

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

**RPC
Representatives**

Bethany:
Vacant

Branford:
Charles Andres

East Haven:
Sal Brancati

Guilford:
Matthew Yorzinski

Hamden:
Robert Roscow

Madison:
Joel Miller

Meriden:
Kevin Curry

Milford:
Jim Quish

New Haven:
Elias Estabrook

North Branford:
Trish Mase

North Haven:
James Giulietti

Orange:
Ralph Aschettino

Wallingford:
Jeffrey Kohan

West Haven:
Kathleen Hendricks

Woodbridge:
Andrew Skolnick

To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Thursday, August 08, 2019 RPC Meeting at 5:15pm at SCRCOG, 127 Washington Ave, 4th Floor West, North Haven, CT 06473

AGENDA

- 1. Administration** **1**
 - 1.1. Minutes of the April 11, 2019 RPC Meeting **3**
 - 1.2. Summary of the June 13, 2019 RPC Meeting **4**
 - 1.3. Summary of the July 11, 2019 RPC Meeting **4**
- 2. Action Items**
 - 2.1. Town of Hamden: Proposed Plan of Conservation Update. Submitted by: Town of Hamden. Received: July 15, 2019. Public Hearing: September 17, 2019 (Vote on September 24, 2019) **6**
 - 2.2. Town of North Branford: Proposed Plan of Conservation Update. Submitted by: Town of North Branford. Received: July 18, 2019. Public Hearing: October 3, 2019 **7**
 - 2.3. Town of North Haven: Proposed Zoning Regulation Amendments pertaining to residential apartments above commercial uses in the CB-20 Zoning Districts. Submitted by: Private Applicant. Received: July 30, 2019. Public Hearing: September 9, 2019 **8**
- 3. Other Business**

The agenda and attachments for this meeting are available on our website at www.scrkog.org. Please contact SCRCOG at (203) 234-7555 for a copy of agenda in a language other than English. Auxiliary aids/services and limited English proficiency translators will be provided with two week's notice.

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

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

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

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

DRAFT - Not yet approved by the Commission

MEETING MINUTES

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

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

1 Administration

1.1 Minutes of the March 14, 2019 RPC meeting.

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

2 Statutory Referrals

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

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

The proposed zoning regulation amendments may have potential for inter-municipal impacts if located within 500 feet of a residential zone within an adjacent community. There do not appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

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

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

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

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

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

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

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

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

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

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

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

3 Other Business

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

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Minutes for Thursday, June 13, 2019 Meeting at 5:15 pm at SCRCOG, 127 Washington Avenue, 4th Floor West, North Haven, CT 06473

Present: Michael Calhoun, Charles Andres, Robert Roscow, Elias Estabrook, Eugene Livshits

The Regional Planning Commission Meeting on June 13, 2019 did not have a quorum. The referrals were reviewed by consensus of the members present.

1 Administration

1.1 Minutes of the April 11, 2019 RPC meeting.

The approval of minutes from the April 11, 2019 meeting will be presented during the July 11, 2019 RPC Meeting.

2 Statutory Referrals

2.1 Town of North Branford: Proposed Zoning Regulation Amendments pertaining to Farm/Outdoor Events

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that consideration should be given for regulating amplified outdoor music, which may have potential for inter-municipal impacts. There do not appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

2.2 Town of Wallingford: Proposed Zoning Regulation Amendments pertaining to Electric Charging Stations

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

2.3 Town of Madison: Proposed Zoning Regulation Amendments to add Planned Development District

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

3 Other Business

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

DRAFT - Not yet approved by the Commission

MEETING MINUTES

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

Present: Michael Calhoun, Jeffrey Kohan, Sal Brancati, Andrew Skolnick, Kevin Curry, Eugene Livshits

The Regional Planning Commission Meeting on June 11, 2019 did not have a quorum. The referrals were reviewed by consensus of the members present.

1 Administration

1.1 Minutes of the April 11, 2019 RPC meeting.

The approval of minutes from the April 11, 2019 meeting will be presented during the August 8, 2019 RPC Meeting.

2 Statutory Referrals

2.1 Town of Wallingford: Proposed Zoning Regulation Amendments pertaining to Signs

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

2.2 City of West Haven: Proposed Zoning Regulation Amendments pertaining to Short-Term Rentals

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

2.3 City of West Haven: Proposed Zoning Regulation Amendments pertaining to Outdoor Dining

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

2.4 City of West Haven: Proposed Zoning Regulation Amendments pertaining to Stormwater Runoff

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that 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.

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

2.5 Town of North Branford: Proposed Zoning Regulation Amendments pertaining to Building Coverage in R-40 Zoning District

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

2.6 Town of North Branford: Proposed Zoning Regulation Amendments to add Section 62.5.6 – Stormwater Management Plan

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

2.7 Town of Cheshire: Proposed Zoning Regulation Amendments pertaining to Parking Areas and Accessory Building Setbacks

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

3 Other Business

Referral 2.1: Town of Hamden

Subject:

Proposed Plan of Conservation and Development Update

Staff Recommendation:

The Plan of Conservation and Development for the Town of Hamden appears to be consistent with the policies and goals identified in both the State and Regional Plans of Conservation and Development

Background:

The Town of Hamden has submitted a proposed draft Plan of Conservation and Development (POCD). The proposed POCD discusses the planning process undertaken to complete the update, and is organized within 6 chapters (Introduction, Organizing Hamden, Economic Growth and Development, environmental sustainability, Community Assets, Implementation). Chapter 6.2: Consistency with State/Regional Plans describes how the Hamden POCD update is consistent with each of the growth management principles with the State Plan.

A brief description of the major themes, including a table with the top ten policies and action steps are outlined in the executive summary. The policy and action step table includes information pertaining to the Section where the policy/action is addressed, priority, leader and partners. The top policies and related action steps include, but are not limited to, economic development, improvement to surface and ground water quality, encouragement of housing types and densities that support neighborhoods, and discouraging elements that detract from community character. The POCD encourages addressing transportation issues by providing a diverse, safe and efficient transportation network, promotion of pedestrian, bicycle and other forms of transportation, and efforts to maintain, enhance and extend the trail system. Chapter 1.2 – Community Issues /Concerns discussed the methods used to gain community input, such as, surveys. The results of the surveys were incorporated in the Strategies within the POCD. The POCD addresses sustainability in the context of the economy, environments and development, including the benefits provided by trees.

The POCD is consistent with the Regional Plan as it encourages a diversity and affordability of housing, development of opportunity sites, mixed-use and pedestrian friendly places, and the protection and preservation of natural and coastal resources. In addition, the POCD addresses issues related to climate change and resiliency.

Communication:

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

Referral 2.2: Town of North Branford

Subject:

Proposed Plan of Conservation and Development Update

Staff Recommendation:

The Plan of Conservation and Development for the Town of North Branford appears to be consistent with the policies and goals identified in both the State and Regional Plans of Conservation and Development

Background:

The Town of North Branford has submitted a proposed draft Plan of Conservation and Development (POCD). The proposed POCD discusses the planning process undertaken to complete the update, and is organized within 10 chapters (Introduction, Preserve and Protect Town's Agricultural and Rural Character, Protect, Connect and Enhance Open Spaces and Natural Areas, Provide Housing Choices that Meet the Towns Demographic Needs, Grow Tax in Areas with Existing Infrastructure, Maintain High Quality Town Facilities and Services, Support a Safe, Appropriate and Connected Transportation Network, Future Land Use Plan, Consistency with State and Regional Plans, Action Agenda and Implementation). Chapter 9: Consistency with State and Regional Plans describes how the North Branford POCD update is consistent with each of the growth management principles with the State Plan. The POCD update has an action table with the objectives, strategies, lead entity, support entities, and timeline.

The planning process included the formation of a steering committee to guide the process, A community wide survey was conducted and two community workshops were held to gather community input. The community survey results were incorporated throughout the POCD update. Conservation policies and strategies addressed include, but are not limited to, maintaining agricultural uses as part of the scenic open space areas, and supporting agricultural tourism as component of a diverse economy, protection of open space and sensitive natural resources, provide for future passive and active recreational needs, develop and maintain connected open space and greenway corridors, improvement of water quality. Development policies and strategies include, but not limited to, diversity of housing stock (styles, sizes, price points), higher residential development in areas with existing infrastructure, quality affordable housing for town's workforce and senior population, energy efficiency and sustainable designs principals, sustainability and resiliency at town buildings, and highest and best use in existing commercial and industrial zones. The POCD update encourages addresses methods to support a safe and connected transportation network for all users.

The POCD is consistent with the Regional Plan as it encourages a diversity and affordability of housing, mixed-use in town centers, development in areas with existing infrastructure, the protection and preservation of natural areas and open space and the development of contiguous open space and greenway corridors.

Communication:

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

Referral 2.3: Town of North Haven

Subject:

Proposed Zoning Regulation Amendments pertaining to residential apartments above commercial uses in the CB-20 Zoning Districts

Staff Recommendation:

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

Background:

A private applicant in the Town of North Haven has proposed to amend Section 4.4.2 and Sections 4.4.1.39 and 4.4.3.11. The proposed amendments would permit residential apartments above first floor commercial uses in the CB-20 zoning districts.

The proposed amendment to add Section 4.4.1.39 would allow multi-family apartments above commercial uses by special permit. In Section 4.4.2 bulk standards haven added called CB-20 Mixed Use per Section 4.4.1.39. The minimum lot area is 15,000 sq ft, The existing CB-20 has a requirement of 20,000 sq. ft. The minimum lot width (100 feet), and maximum height 35 feet) remain unchanged from the CB-20 District. As compared to the CB-20 District there is an increase in building coverage from 25 to 35 and a reduction in the minimum front, rear and side yard requirements.

The proposed amendments have eligibility requirements, which include frontage on Middletown Avenue or Quinnipiac Avenue, no residential units on first floor, non-residential uses (permitted in CB-20). Nightclubs, retail package liquor stores, automotive service stations and testing facilities, automotive sales, public garages, theaters and adult oriented establishments are prohibited. The development cannot contain more than 25 residential units, each residential unit cannot be less than 450 sq ft, and each residential unit cannot contain more than two bedrooms. Additional requirements along with the special permit criteria can be reviewed in the agenda packet.

Communication:

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



TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET

NORTH HAVEN, CONNECTICUT 06473



REPLY TO: PLANNING & ZONING COMMISSION

Tel. (203) 239-5321
Fax (203) 234-2130

24 July 2019

RECEIVED

JUL 30 2019

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

**SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS**

Re: Proposed Amendment to the North Haven Zoning Regulations to amend Section 4.4.2 and add Sections 4.4.1.39 & 4.4.3.11 to permit residential apartments above first floor commercial uses in CB-20 zoning districts along Quinnipiac & Middletown Avenues.

Dear Mr. Livshits,

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

A Public Hearing for this application is scheduled for 9 September 2019.

Very truly yours,

Alan A. Fredricksen
Land Use Administrator
AAF/lc
Enclosures

cc: Michael J. Freda, First Selectman
V. Carlson, Chairman, Planning & Zoning Commission

**APPLICATION OF 102 MIDDLETOWN AVENUE, LLC
FOR AMENDMENT TO NORTH HAVEN ZONING
REGULATIONS TO ADD NEW § 4.4.1.39,
REVISE § 4.4.2, AND ADD NEW § 4.4.3.11**

July 8, 2019

Thomas J. Daly, PE
tdaly@mminc.com
Milone & MacBroom
99 Realty Drive
Cheshire, CT 06410
PHONE: (203) 271-1773

Timothy S. Hollister
thollister@goodwin.com
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919
PHONE: (860) 251-5000

TABLE OF CONTENTS

July 8, 2019

1. Overview letter from Shipman & Goodwin, July 8, 2019
2. Application form for proposed regulation amendment
3. Proposed regulation amendment
4. Aerial photo of 102 Middletown Avenue
5. Illustrative site development map, apartment floor plan, and architectural elevation

SUBMITTED SEPARATELY

Application fees in the amount of \$150 and \$60



Timothy S. Hollister
Phone: (860) 251-5601
Fax: (860) 251-5318
thollister@goodwin.com

July 8, 2019

HAND DELIVERY: ORIGINAL AND 14 COPIES

Mr. Vern E. Carlson, Chair,
and Commission Members
Planning and Zoning Commission
Town of North Haven
5 Linsley Street
North Haven, CT 06473

Mr. Alan A. Fredricksen
Land Use Administrator
Town of North Haven
5 Linsley Street
North Haven, CT 06473

Re: Application of 102 Middletown Avenue, LLC for Amendment to North Haven Zoning Regulations to Add New § 4.4.1.39, § 4.4.2 (Revised), and § 4.4.3.11

Dear Chair Carlson, Commission Members, and Mr. Fredricksen:

On behalf of our client 102 Middletown Avenue, LLC, we are pleased to file this application for an amendment to the CB-20 District Zoning Regulations, to allow on certain parcels in the CB-20 District, by special permit, multi-family apartment homes above first floor commercial uses. Our client is the owner of 102 Middletown Avenue, a 0.37 acre parcel in the CB-20 District that would be eligible for redevelopment if the text amendment is approved.

The purpose of the amendment is to allow redevelopment of small, abandoned commercial structures / parcels into a small mixed use (maximum of 25 units) with residential apartments above first-floor commercial use (with certain exclusions, such as nightclubs and automotive service stations); and with high quality architectural design and landscaping.

Small apartment developments above commercial uses are proven to be an attractive, low-impact use.

July 8, 2019
Page 2

The proposed amendment contains three sections:

New § 4.4.1.39 adds apartments above commercial as a permitted use in the CB-20 District;

Revised § 4.4.2 is revised to add bulk / dimensional standards appropriate to a mixed commercial / residential use; and

New § 4.4.3.11 provides regulations, controls, and special permit criteria to govern the mixed use development.

The regulation amendment is illustrated in this package with an aerial photo of the property at 102 Middletown Avenue that would be proposed for redevelopment; and an illustrative site plan.

An original and 14 copies, with the required application fees, are delivered with this package.

We look forward to presenting this application to the Commission.

Very truly yours,



Timothy S. Hollister

TSH:ekf
Attachments

c: 102 Middletown Avenue, LLC (w/ att.)
Milone & MacBroom (w/ att.)

7/8/19 Date of Receipt
\$150/60 Fee and date paid

#P19-24 File Number
Approval date

TOWN OF NORTH HAVEN
PLANNING AND ZONING COMMISSION
APPLICATION FORM
(Only one item per form)

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

THIS APPLICATION IS FOR AND **MUST** INCLUDE THE FOLLOWING:

- ____ Site plan approval (Submit 14* copies of the site plan) ▶ 1 original and 14 copies of the application
 - ____ Certified A-2 Survey
 - ____ 2 copies of Bond Estimate Form
 - ____ Cite the regulation that permits proposed use
- * 14 PLANS @ 24" x 36"

TITLE OF PLAN: _____

- Date and most current revision date of plan: _____
- ____ CAM site plan review (Submit 14* copies)
- Amend zoning regulations New Section to be amended (Submit 14 copies of proposed amendment)
- ____ Proposed zone change (Submit 14* copies of location map)
- ____ Special Permit Cite regulation that authorized the 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:

- N/A Does the property for which this application is submitted:
- N/A Lie within 500' of an adjoining municipality or will traffic or water drainage impact an adjoining municipality
- N/A Lie within the Coastal Area Management boundary
- N/A Contain any wetlands and/or watercourses
- N/A Lie within the Aquifer Protection Zone
- N/A Lie within the floodplain or floodway
- N/A Lie within 50' of the Quinnipiac River or Muddy River

Thomas J. Daly, PE, Milone & MacBroom	203-271-1773 X 249	203-272-9733
_____ ENGINEER'S NAME	_____ ENGINEER'S PHONE NUMBER	_____ FAX NUMBER
Middletown 102, LLC	N/A <u>Middletown 102, LLC</u>	
_____ Print Applicant's Name	_____ Print Owner's Name	
15 Hoseley Road, Branford, CT 06405	15 Hosley Ave Branford CT 06405	
_____ Applicant's Address	_____ Owner's Address	
203-488-3988	203-488-3988	
_____ Applicant's Phone Number	_____ Owner's Phone Number	
Middletown 102, LLC		

Applicant's Signature
By: Michael Massimino, Member
Duly Authorized

RECEIVED _____
Owner's Signature

JUL - 8 2019

**PROPOSED NEW SECTION 4.4.1.39, REVISED
SECTION 4.4.2, AND NEW SECTION 4.4.3.11**

**APARTMENTS ABOVE FIRST
FLOOR COMMERCIAL USE**

**Submission Draft
July 2019**

**Submitted by 102 Middletown Avenue, LLC
to the North Haven Planning and Zoning Commission**

**Proposed Amendment to CB-20 District
North Haven Zoning Regulations**

Section 4.4.1.39 (NEW) By special permit, multi-family apartments above commercial uses, in compliance with all provisions of Section 4.4, including standards stated in Sections 4.4.2 and 4.4.3.11

4.4.2 Required Lot Area, Width, Yards, Coverage, Height (REVISED)

	<u>CB-20 District</u>	<u>CB-40 District</u>	<u>CB-20 Mixed Use per § 4.4.1.39</u>
Minimum Lot Area	20,000	40,000	15,000
Minimum Lot Width	100	150	100
Minimum Front Yard	50	50	15
Minimum Rear Yard	25	40	15
Minimum Side Yard, Each	12	20	5
Maximum Building Coverage	25	20	35
Maximum Height	35	55	35

4.4.3.11 Apartments above commercial Use

4.4.3.11.1 The purpose of this Section is to encourage small development of residential apartment homes, in one structure, located above a commercial use allowed in the CB District, with high quality design; and to encourage smaller housing units in accordance with the Plan of Conservation and Development.

Mixed-use residential projects shall conform to the following restrictions.

4.4.3.11.2 To be eligible, a site must have frontage on Middletown Avenue or Quinnipiac Avenue.

4.4.3.11.3 No residential units shall be permitted on the first floor.

- 4.4.3.11.4 Each development shall contain a ground floor non-residential use as permitted in the CB-20 District that is compatible with and complimentary to the residential use, such as Basic neighborhood stores and services and retail stores as enumerated in Sections 4.4.1.9, 4.4.1.11, and 4.4.1.13 of the Regulations. The following uses, however, shall be specifically prohibited: nightclubs, retail package liquor stores, automotive service stations and testing facilities, automotive sales, public garages, theaters, and adult-oriented establishments.
- 4.4.3.11.5 No development shall contain more than 25 residential units.
- 4.4.3.11.6 The development will provide no less than 1.0 parking spaces per bedroom for each residential dwelling unit. Non-residential parking shall be calculated in accordance with Section 8.5.1 of these regulations. The Planning and Zoning Commission may require additional parking in its discretion. A development shall be permitted to utilize a shared parking calculation based on its mixed-use capacity. A sharing factor of 1.4 for residential / office mix and 1.2 for residential / all other commercial uses mix shall be utilized to compute the required parking for the entire development. A report from a qualified traffic consultant shall be required to support the shared parking plan. The Planning and Zoning Commission may hire a traffic consultant to obtain technical advice concerning a proposed development at the expense of the applicant.
- 4.4.3.11.7 Each development shall be connected to the municipal sanitary sewer system and serviced by a public water supply. All residential dwelling units shall be serviced by an automatic fire sprinkler system.
- 4.4.3.11.8 No residential unit shall have more than two bedrooms.
- 4.4.3.11.9 Each residential unit shall have no less than 450 square feet.
- 4.4.3.11.10 Unless otherwise specified in this Section 4.4.3.11, conformance with all requirements of the CB-20 District and all other applicable provisions of the Zoning Regulations is required.
- 4.4.3.11.11 Special permit criteria for a development shall be the following:
- (1) The location, type, character, and size of the use and of any related buildings and structures is in harmony with the development of the Town and will not hinder or discourage the development and use of adjacent lots or impair their value;
 - (2) The location of the use and any related buildings and structures provides adequate access for fire protection purposes;

- (3) The streets serving the proposed use are adequate to support traffic and the entrance into and egress from the development does not result in undue traffic hazard or congestion;
- (4) The lot on which the development is to be constructed is of sufficient size and dimensions to permit conduct of the proposed residential and commercial uses and construction and maintenance of buildings, structures, and facilities, including sanitary facilities, in a manner that will not be detrimental to the neighborhood or adjacent lots; and
- (5) The architectural design and style of all buildings and other structures to be erected on the lot will not conflict with the architectural design and style of adjacent properties.