3b, 8-26b. Amendments/Update to the Municipal Plan of Conservation and Development are required to be submitted to SCRCOG at least 65 days before the public hearing, per CGS 8-23.

<table>
<thead>
<tr>
<th>Municipality:</th>
<th>Date Sent:</th>
<th>Public Hearing Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Haven</td>
<td>21 October 2022</td>
<td>5 December 2022</td>
</tr>
</tbody>
</table>

**Subject:** Amend Section 5.2.1.12

**Referral is From (Select one):**
- [ ] Private Applicant – Applicant Name:
- [ ] Town/City Planning Department or the Planning and Zoning Commission

**Preferred Municipal Contact for this Referral:**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Phone Number:</th>
<th>Email:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alan A. Fredricksen</td>
<td>203-239-5321, x440</td>
<td><a href="mailto:fredricksen.alan@northhaven-ct.gov">fredricksen.alan@northhaven-ct.gov</a></td>
</tr>
</tbody>
</table>

**Statutory Responsibility (Select Below):**

- [x] Application involves a proposed Zoning Regulation Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region
- [ ] Application involves a proposed Zoning Map Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region
- [ ] Application involves a Subdivision of Land, which will abut or include land in two or more Municipalities
- [ ] Application involves an Amendment and/or Update to a Municipal Plan of Conservation and Development (POCD)
- [ ] Applicant requests a voluntary RPC review for informational purposes only; an RPC resolution is not necessary

**Process (Select Below): The communication should be addressed to SCRCOG, Re: RPC Referral**

- [x] Material sent via “Certified Mail - Return Receipt Requested” to SCRCOG, 127 Washington Avenue, 4th Floor West, North Haven, CT 06473
- [ ] Material sent via Email to: acirioli@scrcog.org
- [ ] This application has been previously submitted for RPC Review. If checked, on what date:

  For any questions, please email Andy Cirio/i at acirioli@scrcog.org.

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

www.scrcog.org  T (203) 234-7555  F (203) 234-9850  acirioli@scrcog.org
**TOWN OF NORTH HAVEN**

**PLANNING AND ZONING COMMISSION**

**APPLICATION FORM**

(Only one item per form)

<table>
<thead>
<tr>
<th>ADDRESS OF BUILDING OR BLOCK MAP, BLOCK &amp; LOT NUMBER</th>
<th>IG</th>
<th>ZONE</th>
<th>TOTAL SQUARE FOOTAGE</th>
</tr>
</thead>
</table>

**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
- 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 5.2.1.12 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:

- X Lie within 500' of an adjoining municipality or will traffic or water drainage impact an adjoining municipality
- X Lie within the Coastal Area Management boundary
- X Contain any wetlands and/or watercourses
- X Lie within the Aquifer Protection Zone
- X Lie within the floodplain or floodway
- X Lie within 50' of the Quinnipiac River or Muddy River

- X

**ENGINEER'S NAME**

<table>
<thead>
<tr>
<th>Print Applicant's Name</th>
<th>Print Owner's Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney John A. Parese</td>
<td>Owner's Address</td>
</tr>
<tr>
<td>2319 Whitney Avenue, Hamden, CT 06518</td>
<td>Owner's Phone Number</td>
</tr>
<tr>
<td>203-281-2700 203-281-0700</td>
<td>Owner's Signature</td>
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</tbody>
</table>

**ENGINEER'S PHONE NUMBER**  **FAX NUMBER**

<table>
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<tr>
<th>Phone Number</th>
<th>Fax Number</th>
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<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**RECEIVED**

OCT 19 2022

TOWN OF NORTH HAVEN

LAND USE AND DEVELOPMENT
Applicant proposes to amend Section 5.2.1 Uses Permitted in General Industrial IG Districts to insert the following additional text to Subsection 5.2.1.12:

commercial tractor trailer operator (CDL) training schools when affiliated with a wholesale distribution or trucking terminal having a gross building area of no less than 250,000 square feet;

Current:
5.2.1.12 Wholesale distribution and trucking terminals, including the operation of truck renting and leasing; wholesale produce and wholesale meat markets.

Proposed:
5.2.1.12 Wholesale distribution and trucking terminals, including the operation of truck renting and leasing; commercial tractor trailer operator (CDL) training schools when affiliated with a wholesale distribution or trucking terminal having a gross building area of no less than 250,000 square feet; wholesale produce and wholesale meat markets.
Referral 2.4: Town of Madison

Subject:

Text Amendment to Sec. 32 Planned Development Dist.

Staff Recommendation:

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

For land designated as agricultural under PA490, it may be relevant to conduct an analysis on the potential impact, if any, of removing land capable of local food production.

Background:

The Town of Madison has submitted a proposed zoning regulations amendment on behalf of a private applicant that would alter Sec. 32: Planned Development District. Specifically, the amendment would alter the eligibility requirements a site must meet to be considered for rezoning as a planned development district (PDD).

Currently, there are six main criteria a site must meet in order to be eligible. These focus on lot size, adherence to Madison’s Municipal Coastal Program where applicable, minimum frontages, parcel location, residential density, and residential parking. This proposal would add text to the criterion concerning site location.

To be satisfactory, the entire site must be within either an R (residence district) or RU (rural residence district) zone and within an area designated as a “future development opportunity” within the town’s 2013 Plan of Conservation and Development (POCD) or a successor document.

The proposed addition includes five alternative designations, any of which may wholly substitute for that of “future development opportunity.” These include land that is:

1. Town-owned property
2. Designated in the 2013 POCD as agricultural under PA490
3. Currently devoted to non-conforming uses and adjacent to residential uses
4. Abutting Interstate 95
5. Part of a parcel that has at least one property line located within four hundred (400) feet of a C (commercial) zone.

None of the other five eligibility requirements are affected by this proposed text amendment.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
South Central Regional Planning Commission (RPC): Referral Submission Form

SCRCOG is required to be given notice by certified mail, return receipt requested **thirty days before the public hearing** for Zoning Amendments (Regulations, Map) and Subdivision Applications (see below for applicability). **Notice can be sent by email, instead of certified mail,** per the requirement of the Connecticut General Statutes(CGS) 8-3b, 8-26b. Amendments/Update to the Municipal Plan of Conservation and Development are required to be submitted to SCRCOG at least 65 days before the public hearing, per CGS 8-23.

<table>
<thead>
<tr>
<th>Municipality:</th>
<th>Date Sent:</th>
<th>Public Hearing Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Madison</td>
<td>10/26/22</td>
<td>11/17/22</td>
</tr>
</tbody>
</table>

**Subject:** Text Amendment to Sec. 32 Planned Development Dist.

**Referral is From (Select one):**  
☐ Private Applicant – Applicant Name:  
Frasher Lulaj  
☐ Town/City Planning Department or the Planning and Zoning Commission

**Preferred Municipal Contact for this Referral:**  
Name: Erin Mannix  
Phone Number: 203-245-5633  
Email: manniexe@madisonct.org

**Statutory Responsibility (Select Below):**

☐ Application involves a proposed Zoning Regulation Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region

☐ Application involves a proposed Zoning Map Amendment that affects the use of a zone within 500 feet of a municipality in the South Central Region

☐ Application involves a Subdivision of Land, which will abut or include land in two or more Municipalities

☐ Application involves an Amendment and/or Update to a Municipal Plan of Conservation and Development (POCD)

☐ Applicant requests a voluntary RPC review for informational purposes only; an RPC resolution is not necessary

**Process (Select Below): The communication should be addressed to SCRCOG, Re: RPC Referral**

☐ Material sent via “Certified Mail - Return Receipt Requested” to SCRCOG, 127 Washington Avenue, 4th Floor West, North Haven, CT 06473

☐ Material sent via Email to: rpc@scrcog.org

☐ This application has been previously submitted for RPC Review. If checked, on what date:

For any questions, please email **rpc@scrcog.org**.
Section 32: Planned Development District

2019

[Proposed 2022 Text Amendment shown in red]

32.1. GENERAL:

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

32.2 STATEMENT OF PURPOSE:

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

(a) That the location, uses and layout of the proposed PDD are in conformance with the intent of, and the goals and objectives contained in, the Plan of Conservation and Development.
(b) Harmony and compatibility of the PDD with surrounding neighborhoods and land uses, including the incorporation of adequate buffers to protect abutting property values, minimization of traffic impacts on residential streets, to the extent practical, the establishment of traffic patterns which direct commercial traffic to major thoroughfares and away from residential areas and provide for adequate on-site parking, prevention of glare and noise from non-residential areas of the development negatively impacting adjoining residential properties and protection of groundwater resources where adjoining properties use onsite wells for potable water supplies.
(c) Protection of natural and historic resources including, but not limited to, inland and tidal wetlands and watercourses, coastal resources, groundwater resources, flood plains, ledge outcroppings, steep slopes, wildlife habitats, historic sites and landscapes, archaeological and/or scenic vistas.
   i. Particular care must be made to limit the visibility of development from scenic and rural roads.
   ii. Efforts must be made to properly document key cultural, scenic, historical, archaeological and natural resources as part of the application process.
   iii. Preservation of a minimum of 15 percent of the site that is devoted to residential use as open space.

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

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

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

(b) If within the “Coastal Zone” proposed PDD’s must be found consistent with Madison’s Municipal Coastal Program and shall be subject to minimum setbacks set forth in Section 2.17.

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

(d) Parcel Location: the Lot(s) eligible for a PDD shall be:

(i) located in the following zoning districts: R, RU, and

(ii) must further be:

1. located within an area specifically designated as a future development opportunity in the 2013 POCD or a successor document; or
2. Town-owned property; or
3. agriculturally-designated land under PA490 in the 2013 POCD; or
4. land currently devoted to non-conforming uses adjacent to residential uses; or
5. land abutting Interstate 95; or
6. land with any property line located within four-hundred (400) feet of the commercial ‘C’ District.

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

Attached Housing Bulk Requirements in PDD

<p>| ZONE: PDD |<br />
| --- | --- |
| MINIMUM LOT AREA | 2 acres |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>UNITS PER BUILDABLE ACRE</td>
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<tr>
<td>MAXIMUM STORIES</td>
<td>2.5</td>
</tr>
<tr>
<td>MINIMUM UNITS PER BUILDING</td>
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</tr>
<tr>
<td>MAXIMUM UNITS PER BUILDING</td>
<td>4</td>
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<tr>
<td>OPEN SPACE</td>
<td>15% of residential dev</td>
</tr>
<tr>
<td>BUILDING HEIGHT</td>
<td>37.5’ total building height to peak of roof</td>
</tr>
<tr>
<td>PARKING</td>
<td>2 spaces per D/U per §32.3.2(f).</td>
</tr>
</tbody>
</table>

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

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

(a) Access to major roads and proximity to community services.

(b) Physical characteristics of the applicable parcel(s).

(c) Existing municipal infrastructure’s capability to support the proposed development.

(d) Consistency with policies and goals of the POCD.

32.4. MASTER PLAN:

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

32.4.2. Permitted Uses in the PDD:

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

(b) Home occupation, accessory to a residence

(c) Resident Clubhouse

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

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

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

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

(a) Plan showing existing site conditions and structures, including tidal and inland wetlands and watercourses, which, along with other surveys and plans listed below, shall be at a scale of one (1) inch equals 40 feet or larger.
(b) Boundary survey of the properties involved in the project prepared to Class A-2 accuracy by a Connecticut licensed land surveyor.
(c) Plan indicating structures to be retained, substantially rehabilitated, or demolished; new structures to be built on the property; parking areas; vehicular and pedestrian circulation; and the areas to be landscaped or dedicated to public use. This plan shall provide sufficient information to determine proposed uses and size of buildings including heights, floor area ratios, and lot coverage and the amount of off-street parking to be provided, if any.
(d) A description of the existing uses of the property and their present location, and a description of any proposed new uses or changes in uses and their proposed location on the site.
(e) Narrative report describing the proposed new uses and changes in uses, if any, and the proposed structures to house said uses, including style and method of building construction and the cumulative amount of square feet intended for each type of proposed new use. A change of use shall require an amendment to the Master Plan.
(f) Preliminary traffic impact report prepared by a professional engineer for any PDD.
(g) Information on the location, availability, and capacity of public utilities capable of serving the development for any proposed new use. Underground utilities for the development are required.

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

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

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

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

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

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

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

32.4.7. Changes to the Master Plan.

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

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

32.5 DETAILED SITE PLAN:

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

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

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

32.6. SPECIFIC DESIGN STANDARDS

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

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

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

32.6.4 Such maximum height shall not apply to the following when not for human occupancy: spires, ornamental cupolas, towers, chimneys, flagpoles and silos, as well as features such as tanks and heating, ventilating, air conditioning, railings, and elevator equipment including elevator shaft, solar collectors that are located on the roof of a building and do not occupy more than 25 percent of the area of the roof.

32.6.5 Additional Bulk Standards

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>Maximum Building Coverage</th>
<th>Minimum Side Yard</th>
<th>Minimum Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>25’</td>
<td>30%</td>
<td>15’</td>
<td>30’</td>
</tr>
</tbody>
</table>

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

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

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

32.6.9. Landscaping: The development shall be suitably landscaped with particular emphasis on areas abutting neighboring residential properties which shall include a minimum 10-foot wide landscaped or natural buffer. A comprehensive landscaping plan shall be included in the Detailed Site Plan and shall include a plant list, with plant names, quantities, size at planting, and size when mature. Typical sections may be required. Existing planting shall be identified on the Plan. If existing planting is to be used then the plants must be identified by names, quantities, size.
32.7 INFORMAL CONSIDERATION:

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

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

32.8 CERTIFICATE OF ZONING COMPLIANCE:

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

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

32.9 ADDITIONAL LIMITATIONS:

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

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