



**RPC  
Representatives**

**Bethany:**  
Sharon Huxley

**Branford:**  
Charles Andres

**East Haven:**  
David Anderson

**Guilford:**  
Vacant

**Hamden:**  
Joseph McDonagh

**Madison:**  
Christopher Traugh  
(Secretary)

**Meriden:**  
William Lake

**Milford:**  
Susan Shaw

**New Haven:**  
Karyn Gilyarg

**North Branford:**  
Frances Lesetovich

**North Haven:**  
Brian Cummings  
(Vice-chair)

**Orange:**  
Paul Kaplan

**Wallingford:**  
James Fitzsimmons

**West Haven:**  
John Panza

**Woodbridge:**  
Peggy Rubens-Duhl  
(Chair)

**AGENDA**

**To:** Regional Planning Commission  
**From:** Eugene Livshits, Regional Planner  
**Subject:** Agenda for Thursday, November 18, 2010 RPC Meeting, 5:15pm @ SCRCOG Conference Room; 127 Washington Ave, 4<sup>th</sup> Floor West, North Haven, CT 06473

**1. Administration**

1.1. Minutes of the October 14, 2010 RPC Meeting

**2. Statutory Referrals – November Action Items**

2.1. Town of Prospect: Proposed Zoning Regulation Amendments to Section 4.13 – Flood plains and Flood Hazard Areas; Article 2.2 – Definitions; Article 15 – Zoning Board of Appeals; and Section IV of the Subdivision Regulations. Submitted by: Town of Prospect. Received: October 15, 2010. Public Hearing: November 3, 2010 (comment period requested to be held open).

2.2. Town of Cheshire: Proposed Zoning Regulation Amendments to Section 46 – Flood Plain Management Regulation. Submitted by: Town of Cheshire. Received: October 21, 2010. Public Hearing: November 8, 2010 (comment period requested to be held open).

2.3. Town of Southington: Proposed Zoning Regulation Amendment to Sections 2-01A and 2-19S. Submitted by: Town of Southington. Received: November 1, 2010. Public Hearing: December 7, 2010

2.4. Town of Madison: Proposed District Boundary Amendments to CA-1, CB-1, and CB-2 Districts and adjacent parcels; proposed amendments to Commercial District Regulations, Section 6, Section 8, and to Customary Home Occupation. Sections 4.1.19, 4.1.24, 4.1.38 are proposed to be deleted. Submitted by: Town of Madison. Received: October 28, 2010. Public Hearing: December 16, 2010

2.5. Town of Orange: Proposed Zoning Regulation Amendment to create a Transit Oriented Development District and to incorporate the Edison Road/Marsh Hill Road Corridor Zoning Review Study into the Town's POCD. Submitted by: Town of Orange. Received: October 19, 2010. Public Hearing: December 7, 2010



- 2.6. Town of Woodbridge: Proposed Zoning Regulation Amendments to Section 3.12 – Liquor Establishments, Subsection 3.12.2 – Distance Requirements. Submitted by: Private Applicant. Received: November 5, 2010. Public Hearing: December 6, 2010.
- 2.7. Town of Hamden: Proposed Zoning Regulation and Map Amendments regarding Special Flood Hazard Areas. Submitted by: Town of Hamden. Received: November 4, 2010. Public Hearing: TBD

### **3. Other Business**

- 3.1. 2011 Meeting Schedule
- 3.2. Nominating Committee
- 3.3. RPC Annual Dinner Speaker and Location
- 3.4. OPM Workshop



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

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, October 14, 2010 Meeting

**Present:** Peggy Rubens-Duhl, Brian Cummings, Christopher Traugh, Sharon Huxley, Charles Andres, Karyn Gilvarg, John Panza (arrived during review of referral 2.5), William Lake, Frances Lescovich, Eugene Livshits, Carl Amento

**1 Administration**

1.1 Minutes of the September 16, 2010 RPC meeting. Motion to accept the minutes as amended: Sharon Huxley. Second: Brian Cummings. Vote: Unanimous. Abstain: Charles Andres

The minutes were amended to reflect that the motion to accept minutes of the August 12, 2010 meeting as presented was seconded by David Anderson.

**2 Statutory Referrals**

2.1 Town of Madison: Proposed Zoning, Subdivision and Book III Regulation Amendments to address Stormwater, Notification Requirements and Fees

By resolution, the RPC has determined that the proposed Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Sharon Huxley. Second: Peggy Rubens-Duhl. Vote: Unanimous.

2.2 City of Milford: Proposed Zoning Regulation Amendments to Section 5.8 – Flood Hazard and Flood Damage Prevention Regulations and Article XI - Definitions

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 of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Sharon Huxley. Second: Christopher Traugh. Vote: Unanimous



**2.3 City of West Haven: Proposed Zoning Regulation Amendment to Article 7, Section 70 – Floodplain Management**

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 of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Charles Andres. Second: Sharon Huxley. Vote: Unanimous.

**2.4 City of West Haven: Proposed Zoning Regulation Amendment to Section 20.9 – Outdoor Display and Sales of Merchandise**

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 of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Brian Cummings. Second: Christopher Traugh. Vote: Unanimous.

**2.5 City of West Haven: Proposed Zoning Regulation Amendment to Section 83.8 – Appeals of Zoning Officials**

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 of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Sharon Huxley. Second: Brian Cummings. Vote: Unanimous. Abstain: John Panza

There was discussion regarding the purpose and intent of the proposed regulation and potential consequences of the proposed regulation. The intent of the regulation was described as a method to implement checks and balances throughout the whole system. There was concern expressed that the amendment could potentially stall a project nearing completion by allowing an appeals process to begin two months after the start of the project.

**2.6 Town of East Haven: Proposed Zoning Change to modify the boundaries of existing Planned Elderly Facilities District and to rezone the Tech Park/Economic Development District to a Commercial (CC) Zone.**

By resolution, the RPC has determined the proposed Zone Change Amendment to modify the boundaries of the PEFD District does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.





The proposed Zone Change Amendment to rezone the Tech Park/Economic Development District into a Commercial, CC District may cause negative inter-municipal traffic impacts to the City of New Haven due to an increase in the intensity and scale of development permitted in the Commercial, CC District and limited access to the site. There may be negative impacts to the habitat or ecosystem of the Long Island Sound due to an increase in the impervious surface cover permitted in the proposed Commercial, CC District. Motion to accept as amended: Christopher Traugh. Second: Sharon Huxley. Vote: Unanimous.

The staff recommendation for the Zone Change from Tech Park/Economic Development District to Commercial, CC District was amended to include impacts to Long Island Sound as the impervious surface permitted in the proposed district is significantly higher than in existing districts.

The Town of Southington and the Town of Woodbridge Referrals were received after the monthly agenda packet was mailed out. The public hearings for the referrals are prior to the November RPC Meeting. Motion to add the items to the October Agenda: Sharon Huxley. Second: Peggy Rubens-Duhl. Vote: Unanimous. Abstain: Christopher Traugh

**2.7 Town of Southington: Proposed Zoning Regulation Amendment to Section 5-01.2 – Special Permit Uses**

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 of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: John Panza. Second: Sharon Huxley. Vote: Unanimous.

**2.8 Town of Woodbridge: Proposed Zoning Regulation Amendments to Section 4 - Sign and Artificial Lighting**

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 of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Sharon Huxley. Second: Karyn Gilvarg. Vote: Unanimous. Abstain: Peggy Rubens-Duhl

**3 Other Business**

Motion to Adjourn: Brian Cummings. Second: Charles Andres. Vote: Unanimous.

## **Referral 2.1: Town of Prospect**

**Subject:** Proposed Zoning Regulation Amendments to Section 4.13 – Flood Plains and Flood Hazard Areas; Article 2.2 – Definitions; Article 15 – Zoning Board of appeals; and Section IV of the Subdivision Regulations.

**Staff Recommendation:** The proposed 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 negative impacts to the habitat or ecosystem of the Long Island Sound.

**Background:** The Town of Prospect has proposed Zoning and Subdivision Regulations as required by the Department of Environmental Protection Flood Management Program. The proposed amendments are required for the Town to remain a participant of the National Flood Insurance Program (NFIP). FEMA has completed its Flood Insurance Study for New Haven County and the Flood Insurance Rate Maps (FIRM) dated December 17, 2010. The regulations, which are proposed to be amended in order to comply with the requirements are in Section 4.13 – Flood Plains and Flood Hazard Areas, Article 2.2 – Definitions, Article 15 – Zoning Board of Appeals, and Section IV – General Regulations of the Subdivision Regulations.

**Communication:** In researching this proposal, I spoke to the Planning Staff for Prospect and notified the adjacent municipalities in the South Central Region.



**LAND USE OFFICE - TOWN HALL**  
36 CENTER STREET, PROSPECT, CT 06712  
203-758-4461

October 13, 2010

*Via Certified Mail, Return Receipt Requested*

Eugene Livshits  
South Central Council of Governments  
127 Washington Avenue - 4<sup>th</sup> Floor W  
North Haven, CT 06473-1715

Dear Mr. Livshits:

In accordance with Section 8-3b of the Connecticut General Statutes please be advised that the Planning and Zoning Commission of the Town of Prospect has scheduled a public hearing on proposed amendments and additions to Zoning Regulations Section 4.13 Floodplains and Flood Hazard Areas; Article 2.2 Definitions; Article 15 Zoning Board of Appeals; and, Subdivision Regulations Section IV General Regulations as required by Department of Environmental Protection Flood Management Program. Copies of the proposed amendments and additions are enclosed.

The public hearing on the proposed amendments and additions has been scheduled for Wednesday, November 3, 2010 at 7:10 p.m. in the lower level conference room of the Prospect Town Hall located at 36 Center Street, Prospect, CT.

If you have any questions you can contact me at the above number.

Sincerely,

  
William Donovan  
Land Use Inspector

**RECEIVED**  
OCT 15 2010  
SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENT

# PROPOSED AMENDMENTS TO ZONING REGULATIONS AND SUBDIVISION REGULATIONS

## SUBDIVISION REGULATIONS

**RECEIVED**

OCT 15 2010

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENT

**Currently reads:**

### IV. GENERAL REGULATIONS

26. In all special flood hazard areas the following requirements shall apply:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals which have public utilities if available such as sewer, water, gas, electrical, telephone and T.V. cable systems shall be located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
- d. Subdivision proposals must show base flood elevation and boundaries in Zone A Flood Hazard Areas.

**Proposed revision (changes in bold):**

### IV. GENERAL REGULATIONS

26. In all special flood hazard areas the following requirements shall apply:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals which have public utilities if available such as sewer, water, gas, electrical, telephone and T.V. cable systems shall be located and constructed to minimize flood damage;
- c. All subdivision proposals must show base flood elevation data and floodplain/floodway boundaries in Zone A and AE Flood Hazard Areas. In all flood hazard areas where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates base flood elevations for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.
- d. Subdivision proposals must show base flood elevation and boundaries in Zone A Flood Hazard Areas.

## ZONING REGULATIONS

### **Proposed Addition to Article 15 - Zoning Board of Appeals:**

**15.1.2.6** Any applicant to whom a variance is granted from Section 4.13 (Floodplains and Flood Hazard Area regulations) shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation. Variances shall not be issued within any designated floodway if any (0.00 feet) increase in flood levels occurs during the base flood discharge.

### **Proposed Additions to Article 2.2 – Definitions:**

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 23, 1977, the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA): Federal agency that, in addition to carrying out disaster response and recovery activities, oversees the administration of the National Flood Insurance Program (NFIP).

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, recreational vehicles and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 23, 1977, the effective date of floodplain management regulations adopted by Prospect.

Recreational Vehicle: A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Proposed Revisions to Article 2.2 – Definitions (changes or additions in bold text):**

**Basement:** A story in a building located partly underground, but having less than one-half of its clear floor to ceiling height below the average level of finished grade adjoining the exterior walls of the building. **For floodplain management purposes, a basement is any area of the building having its floor subgrade (below ground level) on all sides.**

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to, **the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.**

**Flood Insurance Rate Map (FIRM):** The official map on which the **Federal Emergency Management Agency (FEMA)** has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS):** The official report provided in which the **Federal Emergency Management Agency (FEMA)** has provided flood profiles, as well as the **Flood Insurance Rate Map (FIRM)** and the water surface elevation of the base flood.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground. **For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.**

## **Section 4.13 Floodplains And Flood Hazard Areas**

### **4.13.1 Purpose**

In order to prevent future loss of lives and property and to protect the ecological, scenic and recreational quality of streambelts, the Flood Hazard Areas are those areas designated as a "special flood hazard areas", namely Zones A and AE, as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut dated December 17, 2010, accompanying Flood Insurance Rate Maps (FIRM) dated December 17, 2010, and other supporting data applicable to the Town of Prospect, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The special flood hazard areas include any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Special flood hazard areas are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

#### **4.13.1.1 Warning and Disclaimer of Liability**

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Prospect or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Prospect, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Prospect.

#### **4.13.1.2 Abrogation and Greater Restrictions**

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **4.13.2 Definitions (See also Section 2.2 (Definitions))**

**Base Flood:** The flood having a 1 percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**Basement Flood Elevation (BFE):** The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**Cost:** As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure as established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

**Finished Living Space:** As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

**Functionally Dependent Use or Facility:** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

**Historic Structure:** Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c)



Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior, or (2) Directly by the Secretary of the Interior in states without approved programs.

**Improvement, Substantial:** Any repair, reconstruction or improvement of a structure within a floodplain or flood hazard area, taking place over a one year period, the cost of which equals or exceeds 50 percent of the market value of the structure as determined at the beginning of such one year period either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "improvement, substantial" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor.

**Market Value:** The market value of the structure shall be determined by the appraised value of the structure using the cost approach of value method (replacement cost of materials, equipment and labor minus depreciation) prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

**Mean Sea Level (MSL):** The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**New Construction:** Structures for which the "start of construction" commenced on or after February 23, 1977, the effective date of a floodplain management regulation adopted by Prospect, and includes any subsequent improvements to such structures.

**Special Flood Hazard Area (SFHA):** The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, AO, AH, on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

**Start of Construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Variance:** A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

**Water Surface Elevation:** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **4.13.3 Special Permit Uses**

A Special Permit, as specified in Article 12, shall be required by the Commission for all development within the Flood Hazard Area prior to the commencement of any development activities.

#### **4.13.4 Duties and responsibilities of the Commission**

Duties of the Commission shall include, but not be limited to:

**4.13.4.1** Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding and to assure that the permit requirements of this regulation have been satisfied.

**4.13.4.2** Review all permit applications to assure that all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application.

**4.13.4.3** Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage.

**4.13.4.4** Obtain, record and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustained substantial damage has been flood-proofed to one foot above the base flood elevation.

**4.13.4.5** When flood-proofing is utilized for a particular structure, the Commission shall obtain certification from a registered professional engineer or architect, in accordance with Section 4.13.6.2(b).

**4.13.4.6** Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Commission shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.

**4.13.4.7** Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions. When the base flood elevation data or floodway data have not been provided in accordance with this Section, the Commission shall obtain, review and

reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this Section.

**4.13.4.8** All records pertaining to the provision of these regulations shall be maintained in the office of the Land Use Inspector.

**4.13.5 General Standards:**

In all Flood Hazard Areas the following provisions are required:

**4.13.5.1** New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage, and with materials and utility equipment resistant to flood damage.

**4.13.5.2** New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

**4.13.5.3** Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.

**4.13.5.4** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

**4.13.5.5** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters. The bottom of the septic system or other form of private on-site subsurface sewerage disposal facility shall be elevated to or above the designated flood hazard elevation and the drainage of said facility is to be away from the flood hazard area. All on-site subsurface sewerage disposal facilities are to conform to the current edition of the State Public Health Code.

**4.13.5.6** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

**4.13.5.7** In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the

Connecticut Department of Environmental Protection (DEP), Inland Water Resources Division prior to any alteration or relocation of a watercourse.

**4.13.5.8 Compensatory Storage.** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

**14.13.5.9 Equal Conveyance.** Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

#### **14.13.6 Specific Standards**

In Flood Hazard Areas, Zones A and AE, the following construction standards apply:

##### **14.13.6.1 Residential Construction.**

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated to or above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE.

##### **14.13.6.2 Non-Residential Construction.**

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall: (a) Have the bottom of the lowest floor, including

basement, elevated to or above the base flood elevation (BFE); or (b) In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section; (c) Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE.

**14.13.6.3 Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings.** All new construction, substantial improvements, or repair of substantial damage to residential or non-residential structures that include fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building, shall be designed to preclude finished living space and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect, or meet the following minimum criteria listed in sections (a)-(g) below: (a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside; (b) The bottom of all openings shall be no higher than one (1) foot above grade. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building; (c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. Other coverings may be designed and certified by an engineer or approved by the Commission; (d) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles,

building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms; (e) All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage; (f) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates; (g) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 4.13.6.3(a)-(f). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 4.13.6.2.

#### **4.13.6.4 Manufactured Homes and Recreational Vehicles.**

In all Flood Hazard Areas, the following provisions apply:

**4.13.6.4.1** Any manufactured homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 4.13.5. This includes flood hazard areas outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

**4.13.6.4.2** All manufactured homes within a flood hazard area shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and

hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

**4.13.6.4.3** All manufactured homes within a flood hazard area shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

**4.13.6.4.4** Recreational vehicles placed on sites within a flood hazard area shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, or (iii) meet all the general standards of Section 4.13.5 and the elevation and anchoring requirement of Section 4.13.6.4.1, 4.13.6.4.2, and 4.13.6.4.3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

#### **14.13.7 Floodways**

**14.13.7.1** Located within flood hazard areas are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

**14.13.7.2** The Commission may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing water surface elevation more than one (1.0) foot at any point within the community.

**14.13.7.3** When BFEs have been determined within Zone AE on the community's FIRM but a regulatory floodway has not been designated, the Commission must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other



development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

## **Referral 2.2: Town of Cheshire**

**Subject:** Proposed Zoning Regulation Amendments to Section 46 – Flood Plain Management Regulation.

**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 negative impacts to the habitat or ecosystem of the Long Island Sound.

**Background:** The Town of Cheshire has proposed Zoning Regulation Amendments to Section 46 – Flood Plain Management Regulation to follow the DEP Comprehensive Review. The particular subsections are 46.1 – area of applicability, 46.3 Definitions and Section 5.3.1 of the Subdivision Regulations. The revisions proposed in the above mentioned section are required in order for the Town to comply with the FEMA Requirements and to remain a participant of the National Flood Insurance Program.

**Communication:** In researching this proposal, I spoke to the Planning Staff in Cheshire and notified the adjacent municipalities in the South Central Region.

## RPC Referral Submission Form

South Central CT Regional Planning Commission

Please mail to:

Re: RPC Referral  
South Central Regional COG  
127 Washington Avenue, 4<sup>th</sup> Floor West  
North Haven, CT 06473

### 1.) General Information:

Date Sent: 10/20/2010

Subject: Zoning and Subdivision Text Change Section 46

Applicant Name: Planning & Zoning Commission

Property Address (if applicable): 84 South Main Street

Town/City: Cheshire

☐

Referral is from a private individual

☒

Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: \_\_\_\_\_

### 2.) Statutory Responsibility:

☐

Application involves a subdivision of land within 500 feet of a town/city border

☒

Application involves a proposed change to a town/city zoning/subdivision regulations

☐

If neither, applicant requests a voluntary RPC review for informational purposes

☐

Material is for informational purposes only; an RPC resolution is not necessary

☐

Other: \_\_\_\_\_

### 3.) Process:

☒

Material sent "Return Receipt Requested" (as required by law)

☒

Information on proposed change included

☒

Existing language included (if applicable)

### 4.) Preferred contact regarding this RPC referral:

Name: William Voelker

Telephone Number: (203) 271-6670

E-mail Address: wvoelker@cheshirect.org

Comments: Public hearing tentatively scheduled for 11/8/2010.

RECEIVED

OCT 21 2010

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrkog.org>

**TOWN OF CHESHIRE  
MEMORANDUM**

Phone 203-271-6670 - Fax 203-271-6688

Date: October 19, 2010

FROM: William S. Voelker, AICP, Town Planner

SUBJECT: Regional Referrals

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The Cheshire Planning Office is considering the following and we are forwarding such for regional referral:

**TYPE OF APPLICATION**

**SCHEDULED DATE OF PUBLIC  
HEARING IF APPLICABLE**

Section 46 Flood Plain Management Regulation  
to follow the DEP Comprehensive  
Review

Public Hearing To open  
November 8, 2010 – 7:30 p.m.  
Cheshire Town Hall

If further information is required, please contact me at the Planning Office at (203) 271-6670. We look forward to receiving your comments.

Distribution List:  
COG Central Naugatuck Valley  
Central CT Regional Planning Agency  
South Central CT RPA

PLANNING DEPARTMENT  
TOWN OF CHESHIRE  
84 SOUTH MAIN STREET  
CHESHIRE, CT 06010

**EXISTING CROSSED OUT. PROPOSED IN BOLD**

46.1 Area of Applicability. This regulation is applicable to the "Special Flood Hazard Areas" (SFHA) designated as Zone A and Zone AE, as identified by the Federal Emergency Management Agency (FEMA) in its most current Flood Insurance Study (FIS), Flood Insurance Rate Maps (FIRM) and other supporting data applicable to the Town of Cheshire, ~~including any currently applicable Flood Boundary and Floodway Map~~, all of which are incorporated herein by reference and declared to be part of this regulation. [NOTE: A new FIS and FIRM are anticipated to become effective on or about ~~September 29, December 17, 2010~~.<sup>3</sup> Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on the FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file in the Office of the Cheshire Town Clerk.<sup>1,2</sup>

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<sup>1</sup>Amended on March 25, 2002, effective March 29, 2002 at 12:01 a.m.

<sup>2</sup> Amended on April 26, 2010 effective May 14, 2010 at 12:01 a.m.

<sup>3</sup>

PLANNING DEPARTMENT  
TOWN OF CHESHIRE  
84 SOUTH MAIN STREET  
CHESHIRE, CT 06410

**EXISTING CROSSED OUT-PROPOSED IN BOLD**  
**46.3 Definitions.**

**General:** Certain terms and phrases used in this regulation are hereinafter defined and explained. Otherwise, the words in this regulation shall have the meaning commonly attributed to them.

**Addition (to an existing building)** – means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

**Appeal** – means a request for a review of the Building Officer's interpretation of any provision of this regulation of a request for a variance.

**Base Flood** – means the flood having a one percent change of being equaled or exceeded in any given year.

**Base Flood Elevation** – is the particular elevation of the base flood as specified on the Flood Insurance Rate Map for Zone A-A1-30.

**Basement** - means that portion of a building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall** – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Building** – means any structure built for support, shelter, or enclosure for any occupancy or storage.

**Cost** – means as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure.. In order to allow the Commission to determine the cost, the landowner must provide a detailed written contractor's estimate, but such estimate shall not be binding upon the Commission if other evidence of cost is available and the Commission finds that such evidence is more reliable or accurate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as

septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, shed, and gazebos.<sup>1</sup>

**Development** – means any man-made change to improved or unimproved real estate, including but not limited to construction of buildings or other structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.<sup>1</sup>

**Elevated Building** – means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

**Existing Manufactured Home Park or Subdivision** – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads,) is completed before ~~July 16, 1981~~, **June 26, 1981**<sup>2</sup> the effective date of the floodplain management regulations adopted by Cheshire.<sup>1</sup>

**Expansion to an Existing Manufactured Home Park or Subdivision** – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

<sup>1</sup>**Federal Emergency Management Agency (FEMA)** – means the federal agency that administers the National Flood Insurance Program (NFIP).

**Finished Living Space** – means fully enclosed areas that are suitable for regular occupancy by persons and not designed primarily for storage of goods or materials or for utility purposes. Such areas may be evidenced by heating or cooling fixtures, finished floors (tile, linoleum, hardwood, etc.), sheetrocked walls (whether or not painted or wallpapered), or other amenities such as furniture, appliances, lavatory facilities, and fireplaces.

**Flood or Flooding** – means a general and temporary condition of partial or complete inundation of normally dry land areas from

- a) the overflow of inland waters and/or
- b) the unusual and rapid accumulation or runoff of surface waters from any source.

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<sup>1</sup> Amended on April 26, 2010; effective May 14, 2010 at 12:01 a.m.

**Flood Insurance Rate Map (FIRM)** – means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study** – is the official report by the Federal Emergency Management Agency. The report contains flood profiles, and the water surface elevation of the base flood.

**Floodproofing** – means any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway** – means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in the Town. The regulatory floodway is delineated on the Flood Insurance Rate Map, which is a part of this Regulation. For the purposes of these regulations, the term “regulatory floodway” is synonymous in meaning with the term “floodway.”

**Floor** – means the top surface of an enclosed area in a building (including basement) i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction.

**Functionally Dependent Facility** - means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.<sup>1</sup>

**Historic Structure** – means any structure that is: a) listed individually in the National Register of Historic Places (a listing by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: 1) by an approved state program as determined by the Secretary of the Interior or 2) directly by the Secretary of the Interior in states without approved programs.<sup>2</sup>

**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building

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access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure fully meets the requirements set forth in Section 46.9.<sup>1</sup>

**Manufactured Home** – means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**Manufactured Home Park or Subdivision** – a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

**Market Value** – means the market value of the structure, as determined by an independent appraisal by a professional real estate appraiser prior to the start of the initial repair or improvement, or in the case of damage, prior to the occurrence of the damage.<sup>2</sup>

**Mean Sea Level** – means, for purposes of the National Flood Insurance Program, North American Vertical (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.<sup>2</sup>

**New Construction** – means structures for which the “start of construction” commenced on or after ~~July 26, 1981~~,<sup>2</sup> **June 26, 1981**<sup>3</sup> the effective date of this regulation (not the revision date), and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after ~~July 16, 1981~~, **June 26, 1981**<sup>3</sup> the effective date of the floodplain management regulations adopted by Cheshire.<sup>1</sup>

**North American Vertical Datum (NAVD)** – as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.<sup>1</sup>

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<sup>1</sup> Amended March 25, 2002, effective March 29, 2002 at 12:01 a.m.

<sup>2</sup> Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

<sup>3</sup>

**Town of Cheshire Connecticut**

PLANNING DEPARTMENT  
TOWN OF CHESHIRE  
84 SOUTH MAIN STREET  
CHESHIRE, CT 06410

**EXISTING CROSSED OUT – PROPOSED IN BOLD**

5.3.1<sup>1</sup> All subdivision proposals shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a proposed subdivision is located within the Flood Plain Zones ~~A A1, A7, A9, A10, A11 and A14,~~ **special flood hazard area** as shown on the Flood Insurance Rate Maps (FIRM), ~~and the Flood Boundary and Floodway Maps, dated July 16, 1981~~ **December 17, 2010** on file with the Town Clerk, the Planning and Zoning Commission and the Building Official, it shall be reviewed to assume that:<sup>3</sup>

- (A) The proposal is designed consistent with the need to minimize flood damage, and
- (B) All public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage, and
- (C) Adequate drainage systems shall be provided to reduce exposure to flood hazards, and
- ~~(D) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) in any case where the development will be either a minimum of five (5) lots or two (2) acres.<sup>2</sup>~~

**Base flood elevation data shall be provided for all subdivision proposals and other proposed development which are greater than five acres or fifty lots, whichever occurs first.<sup>3</sup>**

<sup>1</sup> Amendment effective 6/26/1981

<sup>2</sup> Amendment effective 5/27/1988

### **Referral 2.3: Town of Southington**

**Subject:** Proposed Zoning Regulation Amendment to Sections 2-01A – Definitions (Accessory Use or Building) and 2-19s – Definitions (Shed).

**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 negative impacts to the habitat or ecosystem of the Long Island Sound.

**Background:** The Town of Southington has proposed Zoning Regulations Amendments to Section 2 –Definitions. The amendments revise the definition of “Accessory Use or Building” and add a definition for the term “Shed”. The revision to the Accessory Use or Building definition is applicable to Subsection A – In Residential Zones; where sheds would be an exception to maximum area requirement of 200 s.f. The maximum area for an accessory shed would vary by district (R-80 350 s.f; R-40 – 300 s.f; R-20/25 – 260 s.f and R-12, RO, RHD would be 200s.f).

Shed is defined as “A structure, either free standing or attached to a larger structure, designed exclusively for the keeping and /or storage of items accessory to the principal use. Sheds shall be constructed of wood, metal or vinyl and shall not exceed a height of one and one-half story. Sheds are not be used for human habitation, the operation of a business, the sheltering of motor vehicles, or for the housing of animals.

**Communication:** In researching this proposal, I spoke to the Planning Staff in Southington and notified the adjacent municipalities in the South Central Region.

# PLANNING AND ZONING DEPARTMENT

P.O. BOX 610 SOUTHTON, CONNECTICUT 06489

Phone: (860)276-6248 / Fax: (860)628-3511

**Certified Mail, Return Receipt Requested #7009 1410 0001 0226 8292**

**October 29, 2010**

**RPC Referral  
South Central Regional COG  
127 Washington St., 4th Fl  
North Haven, CT 06473**

**RE: Proposed Zoning Regulation Amendment – Sections 2-01A and 2-19S**

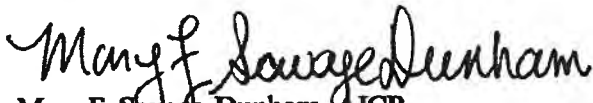
**Dear Sir or Madam:**

**In accordance with the provisions of the Connecticut General Statutes, enclosed please find a copy of proposed revisions to Sections 2-01A and 2-19S of the Southington Zoning Regulations (ZA #558). This matter will be the subject of a public hearing at the December 7, 2010 Planning and Zoning Commission meeting.**

**The proposed revisions are intended to allow larger accessory sheds in residential zones.**

**If you need clarification of any additional information regarding this proposal, please feel free to contact me at (860) 276-6248.**

**Respectfully,**



**Mary F. Savage-Dunham, AICP  
Town Planner**

**enclosures**

P:\REFERRALS\ZA 558\referral letter.doc

**RECEIVED**

**NOV 1 2010**

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENT**

Please mail to:

## RPC Referral Submission Form

South Central CT Regional Planning Commission

Re: RPC Referral  
South Central Regional COG  
127 Washington Avenue, 4<sup>th</sup> Floor West  
North Haven, CT 06473

### 1.) General Information:

Date Sent: 10/29/10

Subject: Zoning Text Amendment

Applicant Name: Town of Southington

Property Address (if applicable): n/a

Town/City: Southington, CT

☐ Referral is from a private individual

☒ Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: Dec 7, 2010

### 2.) Statutory Responsibility:

☐ Application involves a subdivision of land within 500 feet of a town/city border

☒ Application involves a proposed change to a town/city zoning regulation

☐ If neither, applicant requests a voluntary RPC review for informational purposes

☐ Material is for informational purposes only; an RPC resolution is not necessary

☐ Other: \_\_\_\_\_

### 3.) Process:

☒ Material sent "Return Receipt Requested" (as required by law)

☒ Information on proposed change included

☒ Existing language included (if applicable)

### 4.) Preferred contact regarding this RPC referral:

Name: Mary F. Savage-Dunham

Telephone Number: 860-276-6248

E-mail Address: savage m@Southington.org

Comments: \_\_\_\_\_

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrkog.org>

**PROPOSED NEW TEXT = BOLD ITALICS**  
**PROPOSED DELETIONS = [ITALICS]**

SECTION TWO

DEFINITIONS

For the purpose of these Regulations, certain words and terms shall have the meanings as listed below. Questions as to the precise meaning of other words and terms shall be determined by the Planning and Zoning Commission with reference to the Connecticut General Statutes. Words in the present tense include the future and words in the singular include the plural and vice versa. The word "shall" is always mandatory and "person" includes a partnership, firm, association, or corporation.

2-01 A

**ACCESSORY USE OR BUILDING** - A use or building customarily incidental and subordinate to the principal use or building which is located on the same lot as such principal use or building, or on a contiguous lot under the same ownership subject to the following conditions:

A. **In Residential Zones**, the following uses shall be considered accessory uses:

1. Private garages, sheds and other accessory structures shall be located a minimum of 10 ft. from any property line when located in the rear yard otherwise complying with the appropriate front or side yard requirement. Except in R-80 Residential Zones, private garages shall not contain more than three parking spaces. In R-80 Residential zones, private garages shall not contain more than five parking spaces, where at least two parking spaces are detached from the dwelling unit and at least two parking spaces are attached to the dwelling unit. Other than garages used to house motorized vehicles or barns used to shelter animals, no accessory building, ***with the exception of sheds***, shall exceed an area of 200 square feet. No more than one (1) accessory shed shall be erected on a lot[;]. ***Maximum accessory shed size per zoning district shall be as follows:***

- ***R-80 = 350 square feet***
- ***R-40 = 300 square feet***
- ***R-20/25 = 260 square feet***
- ***R-12, RO and RHD = 200 square feet***

**PROPOSED NEW TEXT =BOLD, ITALICS**  
**PROPOSED DELETIONS = [brackets, underlined]**

2-19 S

***Shed – A structure, either free standing or attached to a larger structure, designed exclusively for the keeping and/or storage of items accessory to the principal use. Sheds shall be constructed of wood, metal or vinyl, and shall not exceed a height of one and one-half story. Sheds are not to be used for human habitation, the operation of a business, the sheltering of motor vehicles, or for the housing of animals.***

## **Referral 2.4: Town of Madison**

**Subject:** Proposed District Boundary Amendments to CA-1, CB-1 and CB-2 Districts and adjacent parcels; proposed amendments to Commercial District Regulations, Section 6, Section 8, and Customary Home Occupation. Sections 4.1.19, 4.1.24, 4.1.38 are proposed to be deleted.

**Staff Recommendation:** 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 negative impacts to the habitat or ecosystem of the Long Island Sound.

**Background:** The Town of Madison has proposed Zoning Map Amendments which eliminates the CA-1, CB-1 and CB-2 Districts and delineates the new Commercial (C) and Transition (T) Districts. In Section 4B (Special Exception), subsections 4.1.19, 4.1.24 and 4.1.38 are proposed to be deleted because the applicable properties are included in the proposed C or T Districts. The D, DW, DC and RS Districts have been reorganized and the terms have been modified for consistency with the terms in the Definition Section.

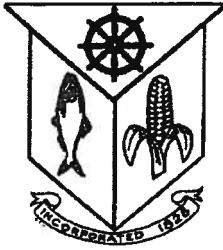
Proposed Zoning Regulation Amendments combine the existing CA-1, CB-1 and CB-2 into a Commercial, C District. A new Transition, T District is proposed to replace the existing “buffer” area around d the CA-1, CB-1 and CB-2 Districts. The bulk requirements for both the existing and proposed districts are:

	<b>Min Lot Area</b>	<b>Min Lot Width</b>	<b>Min Front Yard</b>	<b>Side Yards</b>	<b>Min Rear Yards</b>	<b>Max Bldg Cov.</b>	<b>Max Bldg Height</b>
<b>CA-1</b>	20,000 s.f	100'	50'	20'	50'	20%	30'
<b>CB-1</b>	20,000 s.f	100'	50'	20'	50'	20%	30'
<b>CB-2</b>	10,000 s.f	100'	50'	12'	30'	33.33%	30'
<b>C</b>	20,000 s.f	100'	20'	20'*	30'	25%	30'
<b>T</b>	20,000 s.f	100'	20'	30'/40'	30'	10%	30'



In the Transition District the Permitted Uses are single family dwelling and an accessory use customary and incidental to a single family dwelling. Uses permitted with a Site Plan Review: accessory apartments. The additional uses are permitted by a Special Exception and can be reviewed in the Agenda Packet. In the new Commercial District the only use permitted by right is a single family detached dwelling; the additional uses require a Special Exception Review. The existing commercial districts allow a variety of uses by right; to review the permitted uses in the existing and proposed districts please refer to the Madison Referral in the Agenda Packet. Section 8 – Parking will now incorporate the parking requirements from Section 6. Additional amendments that have been proposed with this application include revision to Section 3.3 as it pertains to “Customary Home Occupations” and the definition of the term in Section 19. Section 3.4 (g), subsections (ii) and (iii) are proposed to be deleted as they are applicable to the CA-1 and CB-1 Districts

**Communication:** In researching this proposal, I spoke to the Planning Staff in Madison and notified the adjacent municipalities in the South Central Region.



TOWN OF MADISON  
CONNECTICUT  
LAND USE OFFICE

RECEIVED

OCT 28 2010

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

8 CAMPUS DRIVE  
MADISON, CONNECTICUT 06443-2563  
(203) 245-5632  
FAX (203) 245-5613

October 27, 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RPC Referral  
South Central Regional Council of Governments  
127 Washington Avenue  
4<sup>th</sup> Floor – West  
North Haven, CT 06473-1715

**10-41: Regulation Amendments.** Applicant: Madison Planning & Zoning Commission. Proposed Zoning District Boundary amendments to CA-1, CB-1, and CB-2 Districts and adjacent parcels; proposed amendments to Commercial District regulations that modify CA-1, CB-1, and CB-2 Districts, reorganize and clarify Section 6, move parking related regulations to Section 8, create a new Transition District, and delete Sections 4.1.19, 4.1.24, 4.1.38; and proposed amendments to Customary Home Occupation definition and regulations.

To Whom It May Concern:

Pursuant to the Connecticut General Statutes, you are hereby notified of the pendency of the above referenced application to amend the Madison Zoning District Boundaries and Regulations.

This application is scheduled to be heard by the Madison Planning and Zoning Commission on Thursday, December 16, 2010, 8:00 P.M., Room A, Madison Town Hall, 8 Campus Drive, Madison, Connecticut.

Enclosed is a copy of the existing regulations and proposed changes.

We look forward to your comments after your review.

Sincerely,

Mary R. Haburay  
Land Use Assistant

Enclosures

RPA-REG1

Please mail to:

Re: RPC Referral  
South Central Regional COG  
127 Washington Avenue, 4<sup>th</sup> Floor West  
North Haven, CT 06473

## RPC Referral Submission Form

South Central CT Regional Planning Commission

### 1.) General Information:

Date Sent: 10/27/10

Subject: Regulation Amendments & District Boundary Amendments

Applicant Name: Madison Planning & Zoning Commission

Property Address (if applicable): \_\_\_\_\_

Town/City: Madison, CT

☐ Referral is from a private individual

☒ Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: December 16, 2010

### 2.) Statutory Responsibility:

☐ Application involves a subdivision of land within 500 feet of a town/city border

☒ Application involves a proposed change to a town/city zoning regulation

☐ If neither, applicant requests a voluntary RPC review for informational purposes

☐ Material is for informational purposes only; an RPC resolution is not necessary

☐ Other: \_\_\_\_\_

### 3.) Process:

☒ Material sent "Return Receipt Requested" (as required by law)

☒ Information on proposed change included

☒ Existing language included (if applicable)

### 4.) Preferred contact regarding this RPC referral:

Name: Marilyn M. Ozols, Planning & Zoning Administrator

Telephone Number: 203-245-5632

E-mail Address: ozolsmm@madisonct.org

Comments: \_\_\_\_\_

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.sccog.org>

The Planning and Zoning Commission proposes to amend Section 6 COMMERCIAL DISTRICTS of the Regulations to:

- Rewrite and reorganize the Section for clarity and consistency,
- Combine the three existing Commercial Districts (CA-1, CB-1, and CB-2) into one category – a new Commercial (C) District,
- Create a new Transition (T) District to replace the current “buffer” area around the CA-1, CB-1, and CB-2 Districts, and
- Delete SSSE’s 4.1.19, 4.1.24, and 4.1.38 because the associated properties are now included in a C or T District.

No substantive modifications to the D, DW, DC, and RS Districts are included in this application, although these subsections have been reorganized and terms have been modified to be consistent with terms defined in the Definitions section of the Regulations.

Additionally, the Commission proposes to:

- amend Section 3.3 relative to Customary Home Occupations as well as the definition in Section 19,
- amend Section 3.4 g) consistent with the new C and T Districts, and
- amend Section 8 PARKING to incorporate parking requirements moved from Section 6; no changes to the number of parking spaces required are proposed at this time.

The Commission also proposes to amend the Zoning Map to:

- eliminate the CA-1, CB-1 and CB-2 Districts as well as the dotted buffer area defined in Section 3.4 g) as it relates to these Districts, and
- delineate the new Commercial (C) and Transition (T) Districts.

**EXISTING and PROPOSED**  
**Definition and Regulation - Customary Home Occupation**

**Section 19 DEFINITIONS:**

**CUSTOMARY HOME OCCUPATION:** a Retail *Service*, Personal *Service*, Professional *Service*, or Business *Service* when conducted as an Accessory Use to a dwelling, or the production of articles that require the skillful use of the hands and are not mass-produced, but not including the home or personal office of one whose principal place of business or employment for the same occupation is not in the home.

**Section 3.3**

**Existing Section to be Deleted:**

**3.3 PERMITTED USES, ZONING PERMIT REQUIRED**

The following uses are permitted only after a permit is obtained from the Zoning Enforcement Officer. The purpose of the permit is to ensure compliance with all applicable regulations, including parking regulations. (see Section 8).

- a) Customary home occupations, including business or professional offices, home industries and service occupations, carried on by a resident of the premises, with not more than two non-residents who work on the premises, provided that such use of the premises does not change the residential character thereof, is not detrimental to the neighborhood, and does not create noise, smell, smoke or radio or television interference off the premises. The uses permitted by this subsection shall be by permit only as provided in Sec. 14.6 of these regulations.
- b) Day care facilities for six or fewer persons as provided in Sec. 14.6 of these regulations.
- c) Operation of "Bed and Breakfast" facilities by the resident of the premises for not more than four transient persons at any one time, as provided in Sec. 14.6 of these regulations.
- d) Accessory apartments, see Sec. 24.

**Proposed Section:**

**3.3 PERMITTED USES, ZONING PERMIT REQUIRED**

The following Accessory Uses when carried on by a resident of the premises:

- a) Customary home occupation,
- b) Family Day Care Home as defined in C.G.S. Section 19a-77,
- c) Bed and Breakfast with not more than four (4) guestrooms.

Said uses shall comply with all applicable regulations including parking (see Section 8) and shall not:

- a) employ more than two non-residents,
- b) occupy more than 25% of the floor area of the premises,
- c) change the residential character of, or be detrimental to, the character of the neighborhood,
- d) create adverse visual, noise, odor, or light impacts.

Application for said uses shall be made to the Zoning Enforcement Officer and shall include:

- a) a complete statement of use including hours of operation, number of employees, number of parking spaces, and anticipated traffic generation;
- b) a plot plan including all existing structures and location of access and parking;
- c) floor plans (with dimensions) indicating area of proposed activity.

## **EXISTING with PROPOSED CHANGES**

### **Section 3.4 g)**

- 3.4** The following uses are permitted by **SPECIAL EXCEPTION** only, pursuant to Sec. 4.2 through 4.8:
- a) Clubs.
  - b) Municipal buildings, fire houses, bus or railroad passenger stations, and other public utility buildings. The maximum height for municipal buildings may be increased to 55 feet on any lot of 30 acres or larger, provided the setbacks for such buildings are not less than 100 feet. *(Sentence added 2/17/2000; Effective 3/1/2000)*
  - c) Philanthropic, educational, recreational or religious use by a duly incorporated, non-profit body, governmental unit or community association, excluding correctional institutions and institutions for the mentally ill. The uses permitted in this section may have a building coverage of 15%.
  - d) Nursery school/day care center for more than six persons at any one time, provided that no objectionable noise is audible off the premises.
  - e) A cemetery established and operated by an ecclesiastic society, governmental unit or cemetery association.
  - f) Temporary trailer. No permit shall be granted for the use of a trailer or mobile home as a permanent residence. However, in any Residence District, a temporary permit for a period not in excess of two years may be granted by vote of the Zoning Commission, provided that such trailer or mobile home is to be occupied by the owner of the lot on which it is to be placed during erection of a permanent residence thereon. The construction must start within six months of the issuance of the permit. No extension may be granted. No mobile home may be parked, stored or occupied in a Flood Plain District.
  - g) Banks, professional and other offices within 300 feet of the centerline of Durham Road on the east side from the "D" District north to I-95 or within 250 feet of any Commercial the "D", "DW", "DC", and "RS" Districts excepting:
    - i. The "D" area bounded on the west by Wall Street, on the south by the Boston Post Road, and on the east by Scotland Avenue.
    - ii. ~~The CB-1 District bounded on the west by Scotland Avenue, on the south by the Boston Post Road and extending 160 feet east of Scotland Avenue.~~
    - iii. ~~The CB-1 and CA-1 Districts extending east from the East River and on the north side of the Post Road.~~*(Transitional zone extended 9/18/03; effective 10/1/03; and amended \_\_\_\_\_; effective \_\_\_\_\_)*
  - h) A building or other structure which is accessory to a farm for the sale and display of produce or other products of a farm, subject to the following:
    - i. The building or structure shall be open for use only between March 1 and December 31.
    - ii. Said building of structure shall be located not less than 125 feet from any side property line and not less than 40 feet from any street line.
    - iii. The area of the farm shall not be less than 15 acres.
    - iv. The floor area of said building shall not exceed 1500 square feet.
    - v. The person or persons conducting the farm operation shall reside on the farm premises and there shall be not more than two non-resident persons engaged in the sale and display of farm products. Not less than 75% of the gross sales shall be of farm products raised on the premises.
  - i) Parks and playgrounds operated by a governmental unit, non-profit corporation or community association.
  - j) In addition, refer to the Special Exception section (Section 4) outlining existing uses permitted on particular pieces of property by Special Exception.

## **EXISTING**

*Section revised 6/18/92; effective 8/1/92*  
*Section again revised 7/16/98; effective 9/1/98*  
*Section again revised 9/18/03; effective 10/1/03*

### **SECTION 6**

## **COMMERCIAL DISTRICTS**

### **6.1 USES PERMITTED IN CA DISTRICTS**

- 6.1.1 Any uses permitted in a Residence District.
- 6.1.2 Business or professional offices and financial institutions.
- 6.1.3 A retail business or retail service occupation, including the manufacture or processing of materials, only as incidental to a permitted retail occupation and provided that no objectionable noise, smell or unsightly condition is created, which is noticeable off the premises. All activities shall be carried on within a building, except for the display of merchandise within 20 feet of a building.
- 6.1.4 Commercial greenhouses.
- 6.1.5 Restaurants and boarding houses.
- 6.1.6 Undertakers' establishments.
- 6.1.7 Cold storage locker plants.
- 6.1.8 Washing machine rental establishments and hand laundries not using steam.
- 6.1.9 Theaters for indoor motion picture projection or dramatic or musical productions.
- 6.1.10 Research laboratories, providing there is no manufacture or processing of material, except as incidental to research and experiment, and provided further that no operation is carried on which creates any objectionable noise, smoke or fumes noticeable off the premises.
- 6.1.11 Accessory uses customary with and incidental to a permitted use, including private garages for the storage of motor vehicles as accessories to a permitted use only.

### **6.2 USES PERMITTED IN CB DISTRICTS**

- 6.2.1 Any use permitted in CA Districts.
- 6.2.2 Automobile service stations, public garages, and automobile or machinery repair shops, including welding, provided that all operations are carried on in a building or within an enclosure not less than eight feet high. *Section repealed, 9/18/03*
- 6.2.3 Farm equipment salesrooms and public parking areas.
- 6.2.4 A newspaper plant or job printing establishment.
- 6.2.5 Public utility buildings, including storage yard or electric substation.
- 6.2.6 Plants for the processing and distribution of milk and edible dairy products and for the bottling of beverages.
- 6.2.7 Retail lumber, fuel and building material yards and contractors' equipment storage, provided that all material is kept in a building or within an enclosure not less than eight feet high, but excluding the bulk storage of cement and concrete mixing.
- 6.2.8 Assembly halls, dance halls, billiard and pool parlors, bowling alleys and similar places of public recreation operated as a business.
- 6.2.9 Accessory uses customary with or accessory to a permitted use. Trailers shall not be kept on any property unless a Special Exception Permit application has been made to and approved by the Commission.

## ***EXISTING***

### **6.2A USES PERMITTED IN THE CA AND CB DISTRICTS BY SPECIAL EXCEPTION**

**6.2A.1 Clubs.**

**6.2A.2** In the CA District, municipal buildings, fire houses, telephone exchanges, transformer substations, sewer or water pumping stations, bus or railroad passenger stations.

**6.2A.3** Philanthropic, educational, recreational or religious use by a duly incorporated, non-profit body or governmental unit, excluding correctional institutions and institutions for the mentally ill.

**6.2A.4** Parks and Playgrounds operated by a governmental unit, non-profit corporation or community association.

**6.2A.5** A day care center or nursery school for more than six persons at any one time, provided no objectionable noise is audible off the premises.

**6.2A.6** Hotels and motels, subject to the following restrictions:

- a) Each lot shall have at least 100' of frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50' wide on a public highway.
- b) The area of each lot shall be at least two acres.
- c) The average density per lot shall be not more than 20 bedrooms per acre.
- d) Not more than 10% of the bedrooms or other individual rental units may have kitchen or cooking facilities.
- e) Each building shall be at least 40' from any lot line and at least 30 feet from any other building, except that any detached garage may be not less than ten feet from any other building.
- f) Off-street parking shall be provided for a minimum of one and one-half parking spaces per bedroom.
- g) The maximum building coverage shall not exceed 20% of the lot area.
- h) Such hotel or motel shall be served by a public water supply.
- i) Proposed sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer and shall have no adverse effects on adjacent sewage disposal systems.

**6.2A.7** The letting of rooms or the furnishings of board by the resident of the premises to not more than eight persons, subject to the following:

- a) No accessory building shall be used for this purpose.
- b) One off-street parking space per bedroom shall be provided.
- c) Sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer, and shall have no adverse effect on adjacent sewage disposal systems.

**6.2A.8** The keeping of trailers for purposes accessory to the primary use of the lot, subject to the following conditions:

- a) No trailer is to be used for dwelling purposes.
- b) No trailer is to be permanently installed on the property.

**6.2A.9** Automobile service stations, public garages, total reclamation car washing facilities, and automobile and machinery repair shops, including welding, provided that all operations are carried on in a building or, in the case of self service auto vacuum facilities, within an enclosure not less than eight feet high. *(Section added 9/18/03 – effective 10/1/03)*

**6.2A.10** *Section added 12/18/03, effective 2/1/04*

Multiple family dwelling units above first floor commercial uses, subject to the following conditions:

- a) No dwelling unit shall contain more than two (2) bedrooms as defined in these regulations.
  - 1. No more than 25% of the units shall have two (2) bedrooms.
- b) The average number of bedrooms permitted per building shall be limited as follows:



## **EXISTING**

1. For each building with a first floor of 5,000 gross square feet or less, a maximum of one bedroom for each 500 square feet of the first floor building area.
2. For each building with a first floor of greater than 5,000 gross square feet, a maximum of one bedroom for each 750 square feet of first floor building area.
- c) Notwithstanding the limitations of subsection b) above, the average number of bedrooms per acre for any such use shall not exceed twelve (12) bedrooms.
- d) The height of any building which contains dwelling units above the first floor commercial uses shall not exceed 30 feet, except that by Special Exception, the height may be increased to not more than 38 feet.
- e) The minimum lot area is 30,000 square feet.
- f) The maximum lot area is 80,000 square feet.
- g) The maximum building footprint shall be 10,500 square feet.
- h) The minimum dwelling unit size shall be 650 square feet.

### **6.3 REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE, HEIGHT**

	Min. Lot Area (Sq. feet)	Min. Lot Width (feet)	Min. Front Yard (feet)	Side Yards Each (feet)	Min. Rear Yard (feet)	Max. Bldg. Cov. (%)	Max. Bldg. Height (feet)
District							
CA-1	20,000	100	50	20	50	20	30
CB-1	20,000	100	50	20	50	20	30
CB-2	10,000	100	50	12	30	33-1/3	30

- 6.3.1 In DW and CB-2 Districts, by agreement of the owners of two adjacent lots, duly recorded in the land records of the Town of Madison, one side yard of each lot may be omitted and buildings built on the common line.

### **6.4 D DISTRICT**

The purpose of the Downtown District ("D", "DW" & "DC") is to maintain and enhance the historic character and charm of the downtown, while allowing the existing downtown area along Boston Post Road and Wall Street to expand into adjacent lands within the District. Development within this District shall be consistent with §6.4.10 (Appendix A).

- 6.4.1 No building permit shall be issued in the D, DW or DC District for any new construction, addition, exterior alteration, or use change until the applicant has obtained a **Site Plan Review** per § 29 or a **Special Exception Permit** per §4.

#### **6.4.2 USES PERMITTED IN D, DW & DC DISTRICTS**

##### **Uses that require Site Plan Review:**

- a) Any uses permitted in a Residence District.
- b) Residential apartments located above the first story of any building if 1<sup>st</sup> floor is a commercial use; no more than **4 bedrooms** per lot.
- c) Business or professional offices and financial institutions.
- d) A retail business (this does not include motor vehicle sale, motor vehicle fuel sale or motor vehicle repairs) or retail service occupation, including the manufacturing or processing of materials only as incidental to a permitted retail occupation and provided that no objectionable noise, smell or unsightly condition is created which is noticeable off

## ***EXISTING***

the premises. All activities shall be carried on within a building, except for the display of merchandise within 20 feet of a building.

- e) Theaters for indoor motion picture projection or dramatic or musical productions.
- f) Restaurants (outside seating is allowed as long as it does not interfere with pedestrian traffic), excluding drive-up service.
- g) Undertakers' establishments.
- h) Accessory uses customary with and incidental to a permitted use, including parking areas and private garages for the storage of motor vehicles as accessories to a permitted use only. Any private garage shall be limited to no more than one space per living unit.

### **Uses that require Special Exception Permit Review.**

- i) Any building or addition over 10,000 square feet.
- j) Public utility buildings, including storage yard or electric substation.
- k) Retail lumber, building material yards and contractors' equipment storage, provided that all material is kept in a building or within an enclosure not less than eight feet high, but excluding the bulk storage of cement and concrete mixing.
- l) Washing machine rental establishment and laundries.
- m) Research laboratories, providing there is no manufacturing or processing of material, except as incidental to research and experiment and provided further that no operation is carried on which creates any objectionable noise, smoke or fumes noticeable off the premises.
- n) Municipal buildings, firehouses, telephone exchanges, transformer substations, sewer or water pumping stations, bus or railroad passenger station.
- o) Clubs. Philanthropic, educational, recreational, religious, or governmental use, excluding correctional institutions.
- p) Parks and playgrounds operated by a governmental unit, non-profit corporation or community association.
- q) A day care center or a nursery school for more than six persons at any one time, provided that no objectionable noise is audible off the premises.
- r) Hotels and motels subject to the following restrictions:
  - 1. Each lot shall have at least 100 feet of frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50 feet wide on a public highway.
  - 2. The area of each lot shall be at least two acres.
  - 3. The average density per lot shall be not more than 20 bedrooms per acre.
  - 4. Not more than 10% of the bedrooms or other individual rental units may have kitchen or cooking facilities.
- s) The letting of rooms or the furnishing of board by the owner and resident of the premises to not more than eight persons, subject to the following conditions:
  - 1. No accessory building shall be used for this purpose.
  - 2. One off-street parking space per bedroom shall be provided.
- t) Existing auto repair may expand only on the property they presently occupy, subject to these regulations.

### **6.4.3 RESTRICTIONS ON DEMOLITION**

In reviewing a Site Plan or Special Exception Permit for the demolition of a structure, the Planning and Zoning Commission shall consider the architectural quality and value of the structure and its contribution to the character of the Downtown District and the surrounding buildings. Where the Commission determines that the structure possesses architectural or historic character, it may deny a Site Plan or Special Exception Permit approval for demolition, unless it finds that:

## ***EXISTING***

**6.4.3.1** The building proposed to replace the structure proposed for demolition will enhance the architectural and historic character of the neighborhood and will be consistent with this Section and any applicable design standards.

**6.4.3.2 MINOR DEMOLITION:**

Demolition of less than (a) 100 sq. ft., or (b) 3% of the building coverage up to 500 square feet may be considered minor site modifications subject to reduced site plan requirements. After review by the Town Engineer and the Health Director, the Planning and Zoning Administrator may approve the minor demolition or refer it to the Planning and Zoning Commission for its action under the Site Plan or Special Exception Permit requirements of §29 and 4, respectively.

### **6.4.4 DIMENSIONAL STANDARDS**

- 6.4.4.1** The minimum lot area shall be 20,000 square feet. Minimum lot widths shall be 100 feet.
- 6.4.4.2** **"D" & "DC" District:** Minimum side yards shall be 10 feet, but the total sum of the side yards must be a minimum of 30 feet. Properties with frontage on Wall Street or Railroad Avenue may reduce the minimum side yards to 6 feet, but the total sum must be 20 feet. **"DW" District:** Minimum side yards shall be 6 feet. The provisions of §6.3.1 shall apply in the "DW" District.
- 6.4.4.3** Minimum rear yards shall be 15 feet.
- 6.4.4.4** **"D" & "DC" District:** Minimum front yard requirements for properties with frontage on Wall Street and Railroad Avenue 10 feet, maximum 20 feet; Boston Post Road east of Wall Street 5 feet, maximum 20 feet; Durham Road 0 feet, maximum 20 feet; south side of Bradley Road 10 feet, maximum 20 feet; north side of Bradley Road 20 feet, maximum N/A; Meigs Avenue, Samson Rock Drive and Scranton Parking area 0 feet, maximum N/A. **"DW" District** minimum front yard requirements 0 feet, maximum 5 feet.
- 6.4.4.5** **"D" District:** Maximum building coverage shall be 25%. The Planning and Zoning Commission, by Special Exception Permit per §4, may approve a building coverage of 30%.
- 6.4.4.6** **"DW" & "DC" District:** Maximum building coverage shall be 30%. The Planning and Zoning Commission, by Special Exception Permit per §4, may approve a building coverage of 35%.
- 6.4.4.7** **"D" & "DW" Districts:** All new buildings shall be a minimum of two stories.
- 6.4.4.8** Building height shall be a maximum of 30 feet. The Planning and Zoning Commission, by Special Exception Permit per §4, may approve a height of 40 feet (excluding properties with frontage on Wall Street). The building height reductions for narrow lots in §2.7.1 shall not apply in the "D" or "DW" District.
- 6.4.4.9** The maximum first floor interior building area of any structure on a lot fronting on Wall Street shall be 3,000 square feet. The maximum width (dimension of the building parallel to the street) of any building on such a lot shall be 50 feet.
- 6.4.4.10** The maximum first floor interior building area of any structure on a lot fronting on Boston Post Road, Durham Road, Railroad Avenue or Bradley Road shall be 20,000 square feet and the maximum width shall be 80 feet. This shall not preclude the construction of party walls built to separate lots on Boston Post Road.
- 6.4.4.11** Rear yard shall be 10 feet when rear yard boundary is railroad right of way.
- 6.4.4.12** A landscaped buffer of 40 feet on off or adjacent to the property shall be required between the commercial development and the residential uses on the south border of the DC district.
- 6.4.4.13** **Corner Lots:** Where dimensional standards conflict, front and side yard building width requirement shall be determined separately for each street as applicable; the less restrictive

## **EXISTING**

height and the most restrictive coverage and first floor area requirements shall apply.  
(Section added 1/18/01; effective 2/1/01)

**6.4.4.14 Wall Street and Boston Post Road Corner Lots:** The minimum front setback from the Boston Post Road shall be 40 feet. (Section Added 1/18/01; effective 2/1/01)

**TABLE OF DIMENSIONAL STANDARDS – SEE SECTIONS ABOVE FOR SPECIFIC REQUIREMENT**

	Front Min.	Front Max.	Side Min.	Rear Min.	Coverage Max.	Height Max.	Lot Min.	L.Width Min.
Wall Street	10'	20'	6'T=20'	15'	25%/30%/sep	30'	20,000s.ft.	100'
Railroad Ave.	10'	20'	6'T=20'	15'	25%/30%/sep	30'	20,000s.ft.	100'
Boston Post Rd. (RT#79 to Wall)	0'	5'	0'T=6'	15'	30%/35%/sep	30'/40'/sep	20,000s.ft.	100'
Boston Post Rd. (East of Wall)	5'	20'	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Durham Road	0'	20'	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Bradley Rd So.	10'	20'	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Bradley Rd No.	20'	n/a	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Meigs & Samson	0'	n/a	10'T=30'	15'	30%/35%/sep	30'/40'/sep	20,000s.ft.	100'

### **6.4.5 OFF-STREET PARKING**

**6.4.5.1** The Commission may reduce or waive the off-street parking requirements contained in Section 8 of these regulations if it finds any one or more of the following:

- a) that such requirements are excessive for the actual proposed use;
- b) that shared parking arrangements with adjacent parcels will provide adequate parking for the proposed use; or
- c) that there are sufficient, existing public parking facilities (including on-street spaces) available for the use of customers, employees, and other persons using the proposed building or buildings.

New development or redevelopment should be encouraged to have parking connections to adjacent properties.

**6.4.5.2** There shall be no parking in the front yard. The Commission may waive this requirement if it is in the best interest of the District.

### **6.4.6 WATER RESTRICTION OVERLAY DISTRICT (DW)**

**6.4.6.1** Within the area shown on the Zoning Map as the Water Restriction Overlay District, there are severe limitations on the capacity of the soil to absorb sewage effluent. Therefore, any applicant for a proposed new use or structure in this overlay district shall demonstrate to the satisfaction of the Commission that the proposed use will not consume in excess of 10

## ***EXISTING***

gallons of water per day per 100 square feet of gross floor area of all buildings or portions thereof involved in the use.

- 6.4.6.2** Any use approved in the Water Restriction Overlay District shall have a tamper-proof water meter measuring the water consumption of that use, available for periodic reading by the Zoning Enforcement Officer. Failure to comply with the water use restrictions in §6.4.6.1 for two months in any six-month period shall void the right to continue the use.
- 6.4.7 REFUSE CONTAINMENT AREA:** The storage of trash and other refuse shall be appropriately screened from public view. The sharing of these areas is encouraged. The material and methods shall be compatible with the main building.
- 6.4.8 SIDEWALKS & CONNECTING PROPERTIES:** Any new development or redevelopment should be encouraged to have sidewalk connections to adjacent properties.
- 6.4.9 COMPLETION OF LANDSCAPING AND LANDSCAPE PLAN**
- 6.4.9.1** In new construction, all landscaping shown on the approved plan shall be completed before issuance of a Certificate of Occupancy, or a bond in a form and amount satisfactory to the Commission assuring completion within a specific time (not to exceed one year) shall be filed with the Commission. Such bond shall be forfeited if the work shall not have been completed within such time limit. See Section 11 of the subdivision regulations for bonding types and procedures.
- 6.4.9.2** Landscape plans shall include a plant list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing planting shall be identified on the plan. If existing planting is to be utilized, then they must be identified by names, quantities, size.

### **6.4.10 APPENDIX A**

#### **6.5-A**

The Madison Planning and Zoning Commission will not accept, consider or grant any application for a retail business which includes, but is not limited to, retail sales and retail services within the RS District for a period of nine months from the effective date of this Regulation in order to allow the Commission to evaluate the needs of the community, future land use and growth, and to pass suitable regulations to implement solution to these concerns in the RS District. *Approved May 15, 1997; effective May 22, 1997. Expired February 22, 1998.*

#### **6.5-A**

The Madison Planning and Zoning Commission will not accept, consider or grant any application for a retail business which includes, but is not limited to, retail sales and retail services within the RS District for a period of nine months from the effective date of this Regulation in order to allow the Commission to evaluate the needs of the community, future land use and growth, and to pass suitable regulations to implement solution to these concerns in the RS District. *Approved February 19, 1998; effective February 22, 1998. Expired November 22, 1998.*

### ***Section 6.5 revised 9/17/98; Effective 10/15/98***

#### **6.5 RS DISTRICT**

The purpose of the Rural Shopping (RS) District is to maintain and enhance the historic character and charm of the colonial tradition of Madison, while allowing for development using appropriate architecture and landscaping within the district. Development within this district shall be consistent with Section 6.5.9 (Appendix B).

## ***EXISTING***

**6.5.1** No building permit shall be issued in the RS District for any new construction, addition, exterior alteration, or use change until the applicant has obtained a **Site Plan Review** per Section 29 or a **Special Exception Permit** per Section 4.

**6.5.2** **PERMITTED USES**

**Uses that require SITE PLAN REVIEW:**

- a) Residential apartments located above the first story. No more than four (4) bedrooms per 40,000 sq. ft.
- b) Business or professional offices and financial institutions.
- c) A retail business (not including motor vehicle sale, motor vehicle fuel sale or motor vehicle repairs) or retail service occupation including the manufacturing or processing of materials, only as incidental to a permitted retail occupation and provided that no objectionable noise, smell or unsightly condition is created which is noticeable off the premises. All activities shall be carried on within a building, except for the display of merchandise within 20 feet of a building.
- d) Restaurants (outside seating is allowed as long as it does not interfere with pedestrian traffic) excluding drive-up service.
- e) Undertaker's establishments.
- f) Accessory uses customary with and incidental to a permitted use, including parking areas as accessory to a permitted use only. Any parking areas shall be limited to no more than one (1) space per living unit.

**Uses that require SPECIAL EXCEPTION PERMIT REVIEW:**

- g) Any building or addition over 10,000 sq. ft.
- h) Public utility buildings including storage yard or electric substation.
- i) Retail lumber or building material provided that all material is kept in a building or within an enclosure not less than eight feet high, but excluding the bulk storage of cement and concrete mixing.
- j) Washing machine rental establishments and laundries.
- k) Municipal buildings, fire house, telephone exchanges, transformer substations, sewer or water pumping stations, bus passenger station.
- l) Clubs, philanthropic, educational, recreational, religious, or governmental use, excluding correctional institutions.
- m) Parks and playgrounds operated by a governmental unit, non-profit corporation or community association.
- n) A day care center or a nursery school for more than six persons at any one time, provided that no objectionable noise is audible off the premises.
- o) Existing auto repair may expand only on the property they presently occupy, subject to these regulations.

**6.5.3** **DIMENSIONAL STANDARDS**

- 6.5.3.1** The minimum lot area shall be 120,000 sq. ft. Minimum lot widths shall be 400 feet.
- 6.5.3.2** Minimum side yards shall be 20 feet.
- 6.5.3.3** Minimum rear yards shall be 50 feet.
- 6.5.3.4** Minimum front yard shall be 50 feet.
- 6.5.3.5** Maximum building coverage shall be 20%.
- 6.5.3.6** Building height shall be a maximum of 30 feet.
- 6.5.3.7** The maximum first floor interior building area of any structure shall be 5,000 sq. ft. and the maximum width shall be 60 feet.

## **EXISTING**

**Table of Dimensional Standards – See Section above for specific requirement**

<b>Front Min.</b>	<b>Side Min.</b>	<b>Rear Min.</b>	<b>Coverage Max.</b>	<b>Height Max.</b>	<b>Lot Area Min. Sq. Ft.</b>	<b>Lot Width Min.</b>
<b>50 ft.</b>	<b>20 ft.</b>	<b>50 ft.</b>	<b>20%</b>	<b>30 ft.</b>	<b>120,000</b>	<b>400 ft.</b>

### **6.5.4 OFF-STREET PARKING**

- 6.5.4.1** The Commission may reduce or waive the off-street parking requirements contained in Section 8 of these regulations if it finds any one or more of the following: (a) that such requirements are excessive for the actual proposed use, (b) that shared parking arrangements with adjacent parcels will provide adequate parking for the proposed use, or (c) that there are sufficient existing public parking facilities (including on-street spaces) available for the use of customers, employees, and other persons using the proposed buildings or buildings. New development or redevelopment should be encouraged to have park connections to adjacent properties.
- 6.5.4.2** Parking lots shall be connected to parking lots on adjoining properties. At least one shade tree per eight parking spaces shall be retained or planted to create a canopy over any new parking lots. Parking lots with more than 30 cars shall be broken into separate lots by tree lines or landscaped islands.
- 6.5.4.3** Access to the public highway shall be minimized or shared whenever possible.

### **6.5.5 REFUSE CONTAINMENT AREA**

Central storage of trash areas shall be encouraged and shall be appropriately screened from public view. The sharing of these areas is encouraged. The material and methods shall be compatible with the main building.

### **6.5.6 SIDEWALKS AND CONNECTING PROPERTIES**

Any new development or redevelopment shall be encouraged to have sidewalk connections to adjacent properties.

### **6.5.7 COMPLETION OF LANDSCAPING AND LANDSCAPE PLAN**

- 6.5.7.1** In new construction, all landscaping shown on the approved plan shall be completed before issuance of a Certificate of Occupancy, or a bond in a form and amount satisfactory to the Commission assuring completion within a specific time (not to exceed one year) shall be filed with the Commission. Such bond shall be forfeited if the work shall not have been completed within such time limit. See Section 11 of the Subdivision Regulations for bonding types and procedures.
- 6.5.7.2** Landscape plans shall include a plant list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing planting shall be identified on the plan. If existing planting is to be utilized, then they must be identified by names, quantities, size.
- 6.5.7.3** Buffer areas at least 25 feet wide shall be maintained or established between the road and the developed site to preserve the rural tree-lined character of Route 80, to preserve the natural rock formations, to provide screening and to mitigate visual, noise and other impacts. Street rights-of-way shall not obviate the need for a buffer.
- 6.5.7.4** The buffer shall be landscaped naturally or through plantings and permanently maintained. The minimum height of any plantings natural or planted shall be 10 feet. All buffer areas shall be designed by a qualified landscape professional and the buffer design shall be portrayed on the landscaping plan.

## ***EXISTING***

**6.5.8 Trademark buildings**, which identify the owner or occupant by a trademarked architectural style, are not allowed. Separated one-story buildings set back from the street and surrounded by parking are not allowed. Franchise business operations are allowed if they are designed to harmonize with the rural residential mixed-use areas.

### **6.5.9.0 APPENDIX B**

- 6.6** No building permit shall be issued for any new construction, addition, or exterior alteration located in the Commercial Districts in Sec. 6.1 and 6.2 until the applicant shall have obtained a Site Plan Review pursuant to the provisions of Section 29.
- 6.7** No addition or alteration of parking areas, or major alterations or additions to landscaping and/or buffer zone(s) shall be permitted in any Commercial Districts under Section 6 until such change(s) shall have been reviewed by the Advisory Committee on Community Appearance and approved by the Planning and Zoning Commission.
- 6.7.1** Application for such review and approval shall be made in writing on forms provided by the Commission and shall be accompanied by a filing fee as specified in Section 23.
- 6.7.2** Such application shall include plans and documentation as required by the provisions of Section 29.
- 6.7.3** The Commission shall immediately refer the application to the Advisory Committee on Community Appearance for its comments and recommendations pursuant to the application procedures of Section 22 of these Regulations.
- 6.7.4** In approving or denying such application, the Commission shall consider whether or not the proposal shall enhance the well being or convenience of the community as a whole, and shall not be detrimental to nearby existing areas.
- 6.7.5** The Commission may, at its discretion, require a Public Hearing on any such application, notice of which shall be published in accordance with the provisions of C.G.S. §8-3(c).



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*Section revised 6/18/92; effective 8/1/92*

*Section again revised 7/16/98; effective 9/1/98*

*Section again revised 9/18/03; effective 10/1/03*

*Section again amended \_\_\_\_\_; effective \_\_\_\_\_*

**SECTION 8**

**COMMERCIAL DISTRICTS**

**6.0 Commercial Districts.**

**6.1 C District**

**6.1.1 Purpose.** The purpose of the C District is to encourage compatible development and redevelopment of Madison's commercial gateways to include mixed uses, architecture in keeping with Madison's character, enhanced landscaping, and consolidated development where adjacent parcels integrate parking access, and vehicular and pedestrian circulation. Development within this area should be consistent with the Design and Landscape Standards in Appendix A.

**6.1.2 Permitted Uses in the C District**

**6.1.2.1 Uses that require Special Exception Review:**

- a) Automotive Repair Shop, Machinery Repair Shop, subject to the additional requirements in Section 6.15.4
  - b) Automotive Service Station
  - c) Bus Passenger Station, Railroad Passenger Station
  - d) Car Wash, subject to the additional requirements in Section 6.15.1
  - e) Club
  - f) Daycare Center or Nursery School
  - g) Educational Institution
  - h) Financial Institution, Business Office or Professional Office, including Medical Office
  - i) Hotel, Motel, Bed and Breakfast, subject to the additional requirements in Section 6.15.3
  - j) Medical Outpatient Clinic or Veterinary Outpatient Clinic, subject to the additional requirements in Section 6.15.5
  - k) multiple family Dwelling Units above first floor commercial uses, subject to the additional requirements in Section 6.15.2
  - l) Municipal or Governmental Building, Fire Station
  - m) Park or Playground
  - n) Public Recreation Facility
  - o) Public Utility
  - p) Research and Development Facility
  - q) Retail Sales Establishment
  - r) Retail Service, Professional Service, Business Service
  - s) Full Service Restaurant or Take-Out Restaurant excluding drive through window service
  - t) Theater
  - u) Water Dependent Use
  - v) Accessory Use customary to a permitted use including the manufacture or processing of materials as incidental to a permitted Retail Sales or Retail Service use
- 6.1.2.2 Permitted Uses:**

## **PROPOSED**

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- a) Single family detached dwelling

**6.1.3 Bulk Standards.** The required Lot Area, Width, Yards, Coverage, Height in the C District shall be as follows:

- a) The minimum lot area shall be 20,000 square feet.
- b) The minimum lot width shall be 100 feet.
- c) The minimum side yard shall be 20 feet, except that by agreement of owners of 2 adjacent lots, one side yard of each lot may be omitted and buildings built on the common line.
- d) The minimum rear yard shall be 30 feet.
- e) The minimum front yard shall be 20 feet.
- f) The maximum building coverage shall be 25%.
- g) The maximum building height shall be 30 feet.

**Table of Dimensional Standards – See sections above for specific requirement.**

Front Min.	Side Min.	Rear Min.	Coverage Max.	Height Max.	Lot Area Min. Sq. Ft.	Lot Width Min.
20 ft.	20 ft.*	30 ft.	25%	30 ft.	20,000 sq. ft.	100 ft.

\* See exception above.

## **6.2 Downtown Districts**

**6.2.1 Purpose.** The purpose of the Downtown District (“D”, “DW” & “DC”) is to maintain and enhance the historic character and charm of the downtown, while allowing the existing downtown area along Boston Post Road and Wall Street to expand into adjacent lands within the District.

### **6.2.2 Permitted Uses in the Downtown Districts**

#### **6.2.2.1 Uses that require Special Exception Review:**

- a) Any building or addition over 10,000 square feet.
- b) Existing auto repair may expand only on the property they presently occupy, subject to these regulations.
- c) Bed and Breakfast.
- d) Bus Passenger Station, Railroad Passenger Station.
- e) Club.
- f) Daycare Center or Nursery School provided that no objectionable noise is audible off the premises.
- g) Educational Institution, philanthropic, recreational, religious, or governmental use, excluding correctional institutions.
- h) Hotel or motel subject to the additional requirements in Section 6.15.3.
- i) Municipal or Governmental Building, Fire Station.
- j) Park or Playground operated by a governmental unit, Non-profit Corporation or Community Association.
- k) Public Utility.
- l) Research and Development Facility.
- m) Retail lumber, building material yards and contractors’ equipment storage, provided that all material is kept in a building or within an enclosure not less than eight feet high, but excluding the bulk storage of cement and concrete mixing.
- n) Washing machine rental establishment and laundries.

## **PROPOSED**

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### **6.2.2.2 Uses that require Site Plan Review:**

- a) Any uses permitted in a Residence District.
- b) Financial Institution, Business Office or Professional Office, including Medical Office.
- c) Residential apartments located above the first story of any building if 1<sup>st</sup> floor is a commercial use; no more than 4 bedrooms per lot.
- d) Full Service Restaurant or Take-Out Restaurant excluding drive through window service, but including outside seating as long as it does not interfere with pedestrian traffic.
- e) Retail Sales Establishment (not including motor vehicle sale, motor vehicle fuel sale or motor vehicle repairs) or Retail Service, Professional Service, Business Service, including the manufacturing or processing of materials only as incidental to a permitted retail occupation and provided that no objectionable noise, smell or unsightly condition is created which is noticeable off the premises. All activities shall be carried on within a building, except for the display of merchandise within 20 feet of a building.
- f) Theater.
- g) Undertakers' establishments.
- h) Accessory uses customary with and incidental to a permitted use, including parking areas and private garages for the storage of motor vehicles as accessories to a permitted use only. Any private garage shall be limited to no more than one space per living unit.

### **6.2.3 Bulk Standards. The required Lot Area, Width, Yards, Coverage, Height in the D, DW and DC Districts shall be as follows:**

- a) The minimum lot area shall be 20,000 square feet. Minimum lot widths shall be 100 feet.
- b) **"D" & "DC" District:** Minimum side yards shall be 10 feet, but the total sum of the side yards must be a minimum of 30 feet. Properties with frontage on Wall Street or Railroad Avenue may reduce the minimum side yards to 6 feet, but the total sum must be 20 feet. **"DW" District:** Minimum side yards shall be 6 feet. The provisions of §6.3.1 shall apply in the "DW" District.
- c) Minimum rear yards shall be 15 feet.
- d) **"D" & "DC" District:** Minimum front yard requirements for properties with frontage on Wall Street and Railroad Avenue 10 feet, maximum 20 feet; Boston Post Road east of Wall Street 5 feet, maximum 20 feet; Durham Road 0 feet, maximum 20 feet; south side of Bradley Road 10 feet, maximum 20 feet; north side of Bradley Road 20 feet, maximum N/A; Meigs Avenue, Samson Rock Drive and Scranton Parking area 0 feet, maximum N/A. **"DW" District** minimum front yard requirements 0 feet, maximum 5 feet.
- e) **"D" District:** Maximum building coverage shall be 25%. The Planning and Zoning Commission, by Special Exception Permit per §4, may approve a building coverage of 30%.
- f) **"DW" & "DC" District:** Maximum building coverage shall be 30%. The Planning and Zoning Commission, by Special Exception Permit per §4, may approve a building coverage of 35%.
- g) **"D" & "DW" Districts:** All new buildings shall be a minimum of two stories.
- h) Building height shall be a maximum of 30 feet. The Planning and Zoning Commission, by Special Exception Permit per §4, may approve a height of 40 feet (excluding properties with frontage on Wall Street). The building height reductions for narrow lots in §2.7.1 shall not apply in the "D" or "DW" District.

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- i) The maximum first floor interior building area of any structure on a lot fronting on Wall Street shall be 3,000 square feet. The maximum width (dimension of the building parallel to the street) of any building on such a lot shall be 50 feet.
- j) The maximum first floor interior building area of any structure on a lot fronting on Boston Post Road, Durham Road, Railroad Avenue or Bradley Road shall be 20,000 square feet and the maximum width shall be 80 feet. This shall not preclude the construction of party walls built to separate lots on Boston Post Road.
- k) Rear yard shall be 10 feet when rear yard boundary is railroad right of way.
- l) A landscaped buffer of 40 feet on off or adjacent to the property shall be required between the commercial development and the residential uses on the south border of the DC district.
- m) **Corner Lots:** Where dimensional standards conflict, front and side yard building width requirement shall be determined separately for each street as applicable; the less restrictive height and the most restrictive coverage and first floor area requirements shall apply. *(Section added 1/18/01; effective 2/1/01)*
- n) **Wall Street and Boston Post Road Corner Lots:** The minimum front setback from the Boston Post Road shall be 40 feet. *(Section Added 1/18/01; effective 2/1/01)*

**Table of Dimensional Standards – See sections above for specific requirement.**

	Front Min.	Front Max.	Side Min.	Rear Min.	Coverage Max.	Height Max.	Lot Min.	L.Wdth Min.
Wall Street	10'	20'	6'T=20'	15'	25%/30%/sep	30'	20,000s.ft.	100'
Railroad Ave.	10'	20'	6'T=20'	15'	25%/30%/sep	30'	20,000s.ft.	100'
Boston Post Rd. (RT#79 to Wall)	0'	5'	0'T=6'	15'	30%/35%/sep	30'/40'/sep	20,000s.ft.	100'
Boston Post Rd. (East of Wall)	5'	20'	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Durham Road	0'	20'	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Bradley Rd So.	10'	20'	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Bradley Rd No.	20'	n/a	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Meigs & Samson	0'	n/a	10'T=30'	15'	30%/35%/sep	30'/40'/sep	20,000s.ft.	100'

### 6.2.4 Restrictions on Demolition.

- a) In reviewing a Site Plan or Special Exception Permit for the demolition of a structure, the Planning and Zoning Commission shall consider the architectural quality and value of the structure and its contribution to the character of the Downtown District and the surrounding buildings. Where the Commission determines that the structure possesses architectural or historic character, it may deny a Site Plan or Special Exception Permit approval for demolition, unless it finds that the building proposed to replace the structure proposed for demolition will enhance the architectural and historic character of the neighborhood and will be consistent with this Section and any applicable design standards.
- b) **Minor Demolition.** Demolition of less than (a) 100 sq. ft., or (b) 3% of the building coverage up to 500 square feet may be considered minor site modifications subject to reduced site plan requirements. After review by the Town Engineer and the Health Director, the Planning and Zoning Administrator may approve the minor demolition or refer it to the Planning and Zoning Commission for its action under the Site Plan or Special Exception Permit requirements of §29 and 4, respectively.

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### **6.2.5 Water Restriction Overlay District (DW)**

a) Within the area shown on the Zoning Map as the Water Restriction Overlay District, there are severe limitations on the capacity of the soil to absorb sewage effluent. Therefore, any applicant for a proposed new use or structure in this overlay district shall demonstrate to the satisfaction of the Commission that the proposed use will not consume in excess of 10 gallons of water per day per 100 square feet of gross floor area of all buildings or portions thereof involved in the use.

b) Any use approved in the Water Restriction Overlay District shall have a tamper-proof water meter measuring the water consumption of that use, available for periodic reading by the Zoning Enforcement Officer. Failure to comply with the water use restrictions in §6.4.6.1 for two months in any six-month period shall void the right to continue the use.

## **6.2 Rural Shopping District (RS District)**

**6.3.1 Purpose.** The purpose of the Rural Shopping (RS) District is to maintain and enhance the historic character and charm of the colonial tradition of Madison, while allowing for development using appropriate architecture and landscaping within the district. Development within this district shall be consistent with Appendix B.

### **6.3.2 Permitted Uses in the RS District**

#### **6.3.2.1 Uses that require Special Exception Review:**

- a) Any building or addition over 10,000 square feet.
- b) Existing auto repair may expand only on the property they presently occupy, subject to these regulations.
- c) Bus Passenger Station, Railroad Passenger Station
- d) Club.
- e) Daycare Center or Nursery School provided that no objectionable noise is audible off the premises.
- f) Educational Institution, philanthropic, recreational, religious, or governmental use, excluding correctional institutions.
- g) Municipal or Governmental Building, Fire Station
- h) Park or Playground operated by a governmental unit, Non-profit Corporation or Community Association.
- i) Public Utility.
- j) Research and Development Facility.
- k) Retail lumber, building material yards and contractors' equipment storage, provided that all material is kept in a building or within an enclosure not less than eight feet high, but excluding the bulk storage of cement and concrete mixing.
- l) Washing machine rental establishment and laundries.

#### **6.3.2.2 Uses that require Site Plan Review:**

- a) Financial Institution, Business Office or Professional Office, including Medical Office.
- b) Residential apartments located above the first story of any building if 1<sup>st</sup> floor is a commercial use; no more than (four) 4 bedrooms per 40,000 sq. ft..

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- c) Full Service Restaurant or Take-Out Restaurant excluding drive through window service, but including outside seating as long as it does not interfere with pedestrian traffic.
- d) Retail Sales Establishment (not including motor vehicle sale, motor vehicle fuel sale or motor vehicle repairs) or Retail Service, Professional Service, Business Service, including the manufacturing or processing of materials only as incidental to a permitted retail occupation and provided that no objectionable noise, smell or unsightly condition is created which is noticeable off the premises. All activities shall be carried on within a building, except for the display of merchandise within 20 feet of a building.
- e) Undertakers' establishment.
- f) Accessory uses customary with and incidental to a permitted use, including parking areas and private garages for the storage of motor vehicles as accessories to a permitted use only. Any private garage shall be limited to no more than one space per living unit.

### **6.3.3.3 Prohibited Uses**

- a) Franchise business operations that are not designed to harmonize with the rural residential mixed-use area.
- b) Separated one-story buildings set back from the street and surrounded by parking
- c) Trademark Buildings

**6.3.3 Bulk Standards.** The required Lot Area, Width, Yards, Coverage, Height in the RS District shall be as follows:

- a) The minimum lot area shall be 120,000 square feet.
- b) The minimum lot width shall be 400 feet.
- c) The minimum side yard shall be 20 feet.
- d) The minimum rear yard shall be 50 feet.
- e) The minimum front yard shall be 50 feet.
- f) The maximum building coverage shall be 20%.
- g) The maximum building height shall be 30 feet.
- h) The maximum first floor interior building area of any structure shall be 5,000 sq. ft. and the maximum width shall be 60 feet.

### **Table of Dimensional Standards – See sections above for specific requirement.**

Front Min.	Side Min.	Rear Min.	Coverage Max.	Height Max.	Lot Area Min. Sq. Ft.	Lot Width Min.
50 ft.	20 ft.	50 ft.	20%	30 ft.	120,000 sq. ft.	400 ft.

**6.3.4 Buffers.** In addition to the requirements in Section 6.10, the following shall apply:

- a) Buffer areas at least 25 feet wide shall be maintained or established between the road and the developed site to preserve the rural tree-lined character of Route 80, to preserve the natural rock formations, to provide screening and to mitigate visual, noise and other impacts. Street rights-of-way shall not obviate the need for a buffer.
- b) The buffer shall be landscaped naturally or through plantings and permanently maintained. The minimum height of any plantings, natural or planted, shall be 10 feet. All buffer areas shall be designed by a qualified landscape professional and the buffer design shall be portrayed on the landscaping plan.

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### **6.4 Transition District (T District)**

**6.4.1 Purpose.** The purpose of the T District is to allow limited commercial development on properties adjacent to a Commercial District, provided such use and development is compatible with, and suitably buffered from, adjacent residential use. Development shall be residential in character, both as to building design and scale, and site layout and shall not negatively affect adjacent property values. Development within this area should be consistent with the Design and Landscape Standards in Appendix A.

#### **6.4.2 Permitted Uses in the T District**

##### **6.4.2.1 Uses that require Special Exception Review:**

- a) Daycare Center or Nursery School.
- b) Educational Institution.
- c) Financial Institution, Business Office or Professional Office, including Medical Office.
- d) multiple family Dwelling Units above first floor commercial uses, subject to the additional requirements in Section 6.15.2.
- e) Municipal or Governmental Building, Fire Station.
- f) Park or Playground operated by a governmental unit, Non-profit Corporation or Community Association.
- g) Public Utility including telephone exchange, transformer substation, sewer/water pump station.
- h) Retail Service, Professional Service, Business Service.
- i) Accessory Use customary to a permitted use.

##### **6.4.2.2 Uses that require Site Plan Review:**

- a) accessory apartment

##### **6.4.2.3 Permitted Uses.**

- a) single family dwelling
- b) Accessory Use customary and incidental to a single family dwelling

**6.4.3 Bulk Standards.** The required Lot Area, Width, Yards, Coverage, Height in the T Districts shall be as follows for all uses listed in Section 6.1.2.1:

- a) The minimum lot area shall be 20,000 square feet.
- b) The minimum lot width shall be 100 feet.
- c) The minimum side yard shall be 30 feet to an abutting non-residential District property and 40 feet to an R or RU District property.
- d) The minimum rear yard shall be 30 feet.
- e) The minimum front yard shall be 20 feet.
- f) The maximum building coverage shall be 10%.
- g) The maximum building height shall be 30 feet.
- h) The maximum floor area ratio shall be 25%.

**PROPOSED**

*Public Hearing 12-02-10, page 8 of 10*

**Table of Dimensional Standards – See sections above for specific requirement.**

<b>Front Min.</b>	<b>Side Min.</b>	<b>Rear Min.</b>	<b>Coverage Max.</b>	<b>Floor Area Ratio Max.</b>	<b>Height Max.</b>	<b>Lot Area Min. Sq. Ft.</b>	<b>Lot Width Min.</b>
<b>20 ft.</b>	<b>30 ft. / 40 ft.</b>	<b>30 ft.</b>	<b>10%</b>	<b>25%</b>	<b>30 ft.</b>	<b>20,000 sq. ft.</b>	<b>100 ft.</b>

**6.4.4 Screening.** Plantings and/or fencing shall be provided in a suitable width and height to screen abutting properties in any R or RU District from the commercial use in the Transition District. The design of said screening shall be sufficient to shield the residential property from adverse visual, noise, odor, or light impacts.

**6.4.5 Signs.** The maximum aggregate sign size permitted shall be 18 square feet. Internally lit signs are prohibited.

**6.5 through 6.7 intentionally omitted.**

**6.8 Refuse Containment Area.** The storage of trash and other refuse shall be appropriately located and screened from public view. The consolidation and sharing of these areas is encouraged. The material and design shall be compatible with the main building.

**6.9 Sidewalks & Connecting Properties:** When new commercial development or redevelopment is proposed for any Lot or Lots, the Commission may consider, in determining whether to approve or disapprove any site plan or special exception permit, the extent to which pedestrian (e.g. sidewalk) connections would be made available to adjacent lots in order to reduce risks to pedestrians, enhance safety and convenience, and encourage pedestrian (as opposed to vehicular) movement between commercial lots.

**6.10 Landscaping.**

a) Landscape plans 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 utilized then the plants must be identified by names, quantities, size.

b) All landscaping shown on the approved plan shall be completed prior to issuance of a final Certificate of Occupancy, or a bond in a form and amount satisfactory to the Commission assuring completion within a specific time (not to exceed one year) shall be filed with the Commission. Such bond shall be forfeited if the work shall not have been completed within such time limit. See Section 11 of the subdivision regulations for bonding types and procedures.

**6.11 Alterations.**

a) No addition or alteration of parking areas, or significant alterations to landscaping and/or buffer zone(s) shall be permitted in any of the Commercial Districts under Sec. 6 until such change(s) shall have been reviewed by the Advisory Committee on Community Appearance and approved by the Planning and Zoning Commission.



## **PROPOSED**

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b) Application for such review and approval shall be made in writing on forms provided by the Commission and shall be accompanied by a filing fee as specified in Section 23. Such application shall include plans and documentation as required by the provisions of Sec. 29.

### **6.12 Process.**

a) The Commission shall refer the application to the Advisory Committee on Community Appearance for its comments and recommendations pursuant to the applicable provisions of Sec. 22 of these Regulations.

b) The Commission may, at its discretion, require a Public Hearing on any application for a use requiring only site plan approval. However, the time limit for rendering a decision on such application shall still be 65 days from the official day of receipt of the application, or such other period as may be allowed pursuant to Sec. 8-7d of the Connecticut General Statutes.

**6.13 through 6.14 intentionally omitted.**

### **6.15 Special Use Regulations**

#### **6.15.1 Car Wash**

- a) A Car Wash operation shall utilize a system for the total reclamation of water and other materials used in such Car Wash and for the off-site disposal, in a manner satisfactory to the Commission, of all residue therefrom and from the operations permitted in (i) and (ii) below.
- b) The facility may contain:
  - i) an operation for oil changes, oil and air filter changes, windshield wiper services, battery service and replacement, and such other similar services as the Commission may approve; and/or
  - ii) an operation for auto detailing; and/or
  - iii) retail space consisting of no more than 300 square feet for the sale of nonalcoholic beverages, snacks, sandwiches and other prepared items for on-premises consumption. The retail area will be restricted to use by customers utilizing the car care services described in (i) and (ii) above.

#### **6.15.2 Dwelling Units Above First Floor Commercial Uses**

- a) Each Dwelling Unit shall be located above the first floor of the Building and shall be used as a long term, principal residence.
- b) The total Floor Area of the Dwelling Units shall not exceed 67% of the Floor Area of the Building in which they are located.
- c) No dwelling unit shall have more than two (2) bedrooms.

#### **6.15.3 Hotel or Motel**

- a) Each Lot shall have at least 100 feet of Frontage on a Street or an exclusive right-of-way at least 50 feet wide to a Street.
- b) The area of each Lot shall be at least two acres.
- c) The average density per Lot shall be not more than 20 Bedrooms per acre.
- d) Not more than 10% of the Bedrooms or other individual units may have kitchen or cooking facilities.

#### **6.15.4 Repair Shop**

**PROPOSED**

*Public Hearing 12-02-10, page 10 of 10*

- a) **Automotive Repair Shop**
  - i) Repairs may include the replacing of batteries, tires, fan belts and the like.
  - ii) Such facility shall not paint or do body work on vehicles.
  - iii) Items such as tires, batteries, fan belts, head lights and the like may be kept in stock and offered for sale.
  - iv) Vehicles under repair may be stored overnight at the facility.
  - v) An Automotive Repair Shop may be operated as part of an Automobile Service Station.
- b) **Machinery Repair Shop**
  - i) No machine shall be stored outside the Building, except within suitably screened areas which have been approved for that purpose.
  - ii) Heavy duty machinery repairs are prohibited.

**6.15.5 Veterinary Outpatient Clinic**

- a) Such clinic shall be located within a completely enclosed Building, soundproofed and mechanically ventilated so as to prevent the emission of objectionable noise and odors.
- b) Such Clinic shall have no outside facilities or Accessory structures for animals.
- c) Boarding may be provided on a temporary basis for medical treatment of animals.

**6.15.6 Theater**

- a) The total seating of the facility shall not exceed 600 seats.

### Site Specific Special Exceptions to be Deleted

**4.1.19 In the area bounded on the north by the Boston Post Road and on the southeast, south and southwest by the Old Boston Post Road in the East River Section.**

**4.1.19.1 Professional Offices.**

**4.1.19.2 Retail Service Occupations limited to Travel Agencies, Antique Sales and Repair, Real Estate Offices and Insurance Offices only. (January 18, 1981)**

\* \* \* \* \*

**4.1.24 In the area bounded southwesterly by Boston Post Road, 206 feet, more or less; westerly by land now or formerly of Edgarman Associates, 500 feet, more or less; southwesterly again by land now or formerly of Marjorie Lee Chittenden, by a ditch, 250 feet, more or less; northwesterly by land now or formerly of Marjorie Lee Chittenden, 280 feet, more or less; northerly by Route I-95, 125 feet, more or less; easterly by Route I-95, 40 feet, more or less; northerly again by Route I-95, 320 feet, more or less; easterly again by land now or formerly of William R. Wall and William B. Gozzi, 68 feet, more or less; easterly again by Lot 3, "Chittenden Lots", 47 feet, more or less; southeasterly in part by Lot 3 and in part by Lot 2, "Chittenden Lots", 216 feet, more or less; southerly by Lot 2, "Chittenden Lots", 105 feet more or less; southwesterly again by land now or formerly of George H. Chittenden and Katherine C. Botsford, 539 feet, more or less; said area containing 7.4 acres, more or less, and shown on a map entitled "Study Plan Property of George M. Hill, 59 Boston Post Rd., Madison, Connecticut, Scale 1" = 40', June 3, 1981, rev. 6/8/83" survey by Eric G. Anderson, L.S.**

**4.1.24.1 Business offices limited to publishing establishments and book storage but excluding book printing and binding, subject to the following restrictions:**

**4.1.24.1.1 Required lot area, width, yards, coverage and height shall be as provided in §3.2 for R-2 Districts.**

**4.1.24.1.2 A 30 foot wide permanent buffer zone suitably landscaped shall be maintained adjacent to any side or rear lot line abutting a residential district. (December 15, 1983)**

\* \* \* \* \*

**4.1.38 In the area bounded East by Mill Road; South by land of the State of Connecticut; West by the Hammonasset Connector; North by land now or formerly of Paul Stonehart; West again by land now or formerly of Paul Stonehart; and North by land of the State of Connecticut Department of Environmental Protection.**

**4.1.38.1 Business and professional offices and financial institutions subject to the following conditions and restrictions:**

**4.1.38.1.1 Required area, width, yards, coverage and height.**

Minimum Lot Area	25,000 sq. ft.
Minimum Front Yard	10 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	20 feet
Maximum Building Coverage	15%
Maximum Building Height	3 stories; 40 feet

In addition, spires, cupolas, chimneys, mechanical, equipment, flagpoles, ventilators, tanks, solar connectors and similar features occupying no more than 20 percent of the building area and used in part for non-residential occupancy shall be permitted to a maximum height of 50 feet, and one elevator tower shall be permitted to a maximum height of 55 feet.

The provisions of Section 2.9 of these regulations shall be inapplicable to this site.

**4.1.38.1.2 Parking shall be provided at a rate of four spaces per 1000 square feet of usable building area.**

**4.1.38.2 Accessory uses customary with or accessory to a permitted use. (February 1, 1998)**

**EXISTING with PROPOSED CHANGES**

Public Hearing 12-02-10, page 1 of 2

Section amended 6/18/98; effective 8/1/98

Section again amended \_\_\_\_\_; effective \_\_\_\_\_

**SECTION 8**

**OFF STREET PARKING**

8. On all premises developed for any purpose after the adoption of these Regulations, off-street parking facilities shall be provided sufficient to accommodate the vehicles of all occupants, employees, customers and other persons normally visiting the premises at any one time.

**8.1 REQUIRED MINIMUM PARKING SPACES (PS)**

Unless parking facilities are otherwise specifically approved by the Commission, they shall contain not less than the following minimum amount. The Commission may allow parking facilities located within 1,000 feet from the building they serve.

- 8.1.1 For dwellings, two parking spaces (PS) for each ~~F~~Family ~~u~~Unit.
  - 8.1.2 For ~~o~~Offices, ~~F~~Financial ~~i~~nstitutions, ~~r~~Retail stores, ~~p~~Personal ~~s~~Service shops and for permitted *Customary* ~~h~~Home ~~o~~Occupations: one PS per 250 square feet for said use (two PS minimum).
  - 8.1.3 For ~~m~~Medical ~~o~~Office use: one PS per 200 square feet for said use.
  - 8.1.4 For ~~r~~Restaurants: one PS per four seats plus one PS for every person normally employed on the premises.
  - 8.1.5 For ~~t~~Theaters, assembly halls or ~~p~~Public ~~r~~Recreations: one PS per four seats.
  - 8.1.6 For industrial plants, wholesale establishments and similar buildings: one PS for every person normally employed.
  - 8.1.7 For ~~h~~Hotels, boarding and lodging houses and tourist establishments: one PS for every two guests plus one PS for every person normally employed on the premises.
- 8.2 *The Commission may reduce or waive the off-street parking requirements contained in Section 8 of these Regulations if it finds any one or more of the following: (a) that such requirements are excessive for the proposed use, (b) that shared parking arrangements with adjacent parcels will provide adequate parking for the proposed use, (c) that sufficient parking is provided within the context of the surrounding area, or (d) that there are sufficient existing public parking facilities (including on-street spaces) available for the use of customers, employees, and other persons using the proposed building or buildings.*
- 8.3 *When new commercial development or redevelopment is proposed for any lot or lots, the Commission may consider, in determining whether to approve or disapprove any site plan or special exception permit, the extent to which parking and traffic connections would be made available to adjacent lots in order to minimize the necessity for additional driveways or curb cuts to be made on existing or proposed streets and to reduce safety hazards from otherwise unsatisfactory traffic patterns.*
- 8.4 *There shall be no parking in the Front Yard. The Commission may waive this requirement if it is in the best interest of the District.*
- 8.5 No addition or alteration of parking areas or major alteration, including removal of or addition to landscaping shall be permitted in any Commercial District or any commercial use until such

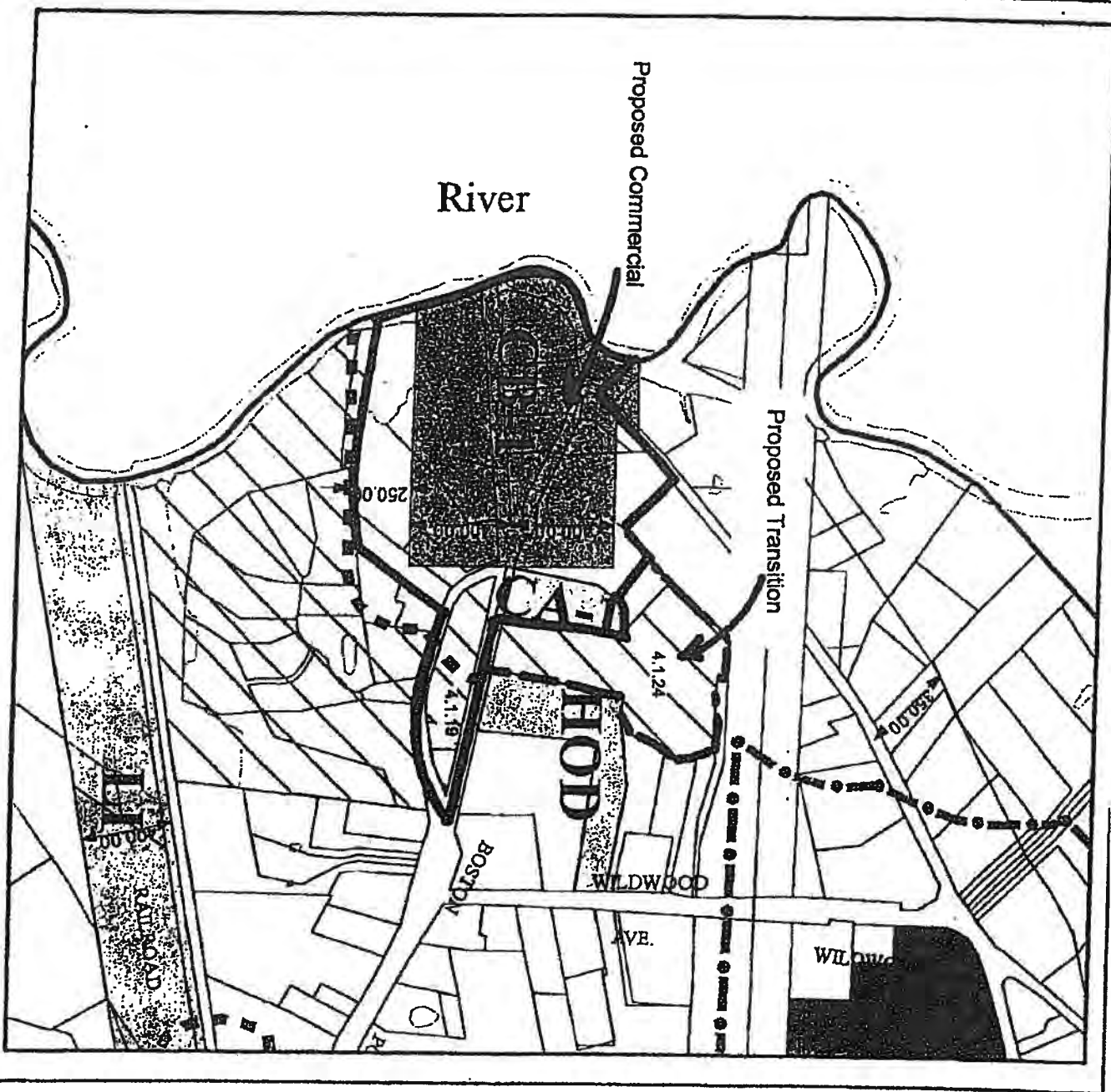
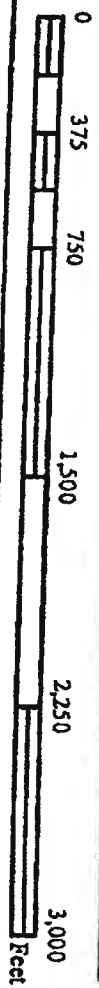
## **EXISTING with PROPOSED CHANGES**

*Public Hearing 12-02-10, page 2 of 2*

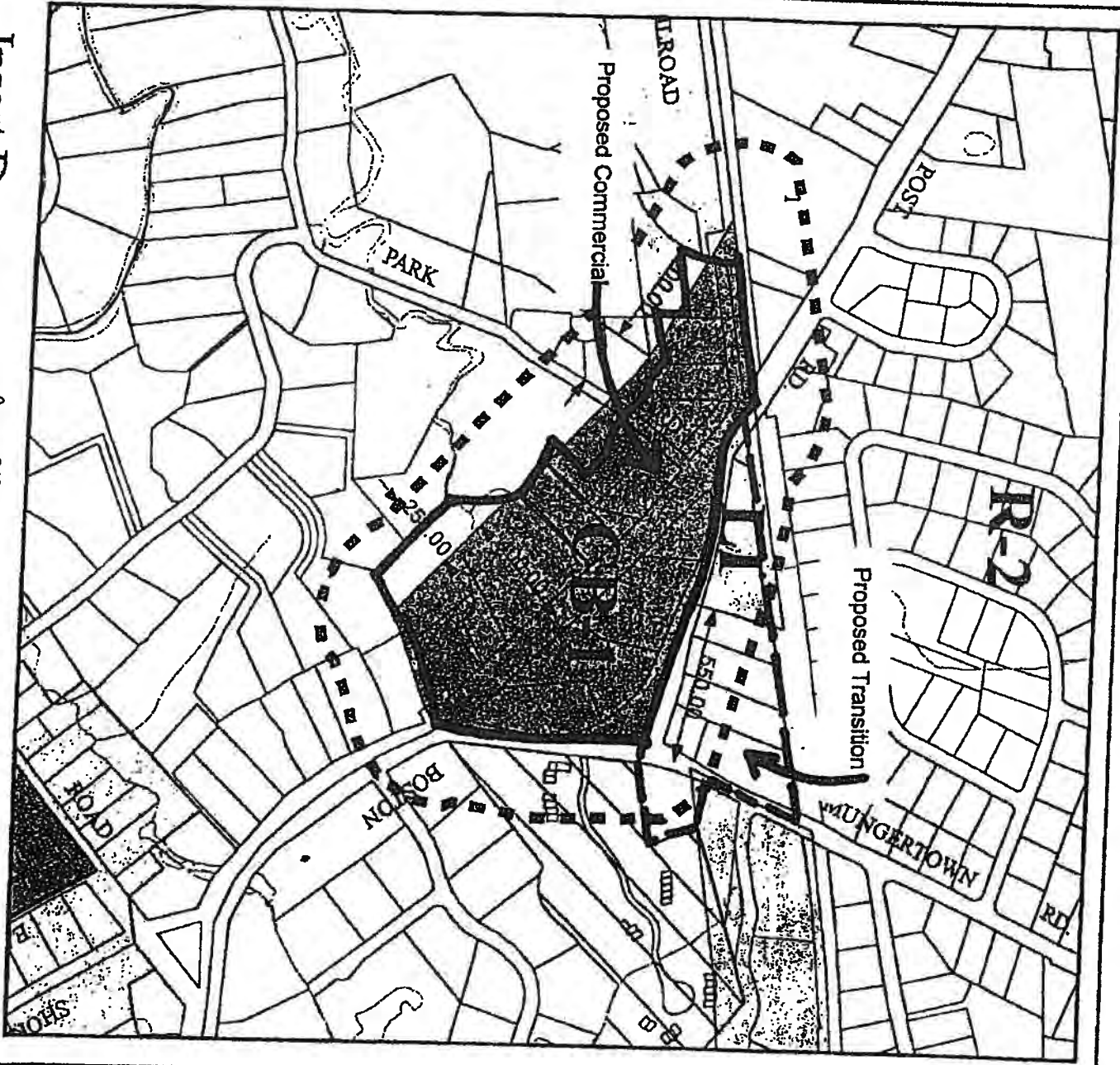
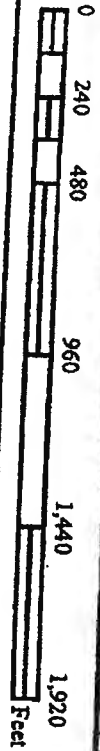
change(s) shall have been reviewed by the Advisory Committee on Community Appearance and approved by the Planning and Zoning Commission as required under Sections 29 or 4 of these Regulations.

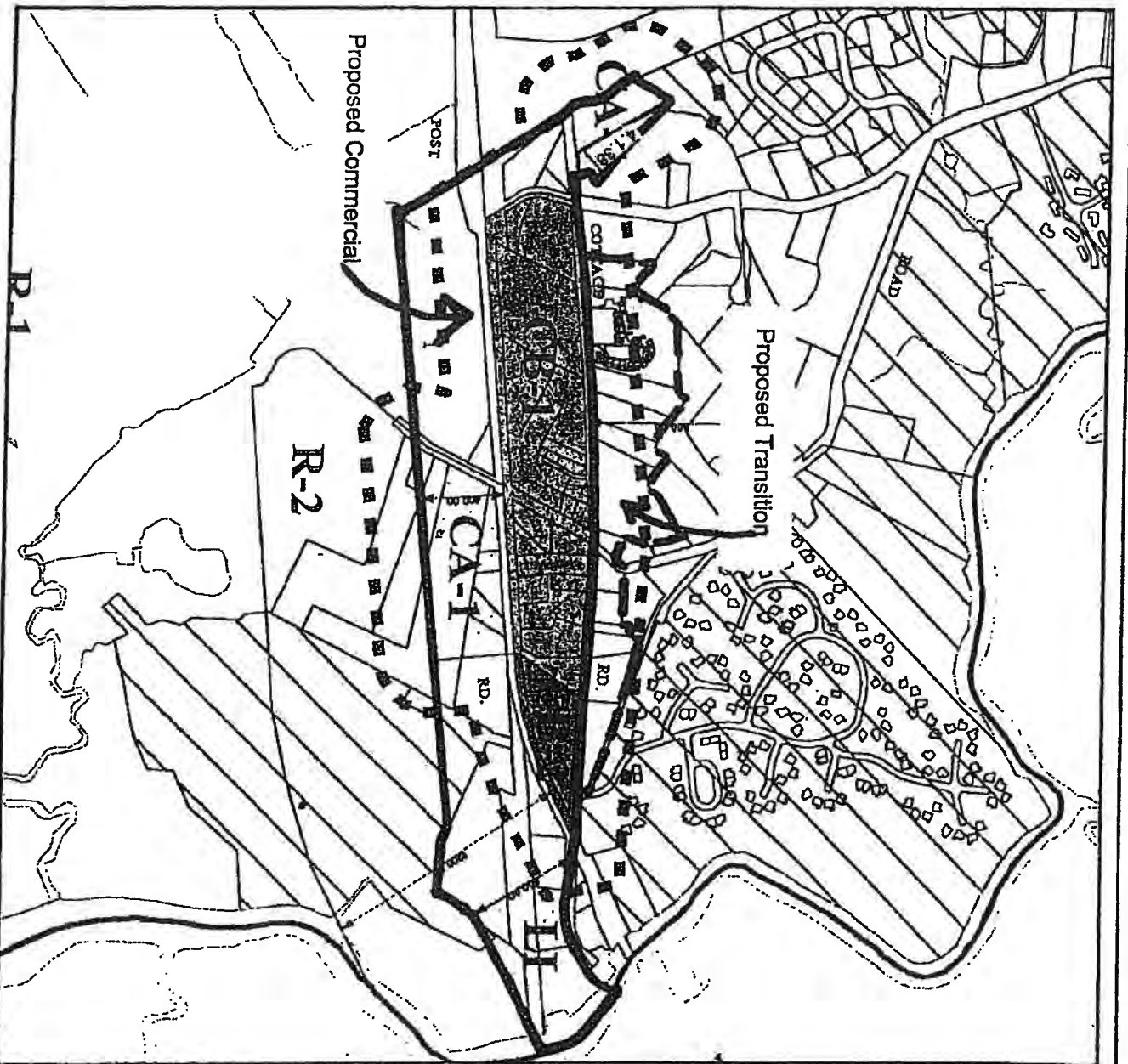
- 8.2.1 Minor changes to the parking:** A minor change to the parking may be considered adding, changing or removing (a) two PS or less; (b) less than 10% of the parking area up to 500 sq. ft. These minor changes may be approved by the Planning and Zoning Administrator after ~~the changes have been reviewed with the Town Engineer and the Health Director.~~ The Planning and Zoning Administrator may request that the changes be referred to the ACCA and/or to the Planning and Zoning Commission for review or approval.
- 8.3 Truck Loading Space:** Space for loading and unloading of trucks shall be provided at the rate of not less than one loading space for each 30,000 sq. ft. of retail, wholesale, or industrial use and one additional space for each additional 30,000 sq. ft. of retail, wholesale or industrial use.
- 8.4 Surfacing:** Required minimum parking and truck loading facilities shall have an adequate all-weather surface capable of allowing free and safe movement of all vehicles customarily using the facility.
- 8.5 Existing Building Exempt:** the provisions of this section shall not apply to uses existing at the time of the adoption of these regulations to the extent that insufficient land area is available on the ~~Lot~~ on which such ~~Building~~ is located or on an adjacent ~~Lot~~ under the same ownership.
- 8.6** For each use, the area shall be calculated using inside dimensions of the ~~Building~~ excluding storage. A parking space shall be a minimum size of 9 ft. x 18 ft., *except that a parallel parking space shall be a minimum size of 8 ft. x 22 ft.*

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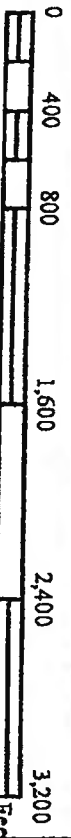


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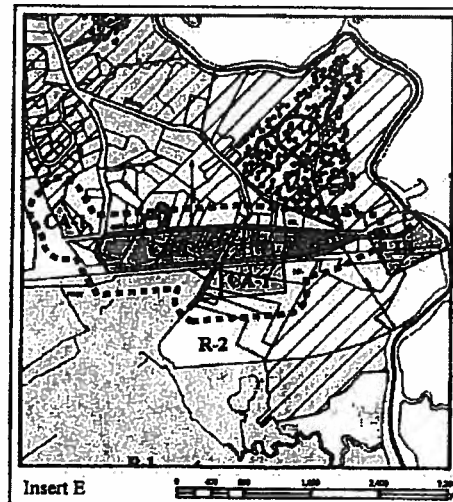
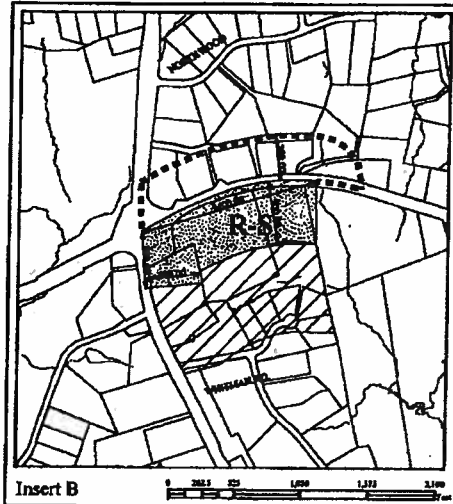
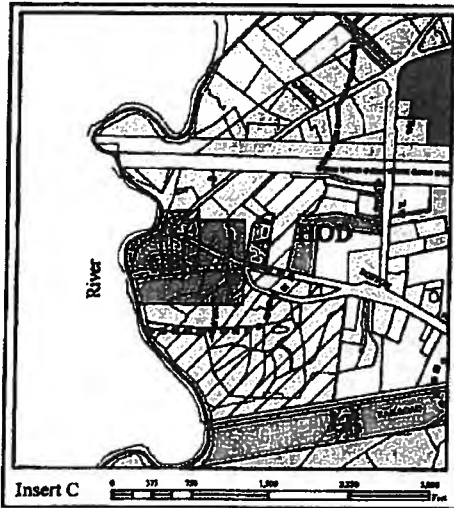




EXISTING

# Town of Madison Zoning

Amended Effective May 17, 2010  
Property Lines as of October 1, 2009



## Zoning Legend

"AHD" - Affordable Housing District	"OSCD" - Open Space Conservation District
"AHD/OSCD" - Affordable Housing / Open Space Conservation District	"R-1" - Residence District 40,000 sq. ft.
"HOD" - Housing Opportunity District	"R-2" - Residence District 40,000 sq. ft.
"CA-1" - Commercial 20,000 sq. ft.	"R-3" - Residence District 20,000 sq. ft.
"CB-1" - Commercial 20,000 sq. ft.	"R-4" - Residence District 10,000 sq. ft.
"CB-2" - Commercial 10,000 sq. ft.	"R-5" - Residence District 7,000 sq. ft.
"D" - Downtown District	"RS" - Rural Shopping District 120,000 sq. ft.
"DC" - Downtown Commercial District	"RU-1" - Rural Residence District 80,000 sq. ft.
"DW" - Downtown Water Restriction District	"RU-2" - Rural Residence District 60,000 sq. ft.
"HCFD" - Health Care Facilities District	Special Exception Area
"LI" - Light Industrial District 30,000 sq. ft.	Level A Aquifer Protection Area - Effective 10/1/08
Coastal Boundary	Special Exception Setback

## **Referral 2.5: Town of Orange**

**Subject:** Proposed Zoning Regulation amendment to create a Transit Oriented Development District and to incorporate the Edison Road/Marsh Hill Road Corridor Zoning Review Study in the Town's POCD.

**Staff Recommendation:** The proposed Zoning Regulation Amendment does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

The proposed amendment to incorporate the Edison Road/Marsh Hill Road Corridor Zoning Review Study into the Town's Plan of Conservation and Development appears consistent with both the policies of the Regional and State Plan of Conservation and Development.

**Background:** The Town of Orange has proposed Zoning Regulation Amendments to create a Transit Oriented Development District. The purpose of the district is to create high density, mixed use, transit oriented development adjacent to a Metro North Rail Station. Properties within the proposed district will be regulated by an approved concept plan. An applicable property must be located within an area designated as "Potential Transit Development Area" with an existing rail station or planned rail station ("with a documented financial commitment and regulatory permits in place for the construction"). The permitted uses in the district are retail (subject to conditions), Indoor Restaurants, Business and Professional Offices, Railroad Transit stations, Structured Parking, Multi-Family Residential (subject to conditions), Hotels with accessory restaurants and/or conference centers.

Retail and service uses are required to have on-street parking. Surface parking lots are permitted if in the opinion of the Commission sufficient parking cannot be provided on-street or in a parking structure. The parking lots cannot be located between the principal

building and a public/private street. Rail station parking has to be provided in a parking structure within 300' of the station. The Site Design section in addition to parking requirements outlines landscape requirements. The proposed district has an open space requirement that states that the proposed open space is equipped with benches or chairs, pedestrian scaled lighting and adequate trash receptacles. There is an affordable housing requirement for at least 20% of the housing units within the proposed district. The height and setback requirements are to be considered by the Commission as part of the Zone Change Application.

The proposed Transit Oriented Development District is recommended as part of the Edison Road/Marsh Hill Road Corridor Zoning Review Study, which is proposed to be incorporated into the Town's Plan of Conservation and Development. The study examines the land use, zoning, economic conditions, environmental conditions, traffic, utilities, and development potential of the Edison road/Marsh Hill Road Corridor, which consists of approximately 383 acres. The study examined the corridor as 11 planning areas, with a series of recommendations for each. The study recognized one planning area as being important to the future development of the corridor, based on proximity to the Yale Development and the proposed Metro-north Station. In this particular planning area the recommendation was to establish a Transit Oriented Development District in order to encourage high density, mixed use development.

**Communication:** In researching this proposal, I spoke to the Planning Staff in Orange and notified the adjacent municipalities in the South Central Region.



**Town of Orange, Connecticut**  
**Zoning Department**

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

PHONE: (203) 891-2122, ext. 743  
FAX: (203) 891-2185  
www.orange-ct.gov

October 18, 2010  
CERTIFIED MAIL

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

**REFERRAL OF PETITION TO AMEND**  
**THE PLAN OF CONSERVATION AND DEVELOPMENT & THE ORANGE ZONING**  
**REGULATIONS**  
**-UPON THE INITIATIVE OF THE ORANGE TOWN PLAN & ZONING COMMISSION**  
***1. To Amend the Plan of Conservation and Development by incorporating the Edison Road/Marsh Hill Road Corridor Zoning Review Study.***  
***2. To Propose regulations which would create a Transit Oriented Development District.***

Dear Mr. Amento:

In accordance with the Connecticut General Statutes, enclosed for your review are proposed amendments to the Orange Plan of Conservation and Development and the Zoning Regulations. A public hearing on this matter is tentatively scheduled for December 7, 2010.

If you have any questions, please contact me at 203-891-4743.

Very truly yours,

Paul Dinice, Zoning Administrator  
& Enforcement Officer

enclosures (2)  
cc: TPZC Members  
V. Marino, Esq.  
J. Zeoli, First Selectman  
B. Miller, Consultant Planner

**RECEIVED**

OCT 19 2010

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**



**Turner Miller Group**  
planning consensus community

Land use, economic development, and environmental planning  
Facilitating consensus among diverse constituents  
Creating sustainable communities

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OCT 19 2010

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**

**PROPOSED TRANSIT ORIENTED DEVELOPMENT DISTRICT  
TOWN OF ORANGE, CONNECTICUT**

**Purpose of District.**

The purpose of the Transit Oriented Development District is to create a high density mixed use, transit oriented development adjacent to a Metro North Rail Station. It is further the intent to provide a range of housing, businesses and services specifically geared towards commuters and users of the rail road, designed in an aesthetically pleasing, environmentally conscious and pedestrian scaled manner.

The properties within a Transit Oriented Development District shall be regulated by an approved Concept Plan, which includes any additional standards or requirements deemed appropriate by the Commission.

**Applicability.**

A. In order to apply to the Planning and Zoning Commission for a zone change, the subject property must be located within the area designated as "Potential Transit Development Area" with an existing rail station or planned rail station with a documented financial commitment and regulatory permits in place for the construction of a rail station.

**Permitted Uses.**

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

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

B. Indoor restaurants and other food and beverage service establishments where customers are served only when seated at tables or counters and all of the customer seats are located within an enclosed building or outdoor area attached to the indoor dining area.

C. Business and Professional offices, including medical offices.

**D. Railroad Transit stations**

**E. Structured Parking**

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

- a. No unit shall contain more than two bedrooms.
- b. No units shall be located on the ground floor of a structure.
- c. There shall be a maximum of 250 units.

d. Multi-family residential units shall only be permitted in conjunction with the development of office, hotels or other similar uses. There shall be a minimum of 1,000 square feet nonresidential use for each residential dwelling unit. The Commission may require the phasing of development to assure that the minimum non-residential development occurs prior to the residential development.

**G. Hotels with accessory restaurants and/ or conference centers**

**Site Design**

**A. Parking**

1. On Street parking shall be provided in the vicinity of all retail and service uses. This may be parallel or angled spaces. Surface parking lots may be permitted if in the opinion of the Commission sufficient parking cannot be provided on the street or in a parking structure alone. Parking lots shall not be located between the principal building and a public or private street.

2. Parking for the rail station shall be provided in a multi-level parking structure located within 300 feet of the station. Parking counts or reports from similar train stations shall be provided to assist the commission in determining an appropriate number of parking spaces.

(a.) The owner of said structure may charge a fee for parking.

(b.) The applicant shall submit plans demonstrating adequate circulation for the peak number of trips anticipated, drainage and ventilation of the parking structure.

3. Landscaping and/ or planters shall be placed around all parking lots and structures. Surface parking lots shall have landscaped islands and borders which consist of grass lawns, low shrubs, perennials, and trees and provide visual interest in all seasons. For any parking area with 30 or more parking spaces, one tree and one low shrub shall be provided for every 10 spaces or fraction thereof. The species of trees is subject to the review and approval of the Commission. Trees shall not have a caliper less than 2 1/2 inches, nor a height of less than 8 feet. Required trees and shrubs must be located in planting islands within the parking area, rather than on adjacent borders. Planting islands for required trees and shrubs shall not be less than 180 square feet nor have a minimum dimension less than eight feet.

4. All parking structures shall be designed in a way that does not create an adverse impact upon roadways or other spaces, in ways through architectural design and placement of other uses between the parking structure and the public spaces.

5. Parking for residential units shall be provided at 1 space per every one bedroom unit and 1.5 spaces for every two bedroom unit. Parking for residential units may share spaces in structured parking facility

**Turner Miller Group, LLC**

**NY Headquarters:** 2 Executive Boulevard, Suite 401, Suffern, NY 10901 TEL 845.368.1472 FAX 845.368.1572  
**CT Office:** Building A-3, 408-410 Highland Avenue, Cheshire, CT 06410 TEL 203.271.2458

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provided units are located within 300 feet of the closest entrance of said facility and lighted pedestrian walking paths or sidewalks are provided.

6. Parking for hotels shall be provided as required by the zoning regulations (1.5 spaces for each sleeping room plus spaces as required for restaurants or conference facilities). A portion of the parking requirement is encouraged to be located underground.

7. Parking for Office uses shall be provided at 3 spaces per 1000 square feet of office space. Parking may be provided in a structure and/ or underground.

8. All parking spaces and facilities are encouraged to be shared or jointly used wherever possible. The Commission may consider the joint or shared use of parking, upon review of a parking use study, submitted by the applicant, which analyzes periods and amount of projected usage for each of the proposed uses.

9. Parking stalls shall be 8 feet wide by 18 feet in length. Where 90 degree parking spaces are provided a 24 foot isle way should also be provided. Angled spaces are permitted with the angle not to be less than 50 degrees. Angled spaces shall require a minimum 15 foot isle and appropriate one way signage and surface markings. Parallel spaces are permitted in close proximity to retail and personal service uses only and shall be clearly marked as temporary spaces only so as to prohibit use by commuters. Parallel spaces shall be 9 feet in width by 20 feet in length and shall require painted ground markings to divide spaces.

#### **B. Open space/ public gathering spaces**

The plan shall include public sitting and gathering areas which may include but is not limited to a public plaza or passive recreation areas. The area shall be equipped with benches or chairs, pedestrian scaled lighting, and adequate trash receptacles. The area(s) should be generally centrally located on the site. Water features and public art are encouraged to be included.

#### **C. Building Design**

1. The first floor of all mixed use or non-residential buildings should be orientated to pedestrians. At least 50% of the front façade of a first floor use which is facing a new or proposed public street shall be windows. Mirrored glass or dark tints which blocks views of inside the building from the outside is prohibited. Mullions are permitted as long as they are appropriate for the overall architectural style of the building. Awnings, colorful window displays, and other elements which create visual interest are encouraged.

2. In keeping with the desired pedestrian scale, developments with facades over 50 feet in length will be designed to visually reduce the scale and mass of the building by either extending or recessing the façade to break up the flat plane of the building or by providing projecting features on the front façade such as entry areas, arcades or bay windows.

3. Architectural styles found in and around the area and elsewhere in New England's early periods should be used. Applicants should use decorative details on the exterior of the building appropriate to the architectural style that is being emulated. Buildings should have minimum details of window sills and frames and door frames. Other details such as quoins and lintels are encouraged.

**Turner Miller Group, LLC**

NY Headquarters: 2 Executive Boulevard, Suite 401, Suffern, NY 10901 TEL 845.368.1472 FAX 845.368.1572  
CT Office: Building A-3, 408-410 Highland Avenue, Cheshire, CT 06410 TEL 203.271.2458

[www.TurnerMillerGroup.com](http://www.TurnerMillerGroup.com)

4. Natural building materials such as stone, brick or wood should be used. Materials which provide an identical outward appearance may be used subject to review and approval by the Commission. Prefabricated aggregate stone shall not be permitted. Wrought iron, copper or other metalwork can be used in detailing for items such as railings, balconies or other architectural details but shall not be used for visible doors or siding. A combination of materials may be used but the entire building should be of the same architectural style. Concrete blocks shall not be visible on any outer façade of a building.

5. Parking structures shall not be located on a main access road within the development and shall not be visually prominent from open or public gathering spaces. Structures shall be landscaped or have planters located near all entrances.

6. All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units which may be located on higher floors. Mansard roof or gabled roofs are preferred with flat roofs only being permitted where the proposed structure is taller than adjacent structures. Flat roofs should have a parapet and cornice appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels and an ornamental frieze are encouraged.

7. Fabric awnings are permitted with steel supports over windows or storefronts. Colors and lettering on all awnings on the same building shall be uniform. No neon signs shall be permitted.

#### **C. Height and Setback Requirements**

The Commission shall consider the height and setback requirements as part of the rezoning application, in accordance with the goals of the TODD, sound planning and public safety.

#### **Affordable Housing Requirement**

At least 20% of all housing units constructed within this district shall be made affordable for the life of the project as per the requirements of Section 8-30g of the General Statutes of Connecticut and U.S. Department of Housing and Urban Development (HUD). Units shall be mixed throughout the development and the proportion of affordable units by bedroom shall be identical to that of the overall project.

#### **Procedural Requirements**

##### **A. Informal Consideration**

It is recommended that, prior to the submission of a formal application for approval of a Transit Oriented Development District, the applicant review with the Commission and its staff in preliminary and informal manner any proposal for a TODD.



## **B. Petition**

A petition for a change of zone for the establishment of a Transit Oriented Development District shall be submitted to the Commission in writing and shall be signed by the owner or owners of all parcels within the proposed district, in accordance with the provisions of 383-10, and shall be accompanied by the following:

### **1. Statement**

A written statement specifying the proposed uses of the area, special design considerations and features, architectural guidelines and themes, and how the proposal is consistent with the purpose of the Transit Oriented Development District.

### **2. Conceptual Plan**

A conceptual plan shall be presented to the Commission showing the general intent of the proposal. The following information shall be presented in enough detail to allow the Commission to determine if the plan is in the spirit of the Zone's intent.

- a. Location and size of property, including a boundary map and a map showing the project site in the context of the surrounding area.
- b. Existing topographic grades of the property, shown in accordance of a minimum of 5 foot intervals.
- c. Location of proposed buildings, roads, parking areas and structures, open space areas, including proposed general grading characteristics.
- d. Plans for the construction of a rail station including funding sources
- e. General building and parking layout.
- f. Proposed area and square footage of the proposed buildings and uses.
- g. Concept plan for uses to be proposed which may not necessarily include specific tenants.
- h. General vehicular and pedestrian circulation showing all proposed public and private drives, walking paths, sidewalks, and means of traffic calming and/ or pedestrian safety.
- i. Proposed public areas such as parks, lawn areas and recreational facilities.
- j. Landscaping and lighting plans showing areas of existing mature trees, all existing and proposed surface water resources, proposed landscaping treatments, proposed open space and recreational areas, and detail of proposed pedestrian-scaled lighting fixtures to be used.
- k. General streetscape and architectural design or theme, with exterior elevations, perspective drawings and descriptive information regarding building materials and exterior finishes.
- l. Tentative construction timeline and phasing plan
- m. Existing and propose utility plan
- n. Proposed grading of the proepty in a general concept, including the proposed amont of material which would be added, removed, and/or relocated on the property.
- o. Traffic Impact analysis, which describes the potential impact of the proposed uses on public roads, and if needed, includes recommended improvements to such roads; and the adequacy and efficiency of the proposed internal circulation system. The Commission may request that the traffic impact be analyzed as to individual components of the overall plan.

**Turner Miller Group, LLC**

**NY Headquarters:** 2 Executive Boulevard, Suite 401, Suffern, NY 10901 TEL 845.368.1472 FAX 845.368.1572  
**CT Office:** Building A-3, 408-410 Highland Avenue, Cheshire, CT 06410 TEL 203.271.2458  
[www.TurnerMillerGroup.com](http://www.TurnerMillerGroup.com)

### **3. Application Fee**

Fees shall be paid to amend the zoning map as set forth in Section 270-1 of the Town Code with an additional fee for site plan as set forth in this section to be paid at the time of submission of detailed development plans once the Commission determines the concept plan is acceptable.

#### **C. Review of Concept Plan**

After the application submission has been deemed complete for the establishment of a Transit Oriented Development district, the commission shall review the application for completeness of submission, and may require additional information. The complete application shall be reviewed at a public hearing and during this review may hold meetings with the petitioner and require additional information. The Commission shall hold a public hearing on the application.

After the public hearing, the Commission may disapprove or give approval to the Concept Plan or approval subject to modifications. Approval of the Concept Plan shall not constitute final approval of the Transit Oriented Development district and shall simply authorize the submission of Site plans setting forth the in detail the specifics of the proposed development and showing any modifications specified by the Commission.

#### **D. Site Plan**

A site plan and application shall be submitted to the Commission as required by Article XIII of the Zoning Regulations. In addition to the plans required by Article XIII of the zoning regulations, the following shall also be submitted:

1. A Pedestrian circulation plan showing safe, illuminated means of circulation throughout the site. Proposed material for pathways will be presented on a detail plan. This plan shall also incorporate locations for secure bicycle racks.

#### **E. Criteria for Approval of Site Plan**

The Commission may approve the Site Plan only after the Commission finds that the Site Plan is consistent with the approved Concept Plan and any other requirements included within its approval.

### **Requirements for Maintenance of Common Land and Facilities**

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

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



TOWN PLAN AND ZONING COMMISSION  
TOWN OF WOODBRIDGE  
WOODBRIDGE, CONNECTICUT

TEL. (203) 389-3406

November 3, 2010

South Central Regional Council of Governments  
Attn: Reg. Planner, Mr. Eugene Livshits  
127 Washington Avenue  
North Haven, CT 06473-1715

Re: Zoning Regulation Revisions

Dear Mr. Livshits,

Pursuant to Section 8.3b of the Connecticut General Statutes, this letter is to serve as notification that the Woodbridge Town Plan and Zoning Commission will hold a public hearing in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, Woodbridge, on Monday, December 6, 2010, with respect to the attached Zoning Regulation Revision regarding liquor establishments, proposed by Levey Miller Maretz. The public hearing portion of the meeting is scheduled to commence at 7:30 p.m..

As noted in the attached letter of application, the proposed amendment to "Section 3.12.2 Distance Requirements" found in "Section 3.12 Liquor Establishments" would amend the first paragraph by the insertion of the following text (underlined for emphasis) at the beginning of the paragraph:

"Except for restaurants operating under Conn. Gen. Statute Section 30-22 in the BI, GB and DEV-1 Districts and businesses in the BI and GB Districts operating under a manufacturer of beer permit under Conn. Gen. Statute Section 30-16(b), no building or premises....."

Comments on the proposed zoning regulation revisions are welcome to be made at the hearing or submitted in writing for receipt into the hearing record.

Very truly yours,

Kristine Sullivan, Staff – Woodbridge Land Use Agencies

CERTIFIED MAIL 7008 1830 0000 4652 2354

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NOV 5 2010

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

## **Referral 2.6: Town of Woodbridge**

**Subject:** Proposed Zoning Regulation Amendments to Section 3.12 – Liquor Establishments, Subsection 3.12.2 – Distance Requirements.

**Staff Recommendation:** The proposed Zoning Regulation Amendment does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

**Background:** A private applicant in the Town of Woodbridge has proposed Zoning Regulation Amendments to exempt restaurants in the BI and GB District from the five hundred foot distance requirement. In the existing regulations restaurants in the DEV-1 District and businesses operating under a manufacturer of beer permit under CGS Section 30-16(b) in the BI and GB District are exempt from the 500 foot Distance Requirement. BI and GB Zoning District are within 500' of the City of New Haven in the South Central Region.

**Communication:** In researching this proposal, I spoke to the Planning Staff in Woodbridge and notified the adjacent municipalities in the South Central Region.

# Levey Miller Maretz

COMMERCIAL REALTORS

October 14, 2010

Town Plan and Zoning Commission  
Town of Woodbridge  
11 Meetinghouse Lane  
Woodbridge, Connecticut, 06525

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OCT 15 2010

Land Use Agencies  
TOWN OF WOODBRIDGE

Re: Proposed Zoning Regulations Amendment  
Section 3.12.2 Regarding Distances for Restaurants in BI & GB Districts

Dear Commission Members,

This letter is to serve as an application in accordance with Section 11 of the Zoning Regulations for the Town of Woodbridge to amend Section 3.12.2 of the Zoning Regulations for the Town of Woodbridge from reading:

3.12.1 Distance Requirement.

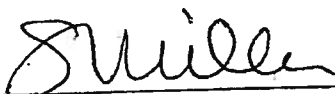
Except for restaurants operating under Conn. Gen. Statute Section 30-22 in the DEV-1 District and businesses in the BI and GB Districts operating under a manufacturer of beer permit under Conn. Gen. Statute Section 30-16(b), no building or premises shall be used, and no building shall be erected or altered, for use as a liquor establishment if any part of such building or premises is situated on any part of a lot within a five-hundred-foot radius in any direction of any lot used for, or upon which is located any building used for:

to reading:

Except for restaurants operating under Conn. Gen. Statute Section 30-22 in the ~~BI, GB~~ and DEV-1 District and businesses in the BI and GB Districts operating under a manufacturer of beer permit under Conn. Gen. Statute Section 30-16(b), no building or premises shall be used, and no building shall be erected or altered, for use as a liquor establishment if any part of such building or premises is situated on any part of a lot within a five-hundred-foot radius in any direction of any lot used for, or upon which is located any building used for

I making the request to exempt restaurants in the BI and GB Districts from the distance requirements, as has been done for restaurants in the DEV I District, because as a Woodbridge businessman, realtor, resident and taxpayer I am keenly aware of how difficult it is to attract restaurants to Town when they find they cannot have a liquor license because of the distance requirements.

Thank you,

  
Steve Miller

## **Referral 2.7: Town of Hamden**

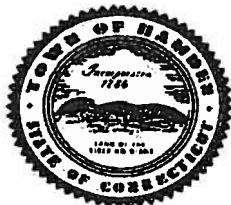
**Subject:** Proposed Zoning Regulation and Map Amendments regarding Special Flood Hazard Areas.

**Staff Recommendation:** The proposed Zoning Regulation and Map Amendment 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 negative impacts to the habitat or ecosystem of the Long Island Sound.

**Background:** The Town of Hamden has proposed Zoning Map Amendments to eliminate the outdated flood zone demarcations from the Zoning Map. The regulation will now reference the FIRM Map, effective December 17, 2010, which is more precise than the existing flood zone demarcation on the Town's Zoning Map.

The proposed Zoning Regulation Amendments are required by FEMA for the Town of Hamden to continue participating in the National Flood Insurance Program. The amendments are based on a DEP review of the existing Hamden Zoning Regulations.

**Communication:** In researching this proposal, I spoke to the Planning Staff in Hamden and notified the adjacent municipalities in the South Central Region.



**Town of Hamden**  
**Planning and Zoning Department**

November 3, 2010

Mr. Carl Amento, Executive Director  
South Central Regional Council of Governments  
127 Washington Avenue, 4<sup>th</sup> Floor West  
North Haven, CT 06473-1715

Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7070  
Fax: (203) 287-7075

Re: Proposed Amendments of the Hamden Zoning Regulations (# 10-925) and Zoning Map (#10-926)  
regarding Special Flood Hazard Areas

Dear Mr. Amento:

Enclosed please find a copy of the Hamden Planning and Zoning Commission's application to amend the Hamden Zoning Regulations, incorporating new text governing Special Flood Hazard Areas. In addition, please find enclosed a copy of the Commission's application to amend the Zoning Map, removing the FEMA flood plain boundaries, which are replaced by reference to the new FIRM map in the proposed Zoning Regulations. Per Connecticut General Statutes § 8-3b both applications must be submitted to the South Central Regional Council of Governments for review and comment.

On December 17, 2010, the new Flood Insurance Rate Map (FIRM) released by the Federal Emergency Management Agency (FEMA) will replace the outdated 1979 FIRM Map. In order to remain a participant in the National Flood Insurance Program (NFIP), Hamden must update the Flood Regulations section of its Zoning Regulations with the text required by FEMA by that date.

The State NFIP Coordinator, provided a list of required changes as well as a few recommended modifications. The proposed amendment incorporates all of the required and recommended changes. However, the new wording does not alter the basic requirements for construction in Special Flood Hazard Areas, found in the current zoning regulations. Instead, the text provides further clarification that should simplify interpretation of the regulations.

The proposed map amendment eliminates the imprecise, outdated and unnecessary flood zone demarcations from the Zoning Map. Instead, the proposed regulations will now reference the FIRM Map, effective December 17, 2010. The FIRM Map is a preferable option because it is significantly more precise and will have the added advantage of being accessible to citizens on the internet.

I look will be happy to answer any questions you may have.

Sincerely,

Assistant Town Planner

cc: Mayor Scott B. Jackson  
Hamden Planning and Zoning Commission  
Town Planner Leslie Creane

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NOV 4 2010

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

Enclosures: Applications for amendments to the the Zoning Regulations and Zoning Map



Date of Filing 11/3/10  
Fee EXEMPT  
Date Paid \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Application# 10-926

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

**Pursuant to Section 702 of the Hamden Zoning Regulations**

APPLICANT Hamden Planning and Zoning Commission TELEPHONE 203-287-7070  
(Name)  
ADDRESS Hamden Government Center, 2750 Dixwell Ave., Hamden, CT 06518  
(Street No and Name) (Town and State) (Zip Code)

PROPERTY OWNER(S) of subject address  
(If title is held in partnership a sworn statement disclosing the identification of equitable owners is required.)

<u>Name</u>	<u>Mailing Address (include zip code)</u>	<u>Telephone No.</u>
<u>N/A – Town-wide</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ZONING MAP CHANGE SITE LOCATION: Town-wide

ZONING MAP AMENDMENT: **FROM ZONE(S)** FEMA FLOOD PLAIN BOUNDARIES  
**TO ZONE(S)** No FEMA FLOOD PLAIN BOUNDARIES on Zoning Map

Will this proposed zoning map change affect the use of a zone or any portion of a zone that is within 500 feet of the boundary of another municipality? ☒ YES ☐ NO

If yes, which municipality (ies)? North Haven, New Haven, Cheshire, Wallingford, Bethany and Woodbridge

**If the answer is "yes", pursuant to Connecticut General State Statutes Section 8-3b, you must provide stamped (not metered) envelopes with completed certified mail tickets addressed to any municipalities identified above.** The towns that abut Hamden are listed below:

- |   |   |
|---|---|
| 1. Town Clerk of North Haven<br>18 Church Street<br>North Haven, CT 06473 | 2. Town Clerk of New Haven<br>135 Church Street<br>New Haven, CT 06510        |
| 3. Town Clerk of Cheshire<br>84 South Main Street<br>Cheshire, CT 06410   | 4. Town Clerk of Wallingford<br>45 South Main Street<br>Wallingford, CT 06492 |



5. Town Clerk of Bethany  
40 Peck Road  
Bethany, CT 06525

6. Town Clerk of Woodbridge  
11 Meeting House Lane  
Woodbridge, CT 06525

Will this proposed zoning map change affect the use of a property or any portion of a property that is in the:

Spring Glen Village District  
Newhall Design District

☒ YES possibly ☐ NO  
☐ YES ☒ NO

DESCRIPTION OF PROPERTY (Map showing affected property and abutting zones must be attached.)

N/A

REASON FOR PETITION FOR CHANGE The limits of the Special Flood Hazard Areas are depicted at the parcel level on the new FIRM Map that will become effective on December 17, 2010. The proposed Zoning Regulation Amendment references this Firm Map. There is no need to continue to show the SFHAs on the less exact Zoning Map.

Have there been any previous petitions for same location? ☐ YES ☒ NO  
If YES, list name of applicant

RIGHT OF ENTRY: The undersigned owner and/or authorized Agent grants permission to the Zoning Enforcement Officer, Town Planner or their authorized representatives to enter and re-enter property identified to be changed, for purposes of inspection prior to Commission action.

SIGNATURE Daniel W. Kops, Jr. TELEPHONE 203-287-7070  
(Name)

Daniel W. Kops, Jr. Assistant Town Planner, on behalf of the Commission

MAILING ADDRESS

Hamden Government Center, 2750 Dixwell Ave., Hamden, CT 06518

(Street No. and Name)

(Town and State)

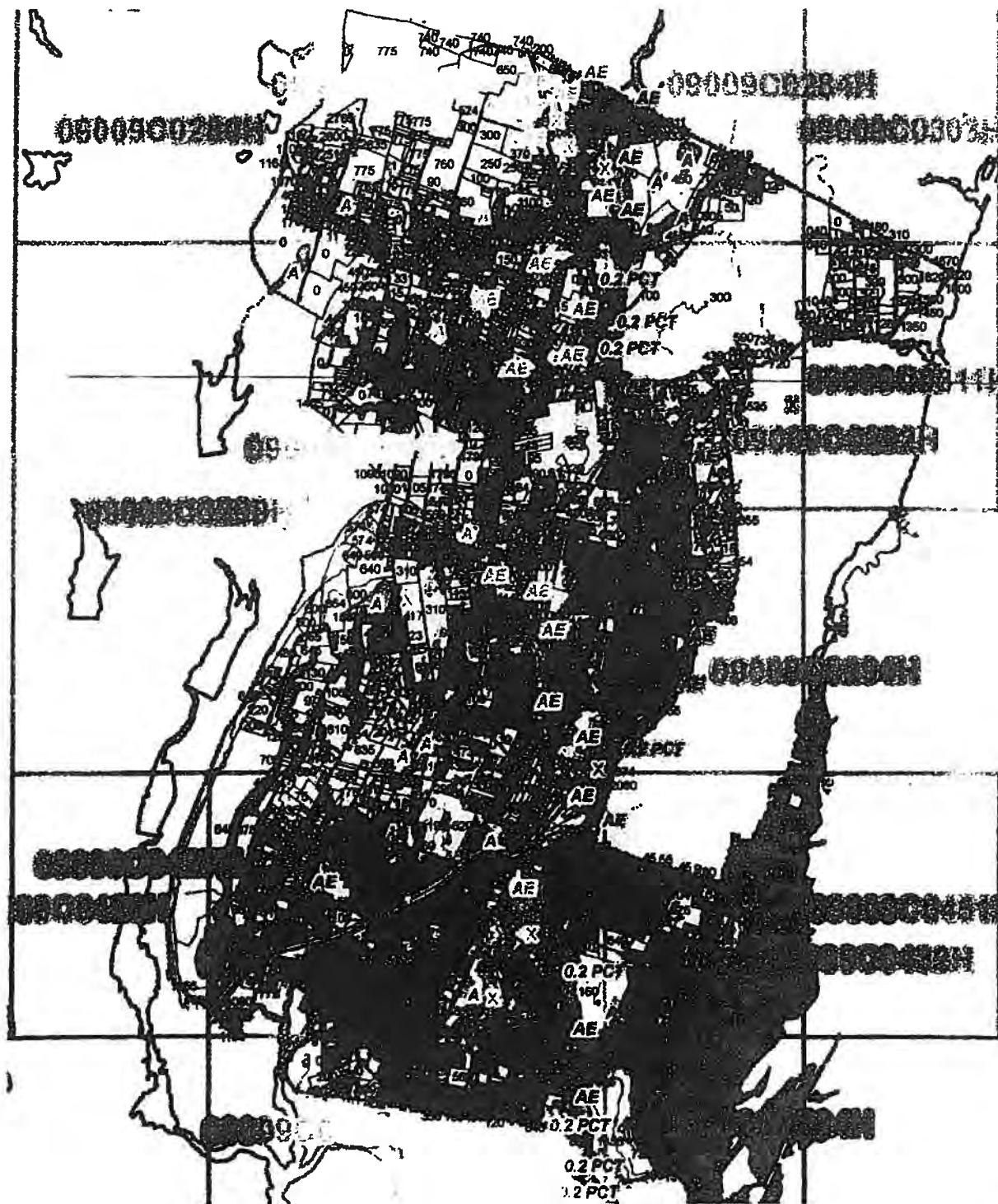
(Zip Code)

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

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SOUTH CENTRAL REGIONAL  
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REDUCED COPY OF FIRM MAP EFFECTIVE DECEMBER 17, 2010

## **BACKGROUND INFORMATION**

### **Amendment to the Zoning Regulations**

On December 17, 2010, the new Flood Insurance Rate Map (FIRM) released by the Federal Emergency Management Agency (FEMA) will replace the outdated 1979 FIRM Map. In order to remain a participant in the National Flood Insurance Program (NFIP), Hamden must update the Flood Regulations section of its Zoning Regulations with the text required by FEMA by that date.

The DEP staff person serving as the State NFIP Coordinator, reviewed Hamden's existing Zoning Regulations and then provided a list of required changes as well as a few recommended modifications. The latter include above-ground storage tanks, structures partially in Special Flood Hazard Areas, structures at multiple flood elevations and structures over water. Copies of both the required and recommended changes are included with this application.

The proposed amendment incorporates all of the required and recommended changes. However, the new wording does not alter the basic requirements for construction in Special Flood Hazard Areas, found in the current zoning regulations. Instead, the text provides further clarification that should simplify interpretation of the regulations.

### **Amendment to the Zoning Map**

The proposed map amendment eliminates the imprecise, outdated and unnecessary flood zone demarcations from the Zoning Map. Instead, the proposed regulations will now reference the FIRM Map, effective December 17, 2010. The FIRM Map is a preferable option because it is significantly more precise and will have the added advantage of being accessible to citizens on the internet.



## Town of Hamden

### Planning and Zoning Department

Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7070  
Fax: (203) 287-7075

November 5, 2010

Mr. Carl Amento, Executive Director  
South Central Regional Council of Governments  
127 Washington Avenue, 4<sup>th</sup> Floor West  
North Haven, CT 06473-1715

Re: Minor Change to the Proposed Amendments of the Hamden Zoning Regulations (# 10-925) regarding Special Flood Hazard Areas and copy of proposed Zoning Map (#10-926)

Dear Mr. Amento:

Per the recommendation of the State Nation Flood Insurance Program Coordinator, the application to amend the Zoning Regulations sent to you on November 3<sup>rd</sup> is modified as follows:

***Proposed Language in the amendment previously submitted:***

Substantial Modification: Any combination of repairs, re-construction, alteration, or improvements to a structure taking place over a 1-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. For purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

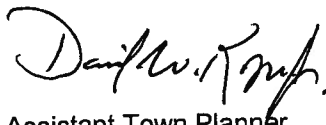
***New Proposed Language (in boldface)***

Substantial Improvement: Any combination of repairs, re-construction, alteration, or improvements to a structure taking place over a 1-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. For purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

***The definition of Substantial Improvement will replace the definition of Substantial Modification contained in the current Zoning Regulations.***

Also enclosed with this letter is a copy of the proposed Zoning Map.

Sincerely,



Assistant Town Planner

cc: Mayor Scott B. Jackson  
Hamden Planning and Zoning Commission  
Town Planner Leslie Creane

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NOV 9 2010

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

Enclosure: Revised text of the proposed amendment to the Zoning Regulations and Zoning Map

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NOV - 9 2010

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

**Proposed Amendment of Zoning Regulations Governing  
Flood Plain Zones and Special Flood Hazard Areas  
November 3, 2010, revised November 5, 2010**

*All new and modified text is shown in boldface. Text in italics is for explanation purposes.*

ARTICLE VIII DEFINITIONS and ABBREVIATIONS

Section 830 Defined Terms

*Add the following new terms and definitions:*

**Base Flood Elevation (BFE):** The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**Manufactured Home Park or Subdivision, Existing:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 15, 1979, the effective date of the floodplain management regulations adopted by a community.

**Existing Manufactured Home Park or Subdivision, Expansion:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA):** The federal agency that administers the National Flood Insurance Program (NFIP).

**Functionally Dependent Use or Facility:** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

**Historic Structure:** Any structure that is: (a) Listed individually in the National

**Register of Historic Places** (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on the State Register of historic places; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

**Manufactured Home Park or Subdivision:** A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

**Manufactured Home Park or Subdivision, New:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 15, 1979, the effective date of the floodplain management regulation adopted by the community.

**Market Value:** The market value of the structure shall be determined by an independent appraisal by a professional appraiser prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

**Variance From Zoning Regulations Governing Flood Plain Zones and Flood Hazard Areas:** A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**Violation of Regulations Governing Flood Plain Zones and Flood Hazard Areas:** Failure of a structure or other development to be fully compliant with the community's floodplain management regulation. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

*Amend the following items and definitions:*

**Development:** Any man-made change to improved or unimproved real estate, including

but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; the installation, repair or removal of public or private sewage disposal systems or water supply facilities; or any use or extension of the use of land.

Flood Insurance Rate Map (FIRM): The official map in which the **Federal Emergency Management Agency** has delineated both the areas of special flood hazards and the risk premium zones applicable to Hamden.

Mean Sea Level (MSL): For purposes of the National Flood Insurance Program, mean sea level means the **North American Vertical Datum (NAVD) of 1988** or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate map are referenced.

Water Surface Elevation: The height, in relation to the **North American Vertical Datum (NAVD) of 1988**, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal and riverine areas.

*Amend the title and text of the definition of Substantial Modification as follows:*

**Substantial Improvement**: Any combination of repairs, re-construction, alteration, or improvements to a structure taking place over a 1-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. For purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either: any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to insure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**The cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees,**

outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

### **Section 430 Flood Plain Zones and Special Flood Hazard Areas**

*Amend the following text as indicated in bold:*

These regulations shall apply to all special flood hazard areas (**SFHA**) within the jurisdiction of the Town of Hamden. The special flood hazard areas identified by the Federal Emergency Management Agency (**FEMA**) in its Flood Insurance Study (**FIS**) for New Haven County, Connecticut, dated December 17, 2010, with accompanying Flood Insurance Rate Maps (**FIRM**), dated December 17, 2010, and other supporting data applicable to the Town of Hamden, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

*Add to Section 430.3.1 General Standards:*

- j. **Compensatory Storage:** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
- k. **Equal Conveyance:** Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or



substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

#### **430.3.2 Specific Standards:**

*Append the following bold text:*

b. **Manufactured Homes.** Manufactured homes shall be placed on a permanent foundation, at least two feet of elevation above base flood level, which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties. **These requirements pertain to all manufactured homes, including those outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood.**

*Add the following four sections to Section 430.3.2 Specific Standards:*

- e. **Above ground Storage Tanks - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.**
- f. **Portion of Structure in Flood Zone - If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sun rooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.**

- g. **Structures in Zones with Different Base Flood Elevations - If a structure lies within two or more zones or areas with different base flood elevations, the construction standards of the most restrictive zone apply to the entire structure. Any structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sun rooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)**
- h. **No Structures Entirely or Partially Over Water - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.**

#### **430.3.4 Floodways**

*In the first paragraph remove "Flood Boundary-Floodway Maps and" from this section since FEMA no longer uses this type of map.*

*In the second paragraph add the bold text as indicated below.*

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachments, including fill, new construction, substantial improvements, **repairs to substantially damaged structures** and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating, **through hydrologic and hydraulic analyses performed in accordance with standard engineering practice**, that encroachments shall result in no **(0.00 feet)** increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

*Add the following new sections on Abrogation and Greater Restriction, and Interpretation.*

#### **430.9 Abrogation and Greater Restrictions**

**This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.**

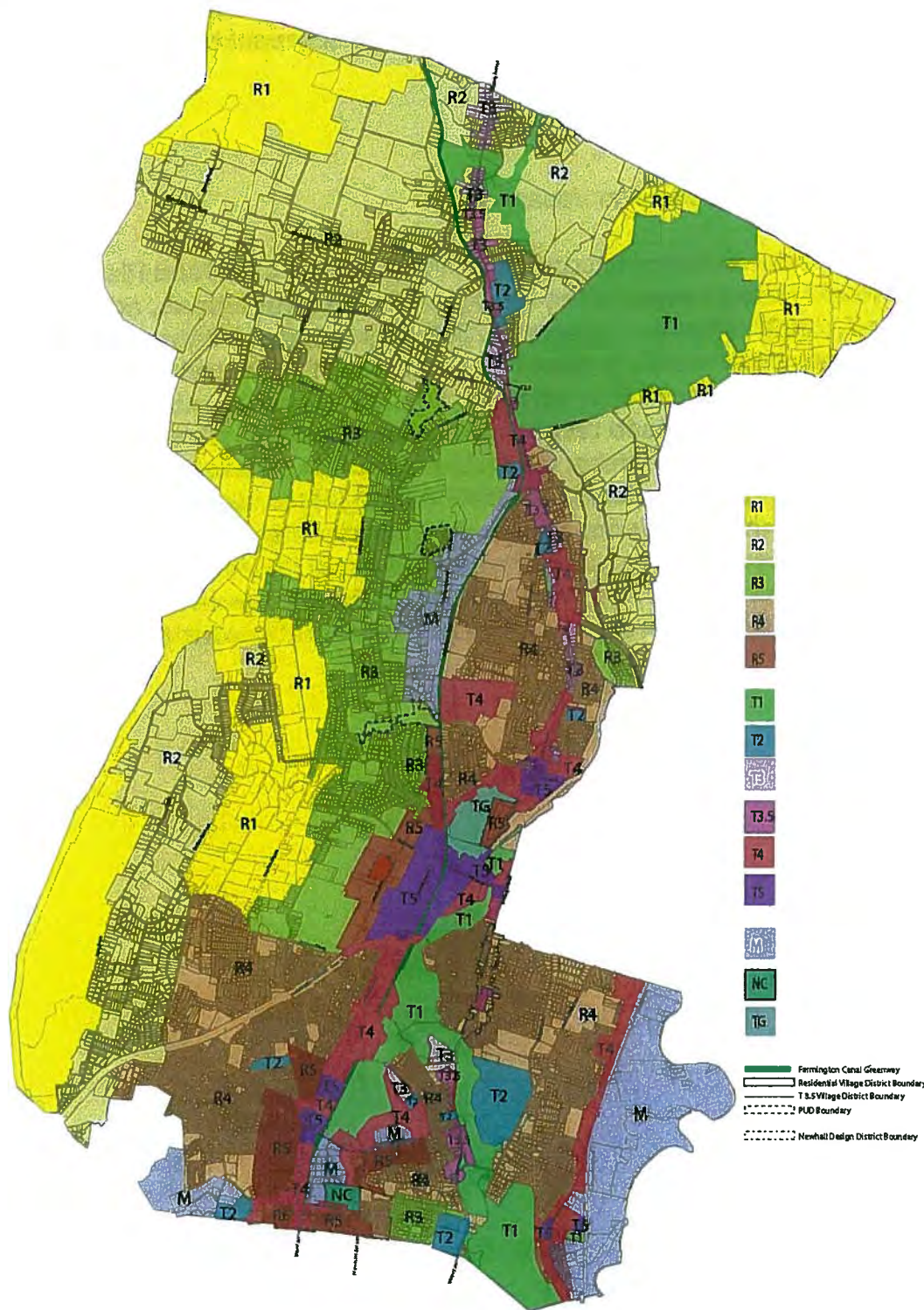
#### **430.10 Interpretation**

**In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under State statutes.**

*Modify:*

#### **726.4 Flood Damage Prevention Variances**

**To hear and decide variance in accordance with Section 430 (Flood Plain Zones and Special Flood Hazard Areas) of the Hamden Zoning Regulations, adopted on December 7, 2009, effective January 1, 2010, as amended. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. For variances which are granted allowing the construction of fully enclosed areas below base flood elevation (BFE), the resulting structure must conform to minimum federal standards of the National Flood Insurance Program cited in 44 CFR 60.3 (c) (5) for such areas below BFE. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.**



# ZONING DISTRICT MAP TOWN of HAMDEN, CT Adopted - December 7, 2009 Effective - January 1, 2010

Amended - March 23, 2010  
Effective - April 15, 2010  
Proposed Amended Map  
to be Effective - December 17, 2010

**2011 MEETING SCHEDULE**  
**SOUTH CENTRAL REGIONAL PLANNING COMMISSION**

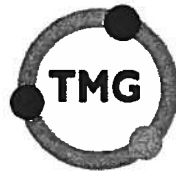
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The South Central Connecticut Regional Planning Commission meets monthly at the office of the South Central Regional Council of Governments, 127 Washington Avenue, 4<sup>th</sup> Floor West, North Haven, CT at **5:15 PM**, unless notified otherwise.

<b>January 13*</b>	<b>March 10</b>	<b>May 12</b>	<b>July 14</b>	<b>September 8</b>	<b>November 10</b>
<b>February 10</b>	<b>April 14</b>	<b>June 9</b>	<b>August 11</b>	<b>October 13</b>	<b>December 8</b>

---

\* RPC Annual Dinner



**Turner Miller Group**  
planning consensus community

**TOWN OF ORANGE, CONNECTICUT  
DRAFT  
EDISON ROAD / MARSH HILL ROAD CORRIDOR  
ZONING REVIEW STUDY**

**DECEMBER 8, 2009**

**PREPARED BY:  
TURNER MILLER GROUP  
408-410 Highland Avenue  
Cheshire, CT 06410  
(203) 271-2458**

**IN ASSOCIATION WITH:  
BUBARIS TRAFFIC ASSOCIATES  
288 Highland Avenue  
Cheshire, CT 06410  
(203) 272-0400**

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**

**OCT 19 2010**

**RECEIVED**

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## I. EXECUTIVE SUMMARY

The Town of Orange consists of approximately 17.6 square miles just west of New Haven in south western Connecticut. The Town has a population of approximately 13,645 (2007). The Marsh Hill Road / Edison Road Corridor is located in the south eastern corner of the Town (See Figure 1: Location Map). Its boundaries extend from Prindle Hill Road south to the Town of Orange border with Milford and from the Town border with West Haven to western the property line of the lots fronting on South Lambert Road (east of its intersection with Indian River Road). The corridor consists of approximately 383 acres.

### Statement of Purpose

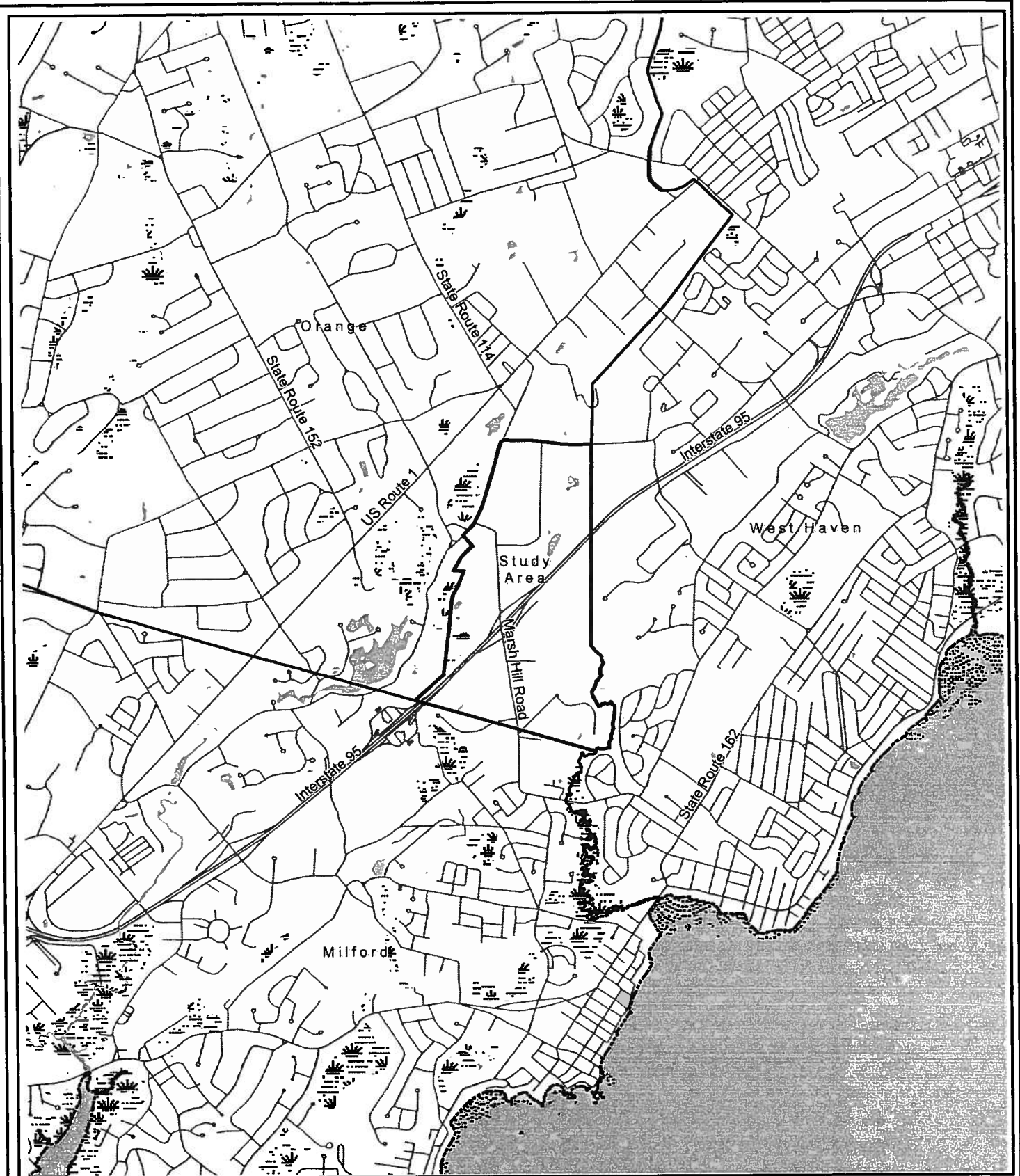
This plan is intended to establish a pro active approach to planning within the study area in response to important changes within the corridor. The purchase of 137 acres of the Bayer Biotech Research facility by Yale University, the potential for the construction of a commuter railroad station and several development proposals. These factors were examined to determine what type of development will be the most beneficial to the Town or Orange in to the future.

### Methods

This study analyzes current land use, zoning, economic and environmental conditions within the corridor to determine a realistic development potential and offers recommendations for each individually defined planning area as to how development should continue into the future.

### Summary of Findings

This analysis divides the corridor into 11 planning areas and provides recommendations for each area. The analysis finds that the limitation of this area to strictly light industrial and distribution uses is somewhat outdated and a limiting factor in some areas. After consideration of a number of factors in each area, one primary planning area emerged in the analysis as being particularly important as to future development based on its proximity to the Yale development and the proposed location of a new Metro-North Railroad Station. It is recommended for this area that the Town establish a Transit Oriented Development District to facility high density, mixed use development to complement the surrounding uses which is recommended to include office, retail and residential development with structured parking in a high quality pedestrian oriented designed development.



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- Study Area Boundary
- Town\_Connecticut\_Polygon
- Roads
- Major Roads

Source:  
 TMG Geographic Information Systems  
 Connecticut Department of Environmental Protection

Map Prepared May 2008 by TMG

0 1 2 3 Feet  
 0 1 2 3,000

1 inch = 3,000 feet



## LOCATION MAP

*Orange Corridor Plan*

Town of Orange, Connecticut

Figure 1

## II. LAND USE AND ZONING

### LAND USE INFLUENCES

When planning for the use of land, it is important to first assess and understand the factors which have an influence over the potential land uses. The following factors are important influences on the subject corridor:

- The area has excellent highway access to the Connecticut Turnpike and regional highway network. This may be the most significant influence.
- The Metro North Rail Road, New Haven Line runs through the southern end of the corridor and a new stop is currently proposed within the corridor. This potential for mass transit offers a unique opportunity to plan for a realistic smart growth development in which residents and employees would have the opportunity to commute by way of rapid mass transit.
- The availability of these transportation assets makes this corridor unique within the State and offers favorable economic development opportunities;
- Yale University acquired the former Bayer Pharmaceutical campus, spanning from Orange into the City of West Haven.
- Some properties contain wetlands or other surface water resources;
- Many of the properties within the corridor are developed, but there are still many key properties available for development or redevelopment;

### EXISTING LAND USE

The study area actually encompasses two distinct sub-areas, each with different characteristics. The two sub-areas are divided by the Connecticut Turnpike.

The sub-area south of the Connecticut Turnpike is primarily characterized by uses that would formerly be classified as industrial. In fact, although these uses fit within the Industrial Zoning categories of the Town of Orange zoning regulations, most of the buildings within this area have been constructed and function within the general category of “flex space.” This category reflects contemporary industrial development standards, and would be permitted, within the Orange zoning regulations, for office, production, storage and distribution uses. In fact, many of these buildings are used for this multitude of purposes.

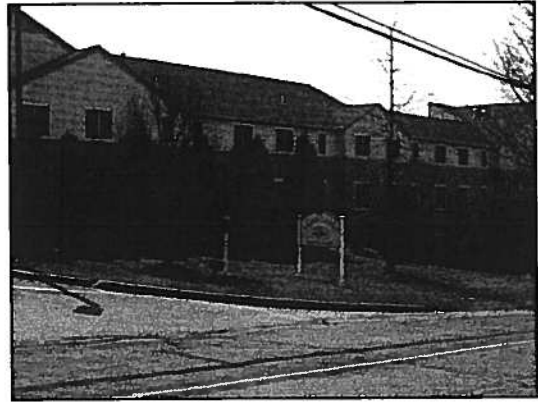
The sub-area north of the Connecticut Turnpike has a less industrial orientation. There is a strong force to link this area with the retail commercial areas along the Route 1 corridor. This pressure for retail is illustrated by the recent approval of the application form Stu Leonard’s, which has been approved by the Town Plan and Zoning Commission.



*Commercial plaza located along Indian River Road. Image by Turner Miller Group*

The corridor also includes residential uses in the form of multi-family developments along Prindle Hill Road and Indian River Road and single family residences mainly clustered around Salemme Road. (See Figure 2: Existing Land Use)

Approximately 100 acres of this area is vacant. This does not include underdeveloped parcels with potential for re-use or redevelopment. This will be studied as work continues. One of the vacant parcels, totaling 10.55 acres is within the area currently owned by Yale University. Showcase Cinemas, which occupies a 33.8 acre parcel in the BOP Zone closed in 2008. This site has been approved for the construction of a new headquarters for United Illuminating and is also available for future development.



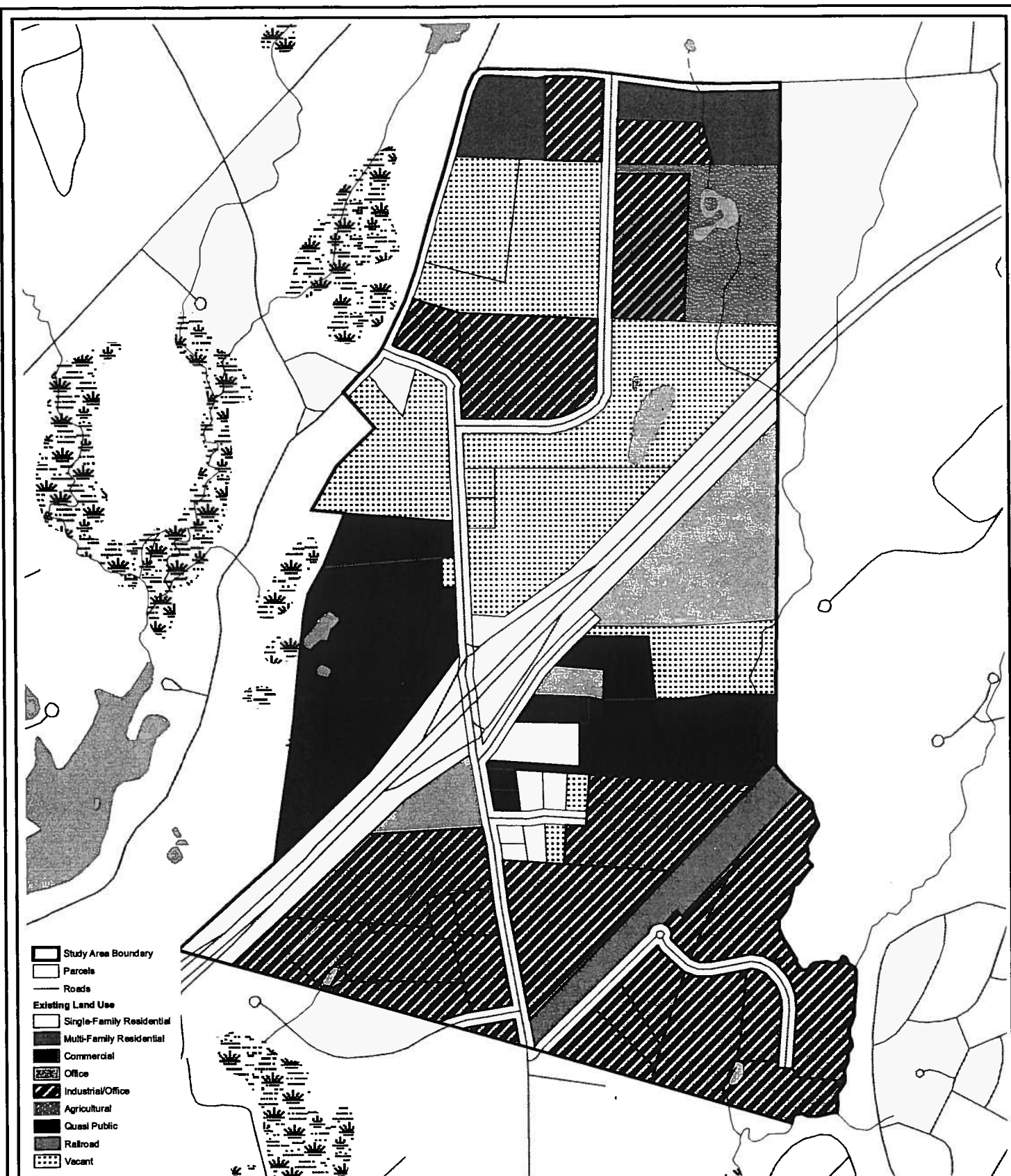
*Laurel Estates multi-family residential complex located on Indian River Road. Image by Turner Miller Group*

The table below outlines the land uses within the corridor and their total acreages:

**Table 1: Land Use Breakdown**

Land Use Category	Total Acreage	Percentage
Single Family Residential	+/- 10.5	2.74%
Multi- Family Residential	16.69	4.35%
Commercial	41.6	10.85%
Office	26.42	6.89%
Industrial / Office	150.77	39.32%
Agricultural	14.66	3.82%
Quasi Public	22.78	5.94%
Vacant	+/- 100	26.08%
<b>TOTAL CORRIDOR</b>	<b>383.42</b>	<b>100%</b>

Source: TMG Geographic Information Systems and Town Assessor's Office



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Source:  
 TMG Geographic Information Systems  
 Connecticut Department of Environmental Protection

Map Prepared May 2008 by TMG

0 1 inch = 900 feet



## EXISTING LAND USE

*Orange Corridor Plan*

Town of Orange, Connecticut

Figure 2

## EXISTING ZONING

The existing zoning districts within the corridor include Light Industrial (LI- 2) , Business Office Park (BOP) and a slightly modified, newly created light industrial district LI-4.

The following uses are permitted by right in the corridor and in other places in the Town with the specified zoning designations below:

**Table 2: Uses Permitted by Right by Zone**

<b>LI-2</b>	<b>LI - 4</b>	<b>BOP</b>
Manufacturing, processing or assembling of goods	University or college and related facilities	Administrative, business and professional offices, including banks and other financial institutions
Laboratories for research and development	Laboratories for research and development	Research facilities for development and testing of products
Business / Professional Offices (excluding those that regularly see clients on premises)	Business / Professional Offices (excluding non-medical establishments that regularly see clients on premises)	Management systems and services
Warehouses	Natural Resource education areas, nature preserves and trails	Public utility substations
Freight and trucking businesses (only when accessory to another use)	Storage or warehouses related to University functions	Municipal Uses
Motor vehicle repair (only when accessory to another use)	Medical Offices, clinics, inpatient and outpatient facilities	Accessory uses related to aforesaid permitted uses
Public utility substations	Data centers or facilities	
Municipal Uses	Manufacturing, processing or assembling of goods	
Railroads and associated uses	Warehouses	
Accessory uses related to aforesaid permitted uses	Freight and trucking businesses (only when accessory to another use)	
	Motor vehicle repair (only when accessory to another use)	
	Public utility substations	
	Municipal Uses	
	Railroads and associated uses	
	Accessory uses related to aforesaid permitted uses	

Source: Town of Orange Zoning Code and Turner Miller Group

The following uses are considered Special Uses in their respective zones and permitted subject to approval by the Town Planning and Zoning Commission:

**Table 3: Special Uses permitted by Zone**

<b>LI- 2</b>	<b>LI-4</b>	<b>BOP</b>
On premises child care and preschool development where at least one-half of the clients are children of employees working on the same or an abutting lot	On premises child care and preschool development on the same parcel or contiguous to a research and development or educational facility where at least one-third of the clients are children of employees working on the same or an abutting lot	Commercial entertainment and amusement facilities
Hotels and motels containing not less than 100 rooms and a conference center (with frontage on I-95 or Marsh Hill Road only)	Hotels and Inns containing not less than 100 rooms (with frontage on I-95 or Marsh Hill Road only)	Hotels and motels containing not less than 100 rooms and a conference center on lots of at least 5,000 square feet
Retail stores and service facilities	Retail stores and service facilities intended for persons employees, students, patients or participants in university or college based programs	
Conference and training centers	Conference and training centers	
Indoor recreational facilities (excluding bowling alleys, pool halls or arcades)	Indoor recreational facilities (excluding bowling alleys, pool halls or arcades)	

Source: Town of Orange Zoning Code and Turner Miller Group

Minimum lot size in the LI-2 and LI-4 Districts is two acres and eight acres in the BOP District which can be reduced to five acres when already shown on an approved subdivision map and located on a street other than Marsh Hill Road or Indian River Road.

Zoning in adjacent municipalities is similar to what exists in Orange. Uses permitted in adjacent municipalities' zoning which includes mainly manufacturing, warehouses and offices are compatible with adjacent uses in Orange. Milford does have small a residential district (R-12.5) along the Orange border.

### PROPOSED DEVELOPMENT

According to the Town Zoning Official, the only recent application for development within the corridor has been for the construction of United Illuminating company headquarters and operation center on the west side of Marsh Hill Road. The development of Stu Leonard's land is still pending at this time. A development proposal for this property was approved by the Town in 2005 and was subsequently challenged by local residents.

As mentioned above, the State of Connecticut has plans for a Metro North Rail station within the corridor on a 17 acre parcel located east of Marsh Hill Road although funding and timing are in question. In addition to being adjacent to the rail line, the parcel is centralized within the

corridor, has street access at the intersection of Frontage Road and Marsh Hill Road and is adjacent to the Yale University property.



The portion of rail line between Milford and New Haven is currently the longest section of the New Haven Line without a station. The development of a railroad station within the corridor provides an opportunity for the Town to create a transit oriented, smart growth development in this area.

Much of the land south of I-95 to the Town line, has been the subject of a rezoning from LI-2 to LI-4 effective as of February 2008. This new zoning district, created specifically to give Yale University additional flexibility in their development options, permits a wide range of options including laboratory and research facilities, medical offices and clinics, data centers and university related facilities.

Indications are that Yale University has not developed a specific plan for development of their approximately 40 acres (within Orange only) but states its purpose for this area to be the expansion of its medical and scientific research capabilities.



### III. ECONOMIC CONDITIONS

The fundamental key to a successful strategy for economic development is an understanding of the current market disposition of the study area. In the recent past, the subject area had developed primarily as an office/industrial park with a slight concentration within the bioscience technology industries (presumably due to the presence of the now departed Bayer Pharmaceuticals campus.) Today, there are a large number of vacancies within these office/industrial park buildings and recently developed uses and proposed development are trending away from these traditional uses signifying a shift in the established market demands at this location. Specifically, recent or proposed developments include residential multifamily units, a hotel, and a supermarket and just outside of the subject area, a high-quality strip retail plaza.

To understand the underlying impetus for this transition, it is useful to first examine larger regional trends.

#### REGIONAL MARKET ANALYSIS

The South Central Connecticut Regional Growth Partnership (RGP) is responsible for collecting and analyzing regional economic data and formulating and updating a Comprehensive Economic Development Strategy (CEDS). A draft of an updated CEDS was recently released in March of 2008 for public comment and has subsequently been accepted. The CEDS reports a number of significant trends which give context to many of the local trends observed within the study area. Local Real Estate Professionals were also contacted to provide further insight into the market trends and forces affecting the region and more specifically the study area.

The CEDS identifies four major industry clusters as being the backbone of the regional economy: education, manufacturing, bioscience technology, and arts & creativity. Logistics [and transportation], which was also previously considered as a fifth major industry cluster in the 2003 CEDS, has been identified as a regional infrastructure. The transportation and logistics industry cluster typically includes, freight haulers, distribution centers, warehousing, messenger and delivery services, pipeline distribution and commuter/tourism/special event transportation.

Yale University, located in the heart of the region is a world-acclaimed academic institution and one of the principle economic drivers of the region. Yale recently purchased the Bayer campus in Orange and West Haven and there expanded facilities are anticipated to be a significant employment and economic development engine in the region. According to CEDS, Yale accounts for two-thirds of the Research and Development Funding expended within the State of Connecticut. This accounted for \$422.8M in 2004, which was almost double the amount of funding in 1994.



Bayer Research Center recently purchased by Yale University – Photo: <http://opa.yale.edu/news/article.aspx?id=1587>

Manufacturing remains a strong component of the regional economy (9.4% of employment and 24.8% of value added to region) of South Central Connecticut. However, the CEDS shows a decline of regional manufacturing at a greater than national rate. Local real estate professionals verified that generally it is lower-skilled manufacturing that has been leaving the region for cheaper areas within the nation or overseas. Advanced manufacturing and support manufacturing for advanced manufacturing (such as small local suppliers to Sikorski Aircraft Corporation) remains a strong and growing industry.

Despite the departure of Bayer and the concomitant loss of approximately 1000 jobs, bioscience remains a strong regional industry cluster. In addition to Bristol-Myers Squibb in Wallingford and Covidien in North Haven, there are several start-up companies in New Haven, the majority of which started out in Science Park, which is adjacent to Yale University Facilities, having been involved in Yale research and development.

Creative industries (such as arts, film, architecture, drama) are also a strong presence in the region. Much of this is fueled by Yale University as well. The strength of this industry cluster is illustrated by the art events and festivals in and around downtown New Haven.

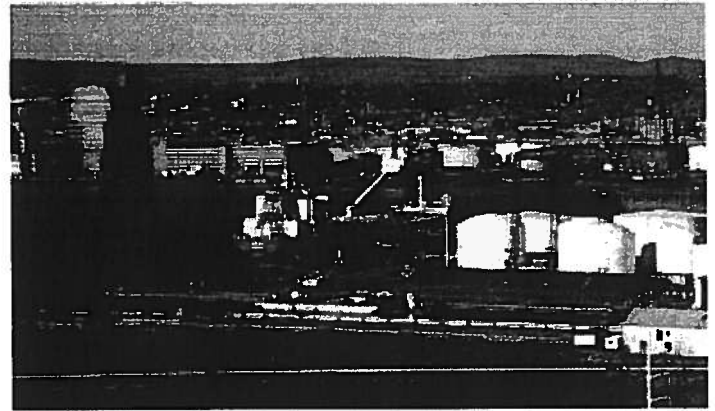
Institutional healthcare and social services, dominated by the Yale-New Haven Hospital have also been a regional driver of employment and economic activity. Other major institutional healthcare facilities include the Hospital of St. Raphael, the Veterans Administration Connecticut Healthcare System and the Mid-State Medical Center. While institutional healthcare employs approximately 65,000 people (approximately 19% of total employment) in relatively high-skill and high-wage jobs, the CEDS does not recommend actively promoting attracting new non-profit institutional healthcare providers. These major employers will continue to be an economic driver in the region and will continue to attract for-profit businesses such as medical offices, labs and ambulatory services. The institutional healthcare industry cluster will also help to support the bioscience technology cluster.

Lastly the CEDS identifies sustainable industries and agriculture as emerging economic engines. It cites the presence of United Technologies Fuel Cell division in South Windsor as an impetus for the sustainable industry cluster and Yale University's Sustainable Food Project as an impetus for the expansion of local agricultural providers.

## Regional Strengths

Generally, the regional market possesses a number of strengths upon which to retain and grow future economic activity. The presence of Yale University in New Haven is probably the largest regional strength that the local economic market possesses. The presence of a number of large, innovative and successful companies that are already heavily invested in the region is an additional strength. Not only do these companies provide jobs, but often use local businesses to provide manufacturing inputs or to perform less-critical processing or research. Sikorski Aircraft Corporation and Bristol-Myers Squibb are good examples of this activity.

Another critical strength of the region is access to the global market via the Port of New Haven. The Port of New Haven provides access for global distribution of products. Access to the global market for is necessary for today's competitive business environment. Tweed-New Haven airport provides regional air transportation and national and world travel through connecting hub cities.



Port of New Haven - Photo: <http://www.cityofnewhaven.com/PortAuthority>

## Regional Challenges

While global access via air and water transportation may be one of the region's evolving economic advantages, intra-regional land travel may be one of its greatest challenges. Interstate 95, which provides access to the New York City and Boston markets, is increasingly congested through the region. The proximity to Interstate 95 and access to New York City and Boston should be a benefit to the region as companies looking for lower-cost real estate alternatives could benefit from the region's strategic location between these two enormous markets. Nevertheless, traffic congestion provides a logistical problem for distribution and presents a challenge to commuter traffic. Commuter rail service is often cited as insufficient and faster service to New York City, rail access to Bradley Airport and additional local stations along the Interstate 95 corridor would be beneficial.

While it is likely that low-skill manufacturing will continue to depart to areas of the country and the world with lower operating costs, the CEDS also cites the lack of affordable housing for employees as one obstacle to the attraction and retention of industry. Some local commercial real estate brokers disagree with this interpretation at least in the case of the Town of Orange, citing the presence of adequate affordable housing in West Haven and New Haven.

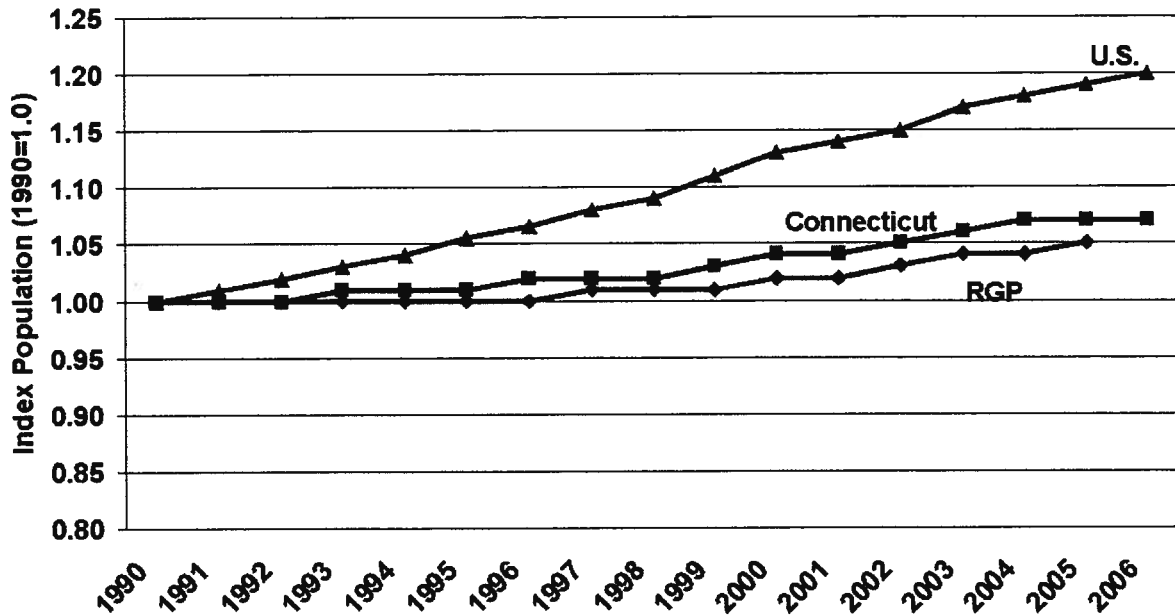
Lastly, the CEDS cites a low supply of vacant land as a notable regional challenge.

## Regional Threats

The region has seen slower population growth as compared with the state and nation; an increased poverty rate; declining employment base; stagnant overall new business growth as

compared to the state and nation; as well as rising utility and healthcare costs. Not only are these a sign of the economic challenges facing the region, but they may become obstacles to attracting new economic opportunities.

**Chart 1: Regional, State and National Population Growth Excerpted from 2008 CEDS**



Source: U.S. Census

#### Residential Employment Factors

Generally, the Town of Orange as a community seems to be somewhat different than the County or State. A number of census statistics provide insight into the average Orange resident.

**Table 4: Median Age, 2000**

	Connecticut	New Haven County	Town of Orange
Total	37.5	37.1	42.9
Male	36.2	35.7	42.2
Female	38.7	38.5	43.9

Source: US Census Bureau

Generally, the Town of Orange has a significantly older population than the State or County.

**Table 5: Place of Work, 2000**

	Connecticut	%	New Haven County	%	Town of Orange	%
Total:	1,640,823	100.00%	388,050	100.00%	6,338	100.00%
Worked in state of residence:	1,552,360	94.61%	381,827	98.40%	6,171	97.37%
Worked in county of residence	1,234,226	75.22%	290,098	74.76%	4,453	70.26%
Worked outside county of residence	318,134	19.39%	91,729	23.64%	1,718	27.11%
Worked outside state of residence	88,463	5.39%	6,223	1.60%	167	2.63%

Source: US Census Bureau; Turner Miller Group

The Town of Orange also has a higher percentage of residents working outside of New Haven County and outside of Connecticut than does the County. This is due to the Town's proximity to employment centers in Fairfield County.

**Table 6: Time and Method of Travel to Work**

	Connecticut	%	New Haven County	%	Town of Orange	%
Total:	1,589,405	100.00%	378,486	100.00%	6,077	100.00%
Less than 30 minutes:	1,100,252	69.22%	270,880	71.57%	4,684	77.08%
Public transportation	17,037	1.07%	4,236	1.12%	4	0.07%
Other means	1,083,215	68.15%	266,644	70.45%	4,680	77.01%
30 to 44 minutes:	275,949	17.36%	64,720	17.10%	652	10.73%
Public transportation	12,477	0.79%	2,852	0.75%	8	0.13%
Other means	263,472	16.58%	61,868	16.35%	644	10.60%
45 to 59 minutes:	96,492	6.07%	20,832	5.50%	291	4.79%
Public transportation	6,006	0.38%	1,411	0.37%	6	0.10%
Other means	90,486	5.69%	19,421	5.13%	285	4.69%
60 or more minutes:	116,712	7.34%	22,054	5.82%	450	7.40%
Public transportation	30,307	1.91%	3,909	1.03%	62	1.02%
Other means	86,405	5.44%	18,145	4.79%	388	6.38%

Source: US Census Bureau; Turner Miller Group

Public transportation usage is much lower among Orange residents with the exception of those traveling more than 60 minutes to work. This may represent a larger proportion of persons traveling to Stamford or New York City for work than the County.

**Table 7: Poverty Status**

	Connecticut	%	New Haven County	%	Town of Orange	%
Total:	3,300,416	100.00%	797,702	100.00%	13,132	100.00%
Income in 1999 below poverty level:	259,514	7.86%	75,733	9.49%	332	2.53%

Source: US Census Bureau; Turner Miller Group

Although New Haven County has a greater percentage of persons living below the poverty limit, the Town of Orange has a much lower percentage.

**Table 8: Time Departing for Work**

	Connecticut	%	New Haven County	%	Town of Orange	%
Total:	1,640,823	100.00%	388,050	100.00%	6,338	100.00%
Did not work at home:	1,589,405	96.87%	378,486	97.54%	6,077	95.88%
12:00 a.m. to 4:59 a.m.	35,436	2.16%	8,677	2.24%	60	0.95%
5:00 a.m. to 5:29 a.m.	32,039	1.95%	7,360	1.90%	70	1.10%
5:30 a.m. to 5:59 a.m.	57,499	3.50%	13,955	3.60%	127	2.00%
6:00 a.m. to 6:29 a.m.	123,062	7.50%	28,099	7.24%	347	5.47%
6:30 a.m. to 6:59 a.m.	179,325	10.93%	41,902	10.80%	542	8.55%
7:00 a.m. to 7:29 a.m.	242,766	14.80%	54,169	13.96%	916	14.45%
7:30 a.m. to 7:59 a.m.	265,137	16.16%	63,006	16.24%	1,266	19.97%
8:00 a.m. to 8:29 a.m.	214,263	13.06%	50,881	13.11%	889	14.03%
8:30 a.m. to 8:59 a.m.	110,992	6.76%	26,978	6.95%	633	9.99%
9:00 a.m. to 9:59 a.m.	91,313	5.57%	22,334	5.76%	665	10.49%
10:00 a.m. to 10:59 a.m.	33,574	2.05%	8,275	2.13%	72	1.14%
11:00 a.m. to 11:59 a.m.	15,996	0.97%	4,018	1.04%	52	0.82%
12:00 p.m. to 3:59 p.m.	102,744	6.26%	26,690	6.88%	217	3.42%
4:00 p.m. to 11:59 p.m.	85,259	5.20%	22,142	5.71%	221	3.49%
Worked at home	51,418	3.13%	9,564	2.46%	261	4.12%

Source: US Census Bureau; Turner Miller Group

Generally, Orange residents have a higher rate of employment at home. A greater proportion leaves during peak commuter hours of 7 AM to 10 AM. There is a much lower proportion of evening and nighttime workers among Orange residents than the State or County.

**Table 9: Median Income**

	Connecticut	New Haven County	Town of Orange
Median family income in 1999	65,521	60,549	88,583

Source: US Census Bureau

The Orange median family makes significantly more than the New Haven or Connecticut median.

**Table 10: Educational Attainment for the Population 25+**

	Connecticut	%	New Haven County	%	Town of Orange	%
Total:	2,295,617	100.00%	551,642	100.00%	9,434	100.00%
No schooling completed	21025	0.92%	5493	1.00%	60	0.64%
Nursery to 4th grade	12152	0.53%	2997	0.54%	0	0.00%
5th and 6th grade	27689	1.21%	6195	1.12%	28	0.30%
7th and 8th grade	72051	3.14%	18641	3.38%	124	1.31%
9th grade	49634	2.16%	12821	2.32%	64	0.68%
10th grade	58315	2.54%	15137	2.74%	149	1.58%
11th grade	49708	2.17%	12786	2.32%	81	0.86%
12th grade, no diploma	77082	3.36%	19667	3.57%	195	2.07%
High school graduate (includes equivalency)	653300	28.46%	169936	30.81%	2023	21.44%
Some college, less than 1 year	136758	5.96%	33816	6.13%	659	6.99%
Some college, 1 or more years, no degree	265983	11.59%	66594	12.07%	1037	10.99%
Associate degree	150926	6.57%	35126	6.37%	716	7.59%
Bachelor's degree	416751	18.15%	84217	15.27%	2027	21.49%
Master's degree	214962	9.36%	45614	8.27%	1517	16.08%
Professional school degree	61109	2.66%	14090	2.55%	573	6.07%
Doctorate degree	28172	1.23%	8512	1.54%	181	1.92%

Source: US Census Bureau; Turner Miller Group

The typical Orange resident generally has attained a greater level of education than the County or State residents, especially with regard to advanced degrees.

**Table 11: Public Assistance Households**

	Connecticut	%	New Haven County	%	Town of Orange	%
Total:	1,302,227	100.00%	319,309	100.00%	4,751	100.00%
With public assistance income	47,914	3.68%	15,056	4.72%	73	1.54%
No public assistance income	1,254,313	96.32%	304,253	95.28%	4,678	98.46%

Source: US Census Bureau; Turner Miller Group

Although New Haven County has a greater percentage of households receiving public assistance, the Town of Orange has a much lesser percentage.

**Table 12: Industry for Population 16+**

	New Haven County	%	Town of Orange	%
Total:	396,326	100.00%	6,459	100.00%
<b>Agriculture, forestry, fishing and hunting, and mining:</b>	1101	0.28%	15	0.23%
Construction	21826	5.51%	307	4.75%
Manufacturing:	63053	15.91%	980	15.17%
Wholesale trade:	13552	3.42%	237	3.67%
<b>Retail trade:</b>	44983	11.35%	613	9.49%
<b>Transportation and warehousing, and utilities:</b>	16707	4.22%	144	2.23%
Information:	14357	3.62%	256	3.96%
<b>Finance, insurance, real estate and rental and leasing:</b>	12826	3.24%	344	5.33%
Professional, scientific, management, administrative, and waste management services:	34860	8.80%	647	10.02%
Professional, scientific, and technical services	24928	6.29%	452	7.00%
<b>Management of companies and enterprises</b>	3013	0.76%	80	1.24%
<b>Administrative and support, and waste management services</b>	22761	5.74%	450	6.97%
<b>Educational, health, and social services:</b>	37615	9.49%	789	12.22%
Educational services	15070	3.80%	256	3.96%
<b>Health care and social assistance:</b>	16993	4.29%	380	5.88%
Health care	85642	21.61%	1556	24.09%
<b>Social assistance</b>	29932	7.55%	666	10.31%
Arts, entertainment, recreation, accommodation and food services:	57346	14.47%	764	11.83%
Arts, entertainment, and recreation	41694	10.52%	621	9.61%
<b>Accommodation and food services</b>	15652	3.95%	143	2.21%
<b>Other services (except public administration):</b>	20327	5.13%	223	3.45%
<b>Repair and maintenance</b>	6951	1.75%	82	1.27%
<b>Personal and laundry services</b>	11203	2.83%	113	1.75%
<b>Religious, grant-making, civic, professional, and similar organizations</b>	11543	2.91%	111	1.72%
Private households	895	0.23%	14	0.22%
<b>Public administration</b>	13239	3.34%	271	4.20%

Source: US Census Bureau; Turner Miller Group

Those items bolded in the table above represent those industries in which Orange residents have a significantly higher rate of employment versus the County. Those items that are shaded represent those industries in which Orange residents have significantly lower rate of employment. Compared to the County, Orange residents are more likely to work in finance, insurance, real estate, management, administration and support, waste management, social assistance and public administration. Orange residents are less likely to work in agriculture, mining, retail, transportation, warehousing, utilities, hospitality, repair or maintenance, personal services, and charitable and similar organizations.



## SUMMARY OF ORANGE RESIDENT STATISTICS

Generally, Orange residents are more affluent and more educated than New Haven County residents. They typically work closer to home and use public transportation less. The higher out-of-county and out-of-state employment of Orange residents along with the lower travel-time-to-work indicates economic influence from the areas to the southwest as well as New York City. The older median age of Orange residents indicates that people are further into the earning phase of their life cycle. The industries that Orange residents work in are typically highly-skilled consistent with the education level of the typical Orange resident. Although poverty and public assistance receivership are low in Orange, they are not non-existent.

## RETAIL MARKET CONDITIONS

There has been significant interest from retailers within the study area over the past several years. The efforts of Stew Leonard's to construct a supermarket within this area illustrate the attractiveness of this area to retailers and retail developers. If Stew Leonard's is constructed, additional interest in retail development within this area can be expected.

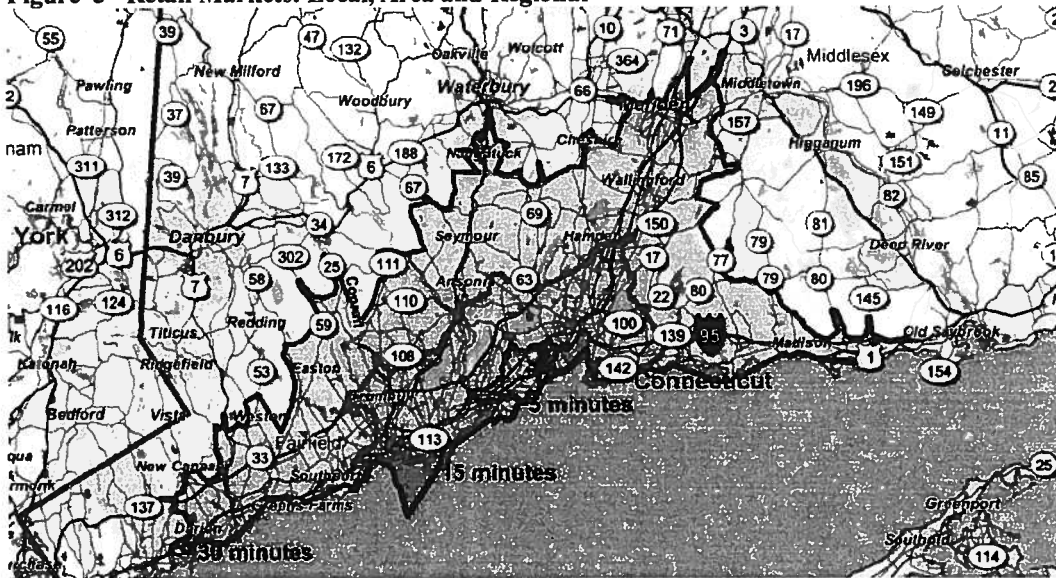
The study area is in close proximity to the major retail centers of the Town of Orange and the region. The Post Road corridor, from the center of Milford eastward into West Haven has evolved into the primary retail area within the western area of the Greater New Haven area. This area originally evolved in this manner by virtue of the importance of Post Road, (US 1) as a transportation corridor, and was reinforced due to the increased accessibility if the vicinity of the Exit 39 interchanges in Milford. The area near the exit 39 has strengthened over recent years with the growth of the Connecticut Post Mall and other retail developments in that area. However, other areas of the Post Road corridor have experienced some signs of weakness as a retail destination.



The presence of an interchange with Interstate 95 within an urban area almost guarantees retail interest in the area. The plan is intended to provide for the most economically advantageous use of this area for the Town of Orange and the region. Therefore, the fundamental issue is whether retail development on this site would benefit the Town, or would it just cause a displacement of retail and economic from other areas.

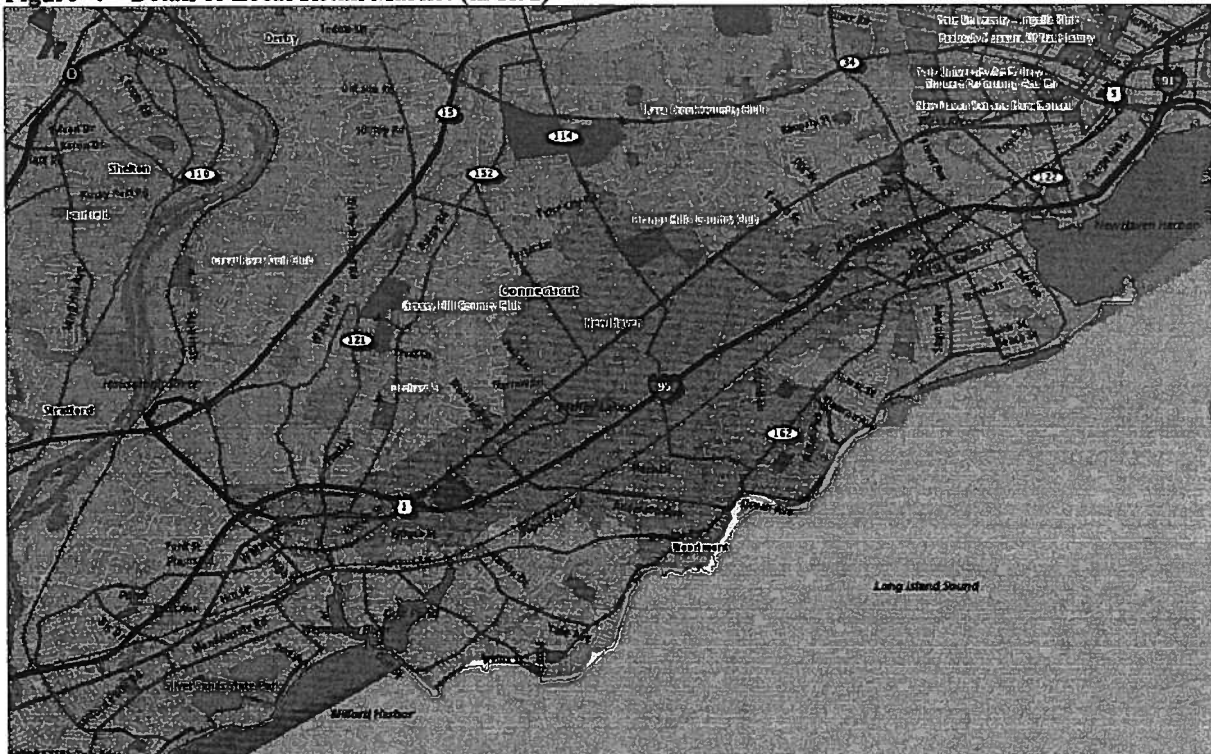
To understand conditions a Retail Marketplace analysis was performed to determine the existing supply and demand of retail within 5, 15 and 30 minutes of the subject area. The drive times generally coincide with local, community and regional shopping markets. The market areas are shown in the following maps:

**Figure 3— Retail Markets: Local, Area and Regional**



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**Figure 4 – Detail of Local Retail Market (in Red)**



In order to determine whether retail development within the study area would have a net benefit to the Town, we examined data that compared the dollar amount of retail demand within one of

the market areas with the dollar amount of retail sales, the supply of retail services. Supply estimates sales to consumers by establishments within the market area. Demand is the retail potential, and it estimates the expected amount spent by consumers within the market area at retail establishments. This is summarized by the "Leakage Surplus Factor," which presents a snapshot of retail opportunity. This is a measure of the relationship between supply and demand that ranges from +100 (total leakage) to -100 (total surplus). A positive value represents 'leakage' of retail opportunity outside the trade area. A negative value represents a surplus of retail sales, a market where customers are drawn in from outside the trade area. The Retail Gap represents the difference between Retail Potential and Retail Sales.

The local area includes most of the Post Road Corridor within Orange and Milford to the area around the Exit 39 Interchange, as well as residential areas of Orange along and north of Route 1, in the Woodmont section of Milford and the West Shore section of West Haven. Not surprisingly, the data summarized below shows a considerable surplus of retail services within this area, given the high concentration of retail activity along the Post Road.

**Table 13: Summary of Retail Leakage within Neighborhood Market Area**

	<b>Demand</b>	<b>Supply</b>	<b>Retail Gap</b>	<b>Leakage/Surplus</b>
	<b>(Retail Potential)</b>	<b>(Retail Sales)</b>	<b>(Demand - Supply)</b>	<b>Factor</b>
Total Retail Trade & Food & Drink	\$413,150,286	\$1,009,364,441	-\$596,214,155	-41.9
Total Retail Trade	\$351,047,327	\$843,336,375	-\$492,289,048	-41.2
Total Food & Drink	\$62,102,959	\$166,028,066	-\$103,925,107	-45.6

The community shopping market area is the primary market for any potential retail use within the study area. As shown on the map this area is linear shaped, reflecting the access provided by Interstate 95. It extends along the shoreline from Bridgeport into East Haven, and north into Hamden, Ansonia, Shelton and Trumbull. The retail market data shows a considerable surplus of overall retail activity within this area, with an estimated \$1.62 billion in retail sales and \$1.26 billion in retail demand. Most of the categories also show a surplus of activity, with an exception for lawn and garden supplies, alcohol sales, gasoline stations, book and music stores, miscellaneous retail stores, full service eating places, and "drinking places." The following charts illustrate the retail surplus and leakage within the community shopping area.

**Table 14: Summary of Retail Leakage within Community Shopping Market Area**

Summary	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap (Demand - Supply)	Leakage/Surplus Factor
<b>Total Retail Trade &amp; Food &amp; Drink</b>	<b>\$5,971,816,775</b>	<b>\$7,156,119,290</b>	<b>-\$1,184,302,515</b>	<b>-9.0</b>
Total Retail Trade	\$5,087,168,834	\$6,118,613,128	-\$1,031,444,294	-9.2
Total Food & Drink	\$884,647,941	\$1,037,506,162	-\$152,858,221	-8.0
Motor Vehicle & Parts Dealers (NAICS 441)	\$1,263,518,974	\$1,623,293,947	-\$359,774,973	-12.5
Automobile Dealers (NAICS 4411)	\$1,104,258,058	\$1,400,127,099	-\$295,869,041	-11.8
Other Motor Vehicle Dealers (NAICS 4412)	\$67,271,769	\$102,111,376	-\$34,839,607	-20.6
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$91,989,147	\$121,055,472	-\$29,066,325	-13.6
Furniture & Home Furnishings Stores (NAICS 442)	\$219,311,129	\$304,484,706	-\$85,173,577	-16.3
Furniture Stores (NAICS 4421)	\$121,953,297	\$167,348,637	-\$45,395,340	-15.7
Home Furnishings Stores (NAICS 4422)	\$97,357,832	\$137,136,069	-\$39,778,237	-17.0
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$174,380,522	\$204,557,621	-\$30,177,099	-8.0
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$191,348,006	\$322,160,544	-\$130,812,538	-25.5
Building Material and Supplies Dealers (NAICS 4441)	\$177,110,550	\$316,612,313	-\$139,501,763	-28.3
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$14,237,456	\$5,548,231	\$8,689,225	43.9
Food & Beverage Stores (NAICS 445)	\$1,088,822,171	\$1,322,808,921	-\$233,986,750	-9.7
Grocery Stores (NAICS 4451)	\$959,597,645	\$1,208,927,876	-\$249,330,231	-11.5
Specialty Food Stores (NAICS 4452)	\$38,571,037	\$38,810,056	-\$239,019	-0.3
Beer, Wine, and Liquor Stores (NAICS 4453)	\$90,653,489	\$75,070,989	\$15,582,500	9.4
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$232,945,044	\$296,598,364	-\$63,653,320	-12.0
Gasoline Stations (NAICS 447/NAICS 4471)	\$628,087,498	\$498,124,037	\$129,963,461	11.5
Clothing and Clothing Accessories Stores (NAICS 448)	\$332,169,662	\$444,571,071	-\$112,401,409	-14.5
Clothing Stores (NAICS 4481)	\$261,294,678	\$355,038,737	-\$93,744,059	-15.2
Shoe Stores (NAICS 4482)	\$34,250,622	\$51,868,096	-\$17,617,474	-20.5
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$36,624,362	\$37,664,238	-\$1,039,876	-1.4
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$107,716,764	\$124,238,738	-\$16,521,974	-7.1
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$59,791,712	\$77,424,785	-\$17,633,073	-12.9
Book, Periodical, and Music Stores (NAICS 4512)	\$47,925,052	\$46,813,953	\$1,111,099	1.2
General Merchandise Stores (NAICS 452)	\$531,395,717	\$696,754,360	-\$165,358,643	-13.5
Department Stores Excluding Leased Depts. (NAICS 4521)	\$282,131,601	\$448,223,598	-\$166,091,997	-22.7
Other General Merchandise Stores (NAICS 4529)	\$249,264,116	\$248,530,762	\$733,354	0.1
Miscellaneous Store Retailers (NAICS 453)	\$93,072,776	\$88,402,694	\$4,670,082	2.6
Florists (NAICS 4531)	\$11,970,581	\$14,935,681	-\$2,965,100	-11.0
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$28,594,716	\$39,766,611	-\$11,171,895	-16.3
Used Merchandise Stores (NAICS 4533)	\$8,026,630	\$16,669,710	-\$8,643,080	-35.0
Other Miscellaneous Store Retailers (NAICS 4539)	\$44,480,849	\$17,030,692	\$27,450,157	44.6
Nonstore Retailers (NAICS 454)	\$224,400,571	\$192,618,125	\$31,782,446	7.6
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$133,914,251	\$126,354,036	\$7,560,215	2.9
Vending Machine Operators (NAICS 4542)	\$31,758,331	\$15,260,586	\$16,497,745	35.1
Direct Selling Establishments (NAICS 4543)	\$58,727,989	\$51,003,503	\$7,724,486	7.0
Food Services & Drinking Places (NAICS 722)	\$884,647,941	\$1,037,506,162	-\$152,858,221	-8.0
Full-Service Restaurants (NAICS 7221)	\$524,464,187	\$411,466,306	\$112,997,881	12.1
Limited-Service Eating Places (NAICS 7222)	\$253,255,639	\$475,398,296	-\$222,142,657	-30.5
Special Food Services (NAICS 7223)	\$69,123,707	\$138,482,591	-\$69,358,884	-33.4
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$37,804,408	\$12,158,969	\$25,645,439	51.3

Regional retail facilities within this area are represented by the Connecticut Post Mall and surrounding areas. The market area extends as far north as Meriden and Waterbury, and along the shoreline from Darien to Madison. This vast area, with a population of 1.1 million supports a vast range of retail facilities.

A summary of retail leakage within this area is shown in Table 15.

**Table 15: Summary of Retail Leakage within Regional Market Area**

	<b>Demand</b>	<b>Supply</b>	<b>Retail Gap</b>	<b>Leakage/Surplus</b>
	<b>(Retail Potential)</b>	<b>(Retail Sales)</b>	<b>(Demand - Supply)</b>	<b>Factor</b>
Total Retail Trade & Food & Drink	\$15,813,675,540	\$14,900,441,143	\$913,234,397	3.0
Total Retail Trade	\$13,500,748,098	\$12,951,270,039	\$549,478,059	2.1
Total Food & Drink	\$2,312,927,442	\$1,949,171,104	\$363,756,338	8.5

This data indicates a slight retail leakage within the regional market area. Certain sectors do have a gap in retail facilities within this area.

### SUMMARY - SUBJECT AREA MARKET CONDITIONS

Several professionals knowledgeable about the economic conditions and real estate market were interviewed for information regarding local market conditions and recommendations for the subject area. The following is a summary list of their input and recommendations.

1. The subject area in Orange is along the major transportation corridor of the northeast. It 65 miles to Manhattan and 140 miles to Boston. The location is very attractive for businesses wishing for access to both markets.
2. The area has traditionally been used for warehousing and related uses, with some light manufacturing. This area has established itself as light industrial/office park, laboratory and heavy commercial area and there is continuing market interest in the study area from these industries.
3. Access to Exit 41 of Interstate 95 has fostered these types of uses. There has been recent interest in some of the properties for uses other than light industrial. An investor has been purchasing the houses on Salem Lane.
4. The United Illuminating Corporation has purchased the former Showcase Cinema's site for construction of new corporate headquarters and operational activities. These plans have been approved by the town land use agencies.
5. The purchase of the former Bayer facilities by Yale University has a significant potential to influence the growth in this area. Zoning was changed, a data center located. Plans have developed for a medical research center specializing in psychiatry. The facility is expected to have 2,000 employees within two years.
6. Sikorski Aircraft is major player in region employing a significant amount of people as well as providing business to "Mom and Pop" suppliers.
7. There have been some inquiries from Biotechnology companies about this location.
8. Interstate 95 traffic congestion negatively impacts industrial development in the area.

9. The tax and utility costs make it operationally expensive to do business in the area.
10. Many area manufacturing companies have departed, but there are a significant number that need to remain in the area for multiple reasons, including the presence of larger companies to which they supply.
11. Many of the existing older manufacturing buildings within the region are functionally obsolete.
12. There is a consistent belief that clean research and development or laboratory industry is the highest and best use for the area.
13. There is mixed opinion on the state of the office market. Some believe it is weak, while others feel that it is respectable.
14. There have also been inquiries for retail uses. Some believed that convenience commercial retail would work in selected locations, especially around the proposed new train station or at its interface with Marsh Hill Road. Such a location could also serve the future Yale Campus. Others have stated that larger retail would not work citing the relative weakness of big-box retail on US Route 1 and the presence of premium retail at the Connecticut Post Mall.
15. There is mixed opinions on the need for more residential development in this area. Some believed that absolutely no additional residential development should be permitted. Some believed that a thoughtful transit-oriented residential development would be a good idea in this location. An interest in age-restricted residential was also discussed.
16. Bus Routes provide access to affordable housing in New Haven.
17. Private recreation could be profitable and there is a continuing demand for movie theaters, since the existing theater closed. The theaters at the Connecticut Post Mall have not absorbed the demand. "Frozen Ropes" provides batting cages nearby.



Avalon Orange Residential Development amidst established industrial area.  
Photo: <http://images.google.com>

## CONCLUSIONS:

The 2008-2009 has greatly inhibited economic activity throughout the nation. However, the fundamental economic factors described within this report remain valid.

1. The overall market for many types of real estate development is currently weak. However, plans for development of this area is long-term and demand for different types of uses can be expected to stabilize over the long term.
2. Yale University is the largest landowner within the subject area, and will be a strong economic influence for the areas future growth. There is the potential for spin-off and supportive business for the activities on the Yale Campus.
3. There remains a strong growth potential in the region and in the subject area for healthcare-related and bioscience laboratory and R&D space, especially in conjunction with related activities at the Yale Campus.
4. Advanced manufacturing also has a strong growth potential, especially manufacturing of inputs for larger established industry.
5. The market for additional retail uses within the area is somewhat limited. Any new large scale retail development is likely to shift the market from other locations.
6. One exception to this may be for local convenience commercial uses to support the future employees, residents and visitors to the area.
7. The market for new office use within the subject area is limited within the near term. However, this area offers unique locational advantages, and development of office space for the emerging industries of the region is likely over a long-term period.
8. There is a need and demand for different types of multi-family housing in the area. In particular, the unique accessibility of the area in the form of the proposed Metro North station. Would make it attractive for high density housing.
9. The supply of vacant and developable land is limited within the study area.
10. Sites within the study area may be uniquely situated to accommodate biotechnology industrial facilities, such as laboratories, research and development, office and advanced manufacturing facilities; along with a transit oriented residential and commercial development.

## IV. TRAFFIC AND UTILITIES

### TRAFFIC

The purpose of this study was to evaluate the impact that the selected development proposal for any of the parcels of land served by Marsh Hill Road, Indian River Road, and/or the extension of Edison Road between Marsh Hill Road and its current western terminus west of Prindle Hill Road, will have on the principal intersections within this study area.

At the current time, the anticipated development proposal consists of a new Metro North Railroad Station on the parcel of land located on the east side of Marsh Hill Road and served by a two-way site drive in the vicinity of Salemm Lane. It has been assumed that full development of this parcel, which would consist of a combination of commuter parking, a hotel, multi-family residential units, retail space and office space, would be developed and fully occupied in about 10 years, or by 2020. These traffic operational analyses assess the impact of this development proposal, and recommendations for the required roadway and traffic control improvements to mitigate this impact have been formulated and prioritized.

The work effort to date has included an analysis of the many improvements that have recently been implemented by the Connecticut Department of Transportation in the immediate area, as well as the improvements proposed by the Stew Leonard's development proposal to extend Edison Road between Prindle Hill Road and Marsh Hill Road. Specifically, the following two documents were reviewed and pertinent information therein was included in the analyses that follow:

- Traffic Study for Stew Leonard's, dated December 28, 2004, by Barkan & Mess Associates, prepared for the developer.
- Independent Traffic Impact Study of Stew Leonard's, dated February 2005, by BL Companies, prepared for the Town of Orange.

Existing roadway and traffic control conditions within the study area were analyzed. Additionally, since the two aforementioned studies only considered the traditional retail peaks, including the weekday pm peak and the Saturday midday peak, manual turning movement counts were conducted at the various study intersections during the weekday am peak to facilitate analyses of weekday am peak hour traffic operations as well. These existing am peak hour turning movement counts were expanded to include the impact of the proposed Stew Leonard's during that peak as was the case for the weekday pm and Saturday midday peaks contained in the two aforementioned traffic studies.



## Studied Intersections

The following intersections were studied:

### *1.) Marsh Hill Road and Interstate 95 Northbound ramps*

This is a four-way, signalized intersection with Marsh Hill Road running north-south, the I-95 Northbound Off Ramp as the west leg and the service road connecting to the I-95 Northbound On Ramp and the former Bayer property as the east leg.

The Marsh Hill Road northbound approach is three lanes wide with two through lanes and one dedicated right-turn lane. The Marsh Hill Road southbound approach is four lanes wide with two dedicated left-turn lane and two through lanes. The I-95 Northbound Off Ramp (eastbound) approach is four lanes wide with two dedicated left-turn lanes, one combination through/ right lane and one dedicated right-turn lane. The service road westbound approach is two lane wide with one dedicated left-turn lane and one dedicated right-turn lane.

### *2.) Marsh Hill Road at Interstate 95 Southbound ramps (former Cinema access drive forms east leg at this intersection)*

This is a four way, signalized intersection with Marsh Hill Road running north-south; the former Cinemas Drive as the west leg, and the I-95 Southbound On/Off Ramps as the east leg.

The Marsh Hill Road northbound approach is four lanes wide with one dedicated left-turn lane, two through lanes and one dedicated right-turn lane. The Marsh Hill Road southbound approach is four lanes and one dedicated right-turn lane. The former Cinemas Drive eastbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one dedicated right-turn lane. The I-95 Southbound Off Ramp westbound approach is four lanes wide with one dedicated left-turn, one combination left/through lane, one combination through/right lane and one dedicated right-turn lane.

### *3.) Marsh Hill Road at Edison Road Extension*

This will be, upon completion, a three-way signalized intersection with Marsh Hill Road running north-south and the Edison Road Extension as the east leg.

The Marsh Hill Road northbound approach will be three lanes wide with two through lanes and one dedicated right-turn lane. The Marsh Hill Road southbound approach will be three lanes wide with one dedicated left-turn lane and two through lanes. The Edison Road westbound approach will be three lanes wide with two dedicated left-turn lanes and one dedicated right-turn lane.

### *4.) Marsh Hill Road and South Lambert Road at Indian River Road*

This is a four-way, signalized intersection with Marsh Hill Road as the south leg, South Lambert Road as the north leg and Indian River Road running east-west.

The Marsh Hill Road northbound approach is three lanes wide with two through lanes and one dedicated right-turn lane. The South Lambert Road southbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/right lane. The Indian River Road eastbound approach is two lanes wide with one combination left/through lane and one dedicated right-turn lane. The Indian River Road westbound approach is three lanes wide with one dedicated left-turn lane, one combination left/through lane and one dedicated right-turn lane.

*5.) Boston Post Road at Lambert Road and South Lambert*

This is a four-way signalized intersection with Boston Post Road (U.S. Route 1) running east-west, Lambert Road as the north leg and South Lambert as the south leg. The Boston Post Road eastbound approach is four lanes wide with one dedicated left-turn lane, two through lanes and one dedicated right-turn lane. The Boston Post Road westbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/right lane. The South Lambert Road northbound approach is three lanes wide with one dedicated left-turn lane, one combination left/through lane and one dedicated right-turn lane. The Lambert Road southbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/right-turn lane.

*6.) Boston Post Road at Racebrook Road and Old Tavern Road*

This is a five-way signalized intersection with Boston Post Road (U.S. Route 1) running east-west, Racebrook Road (CT Route 114) as the north leg, Racebrook Road (local road) as the south leg and Old Tavern Road as the northwest leg.

The Boston Post Road eastbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/right-turn lane. The Boston Post Road westbound approach is four lanes wide with one dedicated left-turn lane, two through lanes and one dedicated right-turn lane. The Racebrook Road northbound approach is three lane wide with one dedicated left-turn lane, one through lane and one dedicated right-turn lane. The Racebrook Road southbound approach is three lanes wide with one dedicated left turn lane, one through lane and one dedicated right-turn lane. The Old Tavern Road southeastbound approach is one lane wide.

*7.) Boston Post Road at Smith Farm Road and Indian River Road*

This is a four way unsignalized intersection with Boston Post Road (U.S. Route 1) running east-west, Smith Farm Road as the north leg and Indian River Road as the south leg.

The Boston Post Road eastbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/ right-turn lane. The Boston Post Road westbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/ right-turn lane. The Indian River Road northbound approach is one

lane wide controlled by a Stop sign. The Smith Farm Road southbound approach is one lane wide controlled by a Stop sign.

*8.) Indian River Road at Racebrook Road*

This is a three-way unsignalized intersection with Racebrook Road as the north and east legs and Indian River Road as the south leg.

The Racebrook Road southbound approach is two lanes wide with one dedicated left-turn lane and one through lane. The Indian River Road westbound approach is one lane wide for combination left and right turns controlled by a Stop sign.

*9.) Indian River Road at Recreation Showroom Site Drive and Prindle Hill Road*

This is a four-way signalized intersection with Indian River Road running east-west, the new Recreation Showroom facility site drive as the north leg and Prindle Hill Road as the south leg.

The Indian River eastbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one dedicated right-turn lane. Indian River Road westbound approach is two lanes wide with one dedicated left-turn lane and one combination through/right turn lane. The Prindle Hill Road northbound approach is two lane wide with one combination left/through lane and one dedicated right-turn lane. The Recreation Showroom side drive southbound approach is one lane wide for combination left/through/right turning movements.

*10.) Prindle Hill Road at Edison Road*

This is a three-way unsignalized intersection with Prindle Hill Road running north-south and Edison Road as the west leg.

The Prindle Hill Road approach is one lane wide for combination left/through-turns. The Prindle Hill Road southbound approach is one lane wide for combination through/right –turning movements / The Edison Road eastbound approach is two lanes wide with one dedicated left-turn lane and one dedicated right turn lane controlled by a Stop sign.

*11.) Marsh Hill Road at proposed Metro North Railroad Station Site Drive*

This will be a three-way, signalized intersection with Marsh Hill Road running north-south and Metro North Site Drive as the east leg located about 500 feet south of the Interstate 95 Northbound Ramps intersection at Marsh Hill Road. The specific lane arrangements and traffic signal operation that will be required are discussed later in this report.

### 2010 Peak Hour Traffic Volumes

Reference is made to Exhibits 2 through 4 of the Appendix which summarize the existing 2010 peak hour traffic volumes for the subject study area during the weekday am, weekday pm, and Saturday midday peak hours. These projected peak hour traffic volumes were derived from both the manual turning movement counts conducted for the weekday am peak, and from the weekday pm peak and Saturday midday peak traffic volumes obtained from the two aforementioned studies conducted for the Stew Leonard's project and then projected forward to study year 2010.

### 2015 Peak Hour Traffic Volumes

Reference is made to Exhibits 5 through 7 of the Appendix which summarize the projected 2015 peak hour traffic volumes for the subject study area during the weekday am, weekday pm, and Saturday midday peak hours. These projected peak hour traffic volumes were derived by expanding the existing peak hour traffic volumes from Exhibits 2 through 4 by 2 percent per year over the 5-year period from 2010 to 2015, or by a factor of 1.10.

### 2020 Peak Hour Traffic Volumes

Reference is made to Exhibits 8 through 10 of the Appendix which summarize the projected 2020 peak hour traffic volumes for the subject study area during the weekday am, weekday pm, and Saturday midday peak hours. These projected peak hour traffic volumes were derived by expanding the existing peak hour traffic volumes from Exhibits 2 through 4 by 2 percent per year over the 10-year period from 2010 to 2020, or by a factor of 1.20.

### Metro North Railroad Station Development Area

Reference is made to Table 1 of the attached Traffic Study in Appendix B of this report which summarizes the estimated development potential for the proposed new Metro North Development Area to be located on the east side of Marsh Hill Road, south of Interstate 95, and served by a new site drive in the vicinity of Salemm Lane. The full development potential of the site, anticipated to be fully occupied by 2020, includes 1,000 commuter parking spaces, a 200-room hotel, 250 multi-family residential units, 50,000 square feet of retail space, and 300,000 square feet of office space.

Exhibit 11 of the Appendix within the Traffic Study summarizes the estimated trip generation calculations for each of the proposed uses within the Metro North Railroad Station Development Area. These trip generation calculations were made utilizing the latest edition of Trip Generation Manual by the Institute of Transportation Engineers.

Reference is made to Table 2 of the attached Traffic Study which summarizes the trip generation estimates for each of the proposed land uses within the proposed Metro North Railroad Station Development Area based on the calculations shown in Exhibit 11 of the Appendix for each of the three study peak periods: weekday am peak, weekday pm peak, and Saturday midday peak. Since the proposed development will have some component of its traffic utilizing the railroad

itself in traveling to and from the site, this table also shows the estimated component of site-generated traffic for each use that will be vehicle-oriented and added to the surrounding roadway network.

Table 2 shows that it is estimated that 100 percent of the railroad station commuter traffic utilizing the parking spaces, 100 percent of the hotel traffic, 50 percent of the residential traffic, 80 percent of the retail traffic, and 75 percent of the office traffic will travel to and from the site via passenger vehicles, whereas the balance for each will travel by train and not impact the surrounding roadway network.

A review of Table 2 shows that it is estimated with full development of the proposed Metro North Railroad Station site, there will be an addition of about 1,663 vehicles per hour during the weekday am peak, 1,906 vehicles per hour during the weekday pm peak, and 679 vehicles per hour during the Saturday midday peak.

Reference is made to Exhibit 12 of the Traffic Study's Appendix which graphically shows the estimated site-generated traffic distributions for the proposed Metro North Railroad Station Development Area. It has been assumed that site-generated traffic will generally follow the same distribution patterns as existing traffic entering and exiting the study area, or more specifically as follows:

- To and from the south via Marsh Hill Road: 25 percent
- To and from the west (south) via Interstate 95: 25 percent
- To and from the east (north) via Interstate 95: 30 percent
- To and from the west via Boston Post Road: 5 percent
- To and from the east via Boston Post Road: 5 percent
- To and from the north via Lambert Road: 5 percent
- To and from the north via Racebrook Road: 5 percent

Reference is made to Exhibits 13 through 15 of the Traffic Study's Appendix which graphically show the estimated site-generated traffic volumes for the three-study periods, including weekday am, weekday pm and Saturday midday peaks, for the proposed Metro North Railroad Station Development Area. Exhibits 13 through 15 were derived by multiplying the respective site-generated peak hour traffic volume estimates from Table 2 by the corresponding site-generated traffic distribution estimates from Exhibit 12 of the Appendix.

#### Operations Analyses and Findings

Traffic operations analyses were conducted for the subject study area for the three study peaks under 2010 existing, 2020 background (no-build), and 2020 combined (build) conditions utilizing the Highway Capacity Methodology developed by the Federal Highway Administration. This methodology was facilitated by utilization of the Synchro Traffic Operations Analysis Software.

The 2010 existing peak hour analyses are based on the peak hour traffic volumes from Exhibits 2 through 4 of the Appendix.

The 2020 background (no-build) peak hour analyses (in the year when full occupancy of the Metro North Development Area is expected but without its associated traffic) are based on the peak hour traffic volumes from Exhibits 8 through 10 of the Appendix.

The 2020 combined (build) peak hour analyses (i.e., with the addition of Metro North Development Area traffic) are based on the peak hour traffic volumes from Exhibits 16 through 18 of the Appendix. Exhibits 16 through 18 were derived by adding the 2020 background (no-build) peak hour traffic volumes from Exhibits 8 through 10 to the respective site-generated peak hour traffic volumes from Exhibits 13 through 15.

Reference is made to Exhibits 19 and 20 of the Traffic Study's Appendix which summarize the definitions of levels of service for signalized and unsignalized intersections, respectively, similar to the study intersections.

The results of the traffic operations analysis are summarized in Table 3 traffic study showing the following:

#### *Marsh Hill Road at Interstate 95 Northbound Ramps*

This signalized intersection will experience significant reductions in overall levels of service during the weekday am and weekday pm peaks as the result of the proposed Metro North development, operating at overall levels of service D and E, respectively, during these two peaks. Given the extent of improvements recently made at this intersection, there is very little if anything that can be done to overcome these fair to poor levels of service.

#### *Marsh Hill Road at Former Cinemas Drive and Interstate 95 Southbound Ramps*

This signalized intersection will experience a significant reduction in overall level of service during the weekday pm peak as the result of the proposed Metro North development, operating at overall level of service E, and this with a relatively low traffic generator such as the movie theater that previously occupied the west side of Marsh Hill Road. Improvement will probably require doubling-up some of the dedicated turn lanes to move traffic more efficiently.

#### *Marsh Hill Road at Edison Road Extension*

This signalized intersection will continue to operate satisfactorily during all three peaks with or without the addition of the Metro North development.

#### *Marsh Hill Road at South Lambert Road and Indian River Road*

This signalized intersection will experience significant reductions in overall levels of service during the Saturday midday peak as the result of the proposed Metro North development, operating at overall level of service D. Given the extent of improvements recently made at this intersection, there is very little if anything that can be done to overcome this "fair" level of service.

*Boston Post Road at Lambert Road and South Lambert Road*

This signalized intersection will experience reduction in overall level of service during the Saturday midday peak, operating at overall level of service E. Given the extent of improvements recently made at this intersection, there is very little if anything that can be done to overcome this poor level of service.

*Boston Post Road at Racebrook Road and Old Tavern Road*

This signalized, five-way intersection will continue to experience poor levels of service F during the weekday pm and Saturday midday peaks until such time that the fifth leg, Old Tavern Road, is made to operate one-way away from the intersection.

*Boston Post Road at Smith Farm Road and Indian River Road*

This unsignalized intersection will experience significant delays for traffic exiting the Indian River Road and Smith Farm Road approaches during the weekday pm and Saturday midday peaks without the benefit of a traffic signal to provide exclusive right-of-way, with or without the proposed Metro North development.

*Indian River Road at Racebrook Road*

This unsignalized intersection will experience significant delays for traffic exiting the Indian River Road westbound approach during the weekday pm and Saturday midday peaks without the benefit of a traffic signal to provide exclusive right-of-way, with or without the proposed Metro North development.

*Indian River Road at Recreation Showroom Site Drive and Prindle Hill Road*

This signalized intersection will continue to operate satisfactorily during all three peaks with or without the addition of the Metro North development.

*Prindle Hill Road at Edison Road*

This unsignalized intersection will experience significant delays for traffic exiting Edison Road during the weekday pm peak without the benefit of a traffic signal to provide exclusive right-of-way, with or without the proposed Metro North development which will add negligible traffic to this intersection.

*Marsh Hill Road at Metro North Railroad Station Site Drive*

This new three-way intersection will serve as the sole site drive for the proposed Metro North development. Signalization of this intersection and the provision of the following lane

arrangements will be required: Marsh Hill Road southbound approach will require two dedicated left-turn lanes for traffic turning into the site and two dedicated through lanes; Marsh Hill Road northbound approach will require two dedicated through lanes and one dedicated right-turn lane for traffic turning into the site; and the Site Drive westbound (outbound) approach will require one dedicated left-turn lane and two dedicated right-turn lanes for traffic turning out of the site.

### Conclusions

The above traffic analysis shows there will be little to no impact on the northern sections of the project area; north of I-95. There will be some traffic impacts on the I-95 ramps due to the new development anticipated in the vicinity of Selemme Lane. The most significantly impacted area which will likely lead to a need for road improvements will be the lower end of Marsh Hill Road. The



## EXISTING UTILITIES

### Water

The water systems in the area are maintained by the South Central Connecticut Regional Water Authority. The area is serviced by a 30 inch transmission main along Prindle Hill Road. The network of water mains within the project area also consists of a 24 inch main along Indian River Road and a 16" along Marsh Hill Road. Edison Road, Connair Road, Cascade Boulevard, Executive Boulevard, and Frontage Road are all served by 12 inch water mains.

These mains are relatively new and designed with the expectation of future development in the area. The South Central Connecticut Regional Water Authority does not expect any future capital improvement projects within the corridor area.

### Sanitary Sewer

Sanitary sewer in the area is collected and conveyed to a system in West Haven. The area to the north of Interstate 95 is collected in 8" and 10" gravity lines discharging to the Indian River Road pump station. A sanitary sewer force main from the Indian River Road pump station carries the sewage from the Indian River Road area, through an easement, to a manhole in the vicinity of the proposed Edison Road Extension. From this point it is conveyed in a 12 inch gravity line via an easement to the West Haven town line.

The area to the south of Interstate 95 is collected and pumped through a force main that connects to an 8 inch gravity line which passes through an easement from Frontage Road to the West Haven town line.

There is no indication that the current system experiences capacity issues. All sewage generated from this area is treated at the West Haven Waste Water Treatment Plant located at 2 Beach St in West Haven, CT. The water pollution control facility is operated by Operations Management International, Inc.

### Natural Gas

The Edison Rd/Marsh Hill Road corridor is served by a 6" natural gas network. Southern Connecticut Gas Company supplies the gas and maintains the network for this region. The gas network has sufficient volume and pressure to support expansion within the corridor area.

### Drainage System

The roadway network within the Edison Rd/Marsh Hill Rd. corridor is comprised of several piped drainage systems. The systems are generally 15-inch and 18-inch diameter pipes that discharge into the surrounding network of streams and ponds. According to Town sources, there is no indication of current capacity problems with the drainage system in the area. However, any future development should be expected to provide on-site detention and promote groundwater recharge where possible.

## V. DEVELOPMENT POTENTIAL

As a basis to establish how much could potentially be developed within the Edison Road / Marsh Hill Road Corridor we first analyzed Land Use within the Corridor and prepared an Existing Land Use Map (See discussion of Existing Land Use in Chapter 1). Once the vacant land within the corridor was established, we analyzed the developed land to determine which parcels were likely to be redeveloped in the near future. Figure 5 visually depicts those parcels which are vacant or which we believe are likely to be redeveloped.

Those developed parcels which were identified as likely to be redeveloped in the future included the United Illuminating parcels as well as multiple small residential lots located around Salemme Lane. The lot at the end of Salemme Lane which has been designated for the construction of a new Metro North Train Station has not been evaluated for redeveloped as the plans for this lot are currently unknown.

We used the square footage of each parcel or in cases where lots were restricted by environmental constraints, the developable area, and took into consideration the existing zoning to determine how much development would be permitted based on the maximum floor area ratio permit in the respective zoning district.

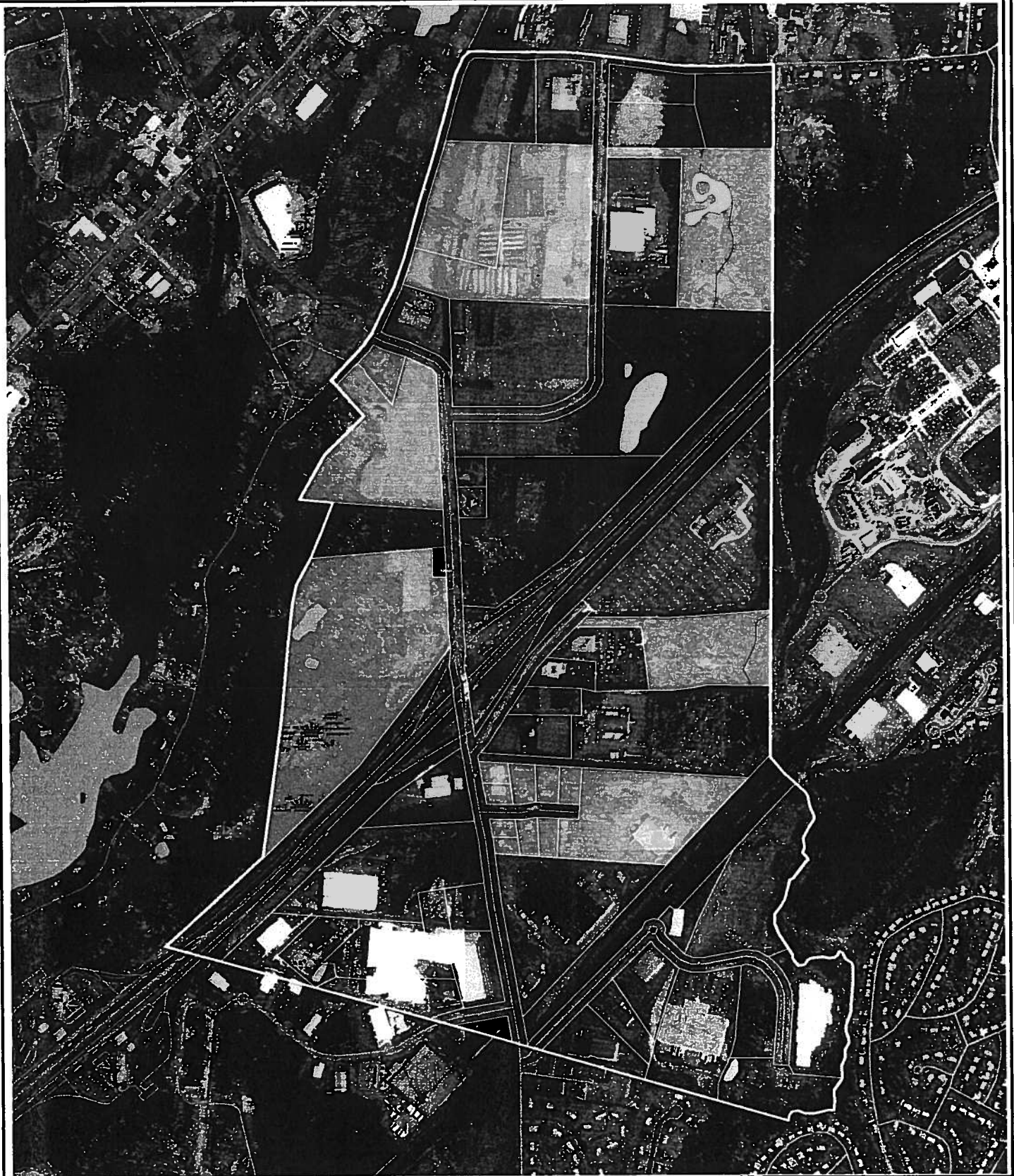
The square footage identified as developable in the provided chart, is the total floor area that could potentially be developed on all floors. The BOP and LI-4 Zoning Districts permit up to 60 feet or 3.5 stories while the LI-2 Zoning District permits up to 40 feet.

### Assumptions

#### *General Assumptions*

This analysis is a worst case scenario for development potential in the Edison Road/ Marsh Hill Road Corridor. The analysis does not take into account any environmental constraints except for large wetlands and streams which are discussed below. In many cases, the site plan review for an individual parcel will identify other environmental constraints that will limit the developable square footage of a particular parcel. Other factors may also limit permitted development such as shape of the parcel, road access or required buffers from adjacent lots. The intensity of development that is projected, while permitted by zoning, has not traditionally occurred in this area. The marketability and high cost of construction are also likely to be limiting factors to development within the corridor.

Parking requirements were not specifically taken into consideration. As parking requirements tend to differ on a case by case basis, land for parking was not calculated. In some cases, parking requirements will be such that a developer may choose, or be required to scale back a development in order to provide the required amount of parking without exceeding lot development coverage requirements.



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Study Area Boundary  
 Parcels  
 Developable Properties  
 Roads

Source:  
 TMG Geographic Information Systems  
 Connecticut Department of Environmental Protection

Map Prepared May 2008 by TMG

0 1 inch = 900 feet 900  
 Feet



## DEVELOPABLE PROPERTIES

*Orange Corridor Plan*

Town of Orange, Connecticut

Figure 3

### *Environmental Constraints*

Two parcels, identified as parcel 14-04-01 and 7-02-08A, had environmental constraints which restricted total development on the property. For parcel 14-04-01 the square footage of the sensitive environmental feature, plus a buffer area (50 feet around streams and 100 feet around wetlands) was subtracted from the parcel's total square footage prior to calculating development capacity.



Parcel 7-02-08A, the proposed United Illuminating site, has a conservation easement over 12.78 acres of the site surrounding its sensitive environmental features and therefore this area was subtracted from the developable square footage.

### *Site Specific Assumptions*

Due to the total lot size of parcel 14-05-03, located on the corner of Marsh Hill Road and Indian River Road, of less than two acres and the fact that a larger vacant parcel borders it on two sides, it was assumed that the both of these parcels will be developed together.

Due to the small size of the parcels in the vicinity of Salemme Road and the fact that the majority are under the same ownership, it was assumed that these would be developed together.

It has been assumed that the Stew Leonard's property, in total encompassing four parcels and 41 total acres (including area to be dedicated as roadway), will be developed as has been approved by the Town Planning and Zoning Commission rather than using the above described method.

### Findings

Based on the analysis a maximum of 2,885,810 square feet of developed square floor area could be constructed in the Town based on existing zoning. The largest development potential is in the BOP Zoning District on the National Amusement Site and the approximately 20 acres on the north end of this district which are available for potential development or redevelopment.

It is clear when looking at the amount of development that is permitted under Zoning as compared with the size of the developments which have traditionally been constructed in the corridor that Zoning has not been a limiting factor for development.

## VI. LAND USE CONCEPTS

As a result of our analysis and review, we have formulated a series of land use concepts for the study area. The study area, although not large, has been broken down into a series of sub-areas, each with a potential different approach to land use.

Some properties within the corridor are available for redevelopment in the short term; others have established land uses and are unlikely candidates for redevelopment. The goal of our recommendations is to match potential short term development opportunities (within the next five years), with long term land use goals of the Town and other stakeholders. The basic land use concepts for each planning area will guide the ultimate formulation of more specific recommendations. The areas of recommendation are numbered, as shown on Figure 6.

The two major areas within the Study area are separated by the Connecticut Turnpike, with each having different land use influences. These alternative recommendations reflect that separation, with areas 1 through 5 south of the Turnpike and Areas 6 through 11 north of the Turnpike.

### General Land Use Concepts

Most of the area within the corridor is currently zoned for industrial development. The concept of economic development has changed over the past several decades, and strict “industrial” zoning may no longer be appropriate to accommodate contemporary economic growth. Conditions have changed within this area requiring modifications to the zoning regulations.

The potential development of a railroad station, redevelopment of the Bayer property with investment by Yale University offers the opportunity for a node of smart growth focusing mixed use development that will have less dependence upon automobile transportation.

Future land uses should be selected with recognition of the potential traffic impacts on the streets north of Post Road and along the west section of Indian River Road and impacts on existing commercial entities in the Post Road Corridor.

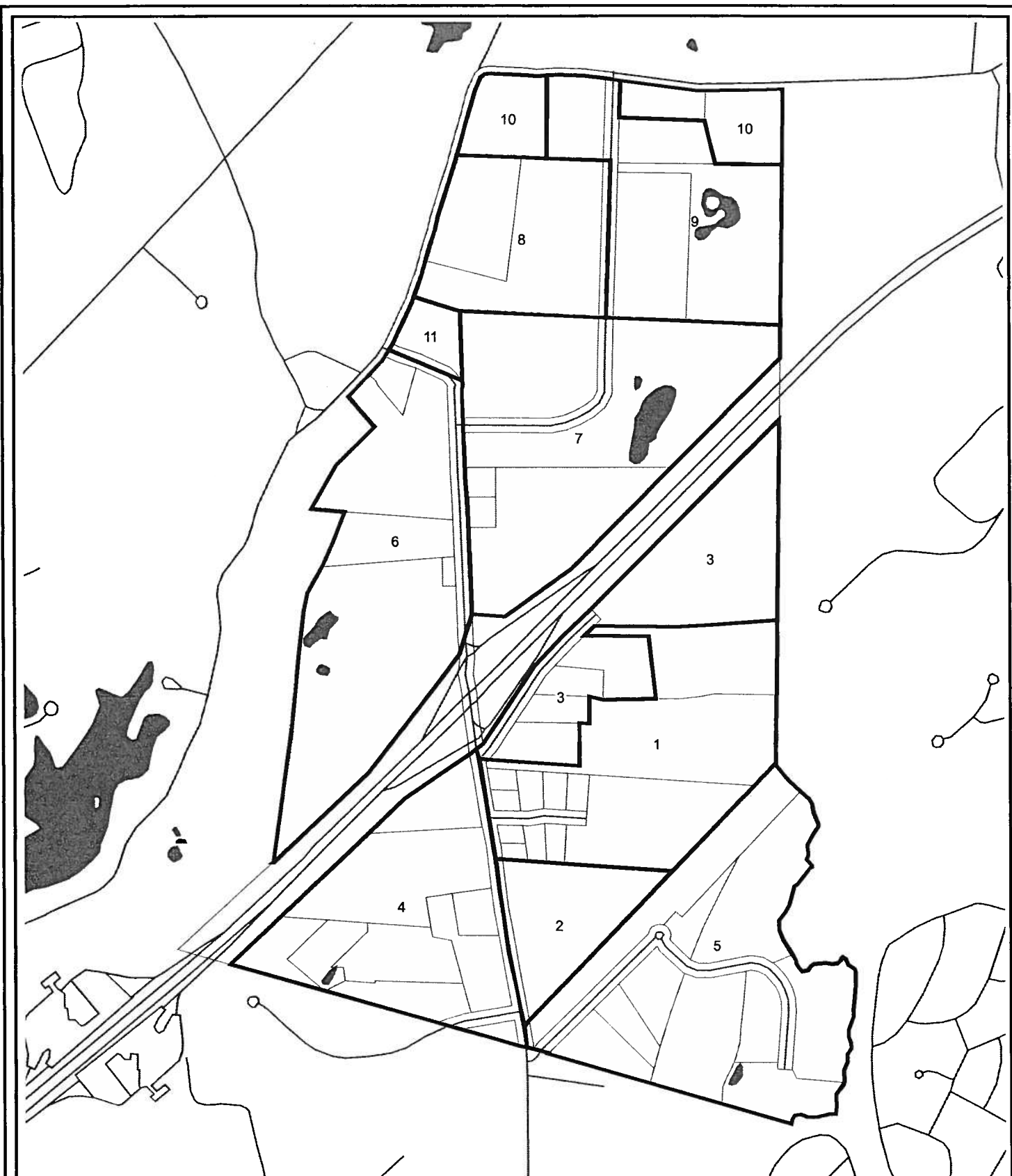
New zoning for many of these areas should be flexible enough to accommodate appropriate contemporary economic development while also maintaining high quality environmentally responsible development.

### **Planning Area 1**

This area consists of 48.89 acres and is mostly vacant although it does include the single family homes along Salemme Lane. It also includes vacant properties that are currently owned by Yale, as a result of their purchase of the Bayer property.

The proposed planned use of this property is based upon the following several assumptions:

- The proposed Metro-North Railroad Station will be constructed on the Dichello property, and may include some use of adjacent properties.






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 Districts  
 Parcels  
 Roads

Source:  
 TMG Geographic Information Systems  
 Connecticut Department of Environmental Protection

Map Prepared January 2009 by TMG

 Feet  
 0 1 inch = 900 feet



## PLANNING AREAS

*Orange Corridor Plan*

Town of Orange, Connecticut

Figure 6

- The single-family homes on Salemme Lane will be demolished, and available for redevelopment.
- Salemme Lane will be abandoned by the Town of Orange in conjunction with a redevelopment plan.
- Yale University will participate in this development in a manner consistent with their overall goals for the property.

The Commission considered the following land use conceptual options for this area:

### **Option 1 – High Density Transit Oriented Mixed Use Development**

- Mixed use, high density developed in conjunction with the railroad station. This mixture of uses should be pedestrian friendly, and oriented to the development of the railroad station, taking advantage of the superior mass transit access.
- Given current and projected market conditions, multi-family residential uses would predominate in this area, although development should include offices, supporting retail, structured parking for the railroad station and possibly a hotel.
- The entrance to this area could be a relocated Salemme Lane. It may be designed as a boulevard, lined with retail uses attractive to commuters using the railroad station.
- The incentive to a developer of a mixed use development option could encourage private investment in the railroad station, including parking facilities. This may enable the construction of the railroad station with less dependence upon State funding for the railroad station.
- Some of the buildings within this area could potentially be as tall as ten stories, although siting and design would need to be an important consideration.
- Development of this area in accordance with any of the above concepts would need to be guided by zoning regulations which enable the TPZC to exercise a high degree of design control over the development. This may be accomplished with a hybrid of a Design Development District and Housing Incentive Zone, (described below.)
- It may be feasible for this area to develop as a mixed use suburban center, similar to Blue Back Square in West Hartford. However, unlike Blue Back Square, this area is not an established center of town. The TPZC may wish to craft regulations for this area to encourage, but not require this type of pedestrian –oriented urban development, perhaps offering density incentives to create this type of environment.
- High density residential development within this area could be regulated as to design, amenities, number of bedrooms, etc., to ensure high quality development.
- This area would also be eligible for the use of “Housing Incentive Zones” which were recently established by the State Legislature to encourage affordable housing development in accordance with the growth policies of the Town and smart growth principles. This would require that 20% of the units be affordable to residents with a maximum of 80% of area median income. Areas zoned for Housing Incentive Zones would not be subject to the requirements of the Affordable Housing Appeals Act.
- Most of the parking within this area would be structured parking.

#### Option 2, Office – Commercial Development

This option is similar to the first option, with office and commercial development surrounding the proposed train station in a high density setting with no residential development.

#### Option 3, Moderate Density Development

A third option for this area would be the construction of a railroad station with a combination of surface and structured parking with moderate scale office development within remainder of area and some limited retail uses.

#### Planning Area 2

This area consists of the Dichello Distributors on a single 15.9 acre property. This use is expected to continue to be used for distribution and related uses, in accordance with current zoning, with possibility of redevelopment in conformance with the guidelines of Area 1, as expressed above.

#### Option

Continued use of this property for distribution and related uses.

#### Planning Area 3

This area consists of the 31.95 remaining areas of the Yale Campus, which was not included within Area 1. Development in accordance with stated Yale Plans for medical research and university oriented uses, as expressed in the Light Industrial 4 District are appropriate. The zoning regulations have been amended to permit the Yale properties to develop in accordance with the goal of biotechnology campus. Use of the property in accordance with the provisions of the Light Industrial 4 district.

#### Option

Use of the property in accordance with the provisions of the Light Industrial 4 district, with the potential opportunity to have some portion of this area, such as the segments of the large parking lot, to be included within development done in accordance with the standard described for Area 1.

#### Planning Area 4

This area, located west of Marsh Hill Road and south of the Connecticut Turnpike is an established industrial area, consisting of 43.5 acres of multi-story office and industrial uses. There is little vacant land within this area available for development although some redevelopment is possible.

Continuation of the general overall pattern use, as permitted in the current zoning regulations. However, newer uses are likely to be office or distribution uses, rather than conventional industrial uses.

#### Option 2

Continuation of the general overall pattern use, as permitted in the current zoning regulations, with some retail uses fronting on Marsh Hill Road.



## Planning Area 5

This consists the entire area southeast of the railroad tracks within the Town of Orange, bordered by the Milford and West Haven city borders which totals 49.17 acres. The uses within this area are offices, industrial and related uses consisted with an industrial park subdivision, all located along Connair Road and Robinson Boulevard, with a point of access out to Marsh Hill Road. This area is almost entirely developed, although a range of vacant spaces were observed within this area.

It is unlikely that there will be any market pressure for the redevelopment of this area within the near future, and existing zoning regulations will remain appropriate.

### Option

With a direct pedestrian or vehicular link across the railroad tracks, segments of this area may be appropriate for redevelopment in accordance with the guidelines described in Area 1. However, such infrastructure would be expensive, with public funding unlikely. The mixed use transit oriented development should only be extended to this area with this connection.

## Planning Area 6

This area consists of 60 acres which includes a 12.78 acre conservation easement. The total developable acreage of this area is 47.22 acres. This area is located within the northwest quadrant of the Marsh Hill Road interchange of the Connecticut Turnpike, extending north to Indian River Road. Land uses within the area consist of the former Showcase Cinema Site, the Marriot Courtyard Hotel, a restaurant and adjacent property to the north. This area encompasses the current BOP, Business Office Park district.

The Town Planning and Zoning Commission has approved a zone change to Light Industrial and Site Plan approval for the redevelopment of the Showcase Cinema site into the corporate headquarters of the United Illuminating Corporation, the regional electric power distributor, along with accessory uses including vehicle, supplies and equipment storage. This project also includes adjacent properties to the north of the site, outside of the study area. The proposal by United Illuminating is appropriate to the land use influences and plans for the area.

## Planning Area 7

This area contains 58.8 acres and consists of the Stu Leonard's property, which has an approved site plan for retail development. Planning for this area assumes that the approved site plan could be developed as a retail center.

## Planning Area 8

This area consists of 26 acres with two undeveloped parcels with frontage on both Indian River Road and Edison Road. The topography of the property does create a division between the west side fronting Indian River Road and the east side fronting Edison Road.

Appropriate uses of this property would include a mixed use development; with a certain limited amount of retail, combined with office and/or industrial uses on the west side of the property,

fronting on Indian River Road. Development in this area should be designed to reinforce the limited expansion of the Post Road commercial corridor to Indian River Road, with support for the vitality of this important commercial corridor.

However, the commercial uses should be somewhat limited, in deference to the traffic impacts upon the intersections of Post Road, and the residential streets north of the Post Road, such as Lambert Road. Smaller retail uses, combined with offices are the most appropriate, as has been developed across the street.

In addition, the uses along Edison Road should be compatible and supportive of the prevailing industrial uses which remain important to the Town of Orange economic base.

#### Option

A second option for this area would be to maintain the existing zoning in order for development to continue to occur in accordance with the current Light Industrial 2 zoning.

#### Planning Area 9

This area contains 41.44 total acres with approximately 6.46 acres of environmentally constrained land for a total developable area of 34.98 acres. This area includes parcels used for industrial purposes along Edison Road, including the Pez factory. It also includes an undeveloped parcel just to the east of the Pez plant. Development of this area should be consistent with the current Light Industrial zoning of this area to both protect and foster continued success of these facilities.

#### Planning Area 10

This area contains 16.69 acres along the northern end of the corridor. This area consists of the properties along Prindle Road, which have recently been developed as multi-family residential buildings. Redevelopment of this parcel for any other use is unlikely.

#### Planning Area 11

This area consists of a single 3.92 acre property, currently used for industrial/warehouse. Continued use of this property for this purpose is desirable. However, the development of surrounding properties for residential uses may create pressure for the redevelopment of this property. If this occurs, some limited retail, as a component of a mixed use development may be appropriate.

## **VII. RECOMMENDATIONS**

In general most of this area is currently zoned for industrial development. Conditions have, or are proposed to change in the near future which has brought about the desire for changes to the zoning in some areas of the corridor. Industrial zoning may no longer be appropriate to encourage and, or accommodate economic growth. Future land uses should be planned with recognition of the potential traffic impacts to the streets north of Post Road and along the west section of Indian River Road. Proposals should be flexible enough to accommodate and encourage contemporary economic growth while not stifling or negatively impacting uses which are currently existing both within the corridor and in nearby commercial areas.

### **Transit Oriented Development**

This area, highlighted in Figure 7, is the main focus of our analysis and where the majority of our recommended changes are proposed to occur. Based upon input which we received from the Town Plan and Zoning Commission, Planning Area 2 has been combined with the southern parcels of Planning 1 in the primary are of proposed changes to include the Dichello property described in Planning Area 2, excluding the areas of Planning Area 1 within ownership of Yale University. This total combined area includes 37.25 acres.

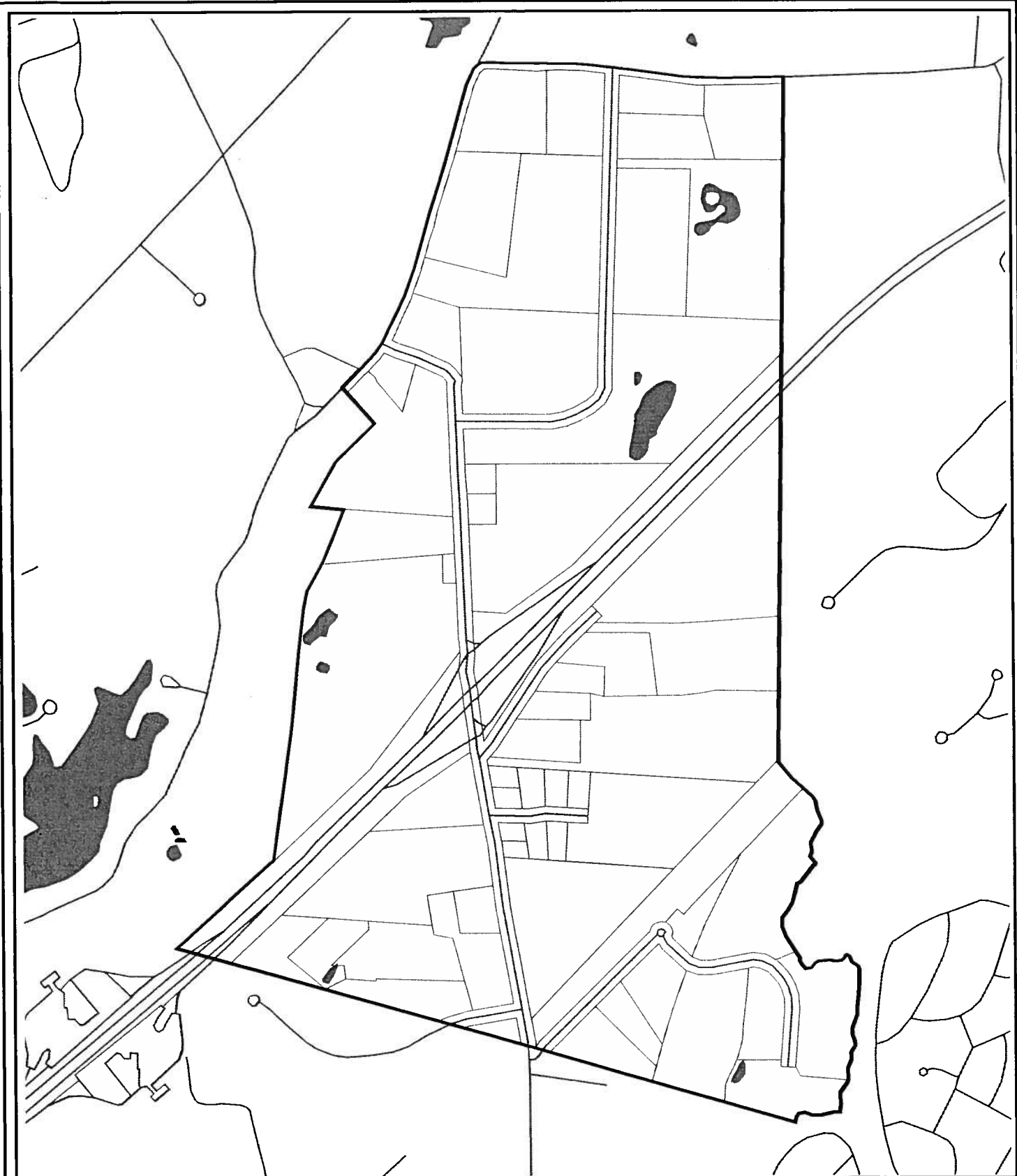
Based on the proposed construction of a New Haven Line rail station in this area and the changing economic climate, we believe this area is appropriate for high density mix used development. State funding for the railroad station may not be forthcoming within the foreseeable future. Therefore, development of this area for transit oriented development needs to be firmly tied to the construction of the railroad station, through public, private or some mixture of financing. The zoning for this area should include a “trigger” for a firm financial commitment for the construction of the railroad station. Without that commitment, the new zoning should not take place.

The best vehicle for this “trigger” is the use of a Planned Development District. It is envisioned that regulations be formulated that would authorize the TPZC to rezone a certain area to this “Transit Oriented Planned Development District” contingent upon the full commitment for the construction of the railroad station.

### **Planned Development District**

The use of the Planned Development District would enable the Town Planning and Zoning Commission (TPZC) to review a rezoning proposal based upon a specific conceptual development plan. This would be a departure from the conventional zoning, where all specific requirements are specified within the regulations. This mechanism would bestow upon the TPZC the utmost authority, in that there would be no obligation to approve a rezoning if the TPZC did not believe that the conceptual development plan is appropriate for the development of this area. However, if the TPZC decides to rezone this property, the new zoning would be specifically tied to the adopted conceptual development plan. This would give the TPZC a great deal of discretion over specific design issues.

Even with this discretion, it is advantageous for the Commission to include as much specific standards and guidelines within the regulations as may be appropriate. This would give the







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-  Study Area Boundary
-  Potential TOD Overlay
-  Parcels
-  Roads

Source:  
 TMG Geographic Information Systems  
 Connecticut Department of Environmental Protection  
 Map Prepared January 2009 by TMG

0 1 inch = 900 feet 900



**Potential Transit Oriented  
 Development Overlay District**

*Orange Corridor Plan*

Town of Orange, Connecticut

Figure 7

TPZC a basis upon which to evaluate the application, as well as a guide for the developer to design a project which may be acceptable to the Town.

#### Permitted Uses and Design

Multi-family residential uses should dominate the residential uses on upper floors while offices and retail uses will be permitted on ground floors. Buildings could also be solely office or an office-commercial mix. Buildings should be no taller than five stories. All residential units shall consist of a mix of one and two bedroom units.

The limit on building height and the site design criteria will ultimately determine the total number of units ultimately constructed in this area. As a result, we believe no specific residential density for this area is necessary. However, a limit of a total of 300 units should be implemented. In order to ensure high quality development in this area, a minimum square footage for each type of unit should be established. We suggest one bedroom units be a minimum of 750 square feet and two bedroom units be a minimum of 1,000 square feet.

Structured parking would be necessary adjacent to the train station for commuters. Additional parking would be required for all residential units. However, because many residents of these units will not need parking during the day, lower parking requirements can be implemented because structured parking spaces can be shared to an extent; used by commuters during the day and residents at night. To ensure no spill over onto local streets or block spaces for businesses one parking space should be required per two bedroom unit and 0.5 spaces should be required for each one bedroom unit. Off site parking, such as those located in structured parking lots, would be required to be located within 500 feet of the building to which they are intended to serve and safe, well lit walking paths should be provided.

The entrance to this area could be a relocated Salem Lane. It may be designed as a boulevard, lined with retail uses attractive to commuters using the railroad station. Development of this area would need to be guided by zoning regulations which enable the TPZC to exercise a high degree of design control over the development. This may be accomplished with a hybrid of a Design Development District and Housing Incentive Zone. Design guidelines will be extremely important in this area to ensure both aesthetically pleasing architectural design and pedestrian orientation. Sidewalks, appropriate street furniture, lighting and landscaping will all be part of the area's design standards. Some open space or a passive recreation area with benches and perhaps a water feature should be designed into an area in close proximity to residential units.

This area could be eligible for the use of "Housing Incentive Zones" which were recently established by the State Legislature to encourage affordable housing development in accordance with the growth policies of the Town and smart growth principles. This would require 20% of the units be affordable to residents with a maximum of 80% of area median income. Affordable units would be intermixed with market rate housing and required as part of any residential development on this site.

### **Planning Area 3**

This area, which consists of the remainder of the Yale property which was not included in Area 1. This property will be developed in accordance with Yale's stated plans which included research and other university oriented uses. The Town recently underwent a zone change in this area to LI-4 and all proposed uses by Yale are consistent with this zone change and appropriate for this area. As changes were recently made to the zoning in this area, no additional changes are currently proposed. Any development on adjacent lots in Planning Area should solicit Yale for comments and should work with the PZC to design the site to allow for safe pedestrian connections from both commercial uses and the train station to the Yale site as this would benefit both parties.

### **Planning Area 4**

This Planning Area should continue its overall general land use pattern and permitted uses should not change at this time. It should be noted that as the economic climate in the area begins to change, so may uses in this area, but no policy changes will be necessary for this natural process to occur.

### **Planning Area 5**

While some vacancies exist within this area, they are intermixed within the established industrial land use pattern with is somewhat cut off from the remainder of the corridor. This disconnect makes it unlikely that there will be any market pressure for the total redevelopment of this area. Existing zoning regulations remain appropriate in this area.

### **Planning Area 6**

United Illuminating has recently obtained a zone change on parcels 7-2-8a and 7-2-9, the former showcase cinema site and the 0.57 acre parcel in the northern corner of the site (as well as others outside of the study area) from BOP to LI-2 so they can construct a storage facility and corporate headquarters. It is clear that both residents and the Town are in favor of this development and the uses should assimilate well into the corridor. No additional changes are proposed for this area at this time.

### **Planning Area 7**

As this area has an approved development plan in place, no changes to this site are proposed at this time.

### **Planning Area 8**

This area would be appropriate for limited commercial uses and expanding the permitted uses could drive future proposals for this property. There is an existing developer with a general proposal before the Commission at this time. The Commission should consider the inclusion of retail uses within this area with an orientation along Indian River Road. However, no changes to the zoning should be made at this time.

**Planning Area 9**

This area has a generally established land use pattern and is not in close proximity to the proposed train station and Planning Area 1 and therefore we believe this area should remain consistent with the LI-2 zoning district.

**Planning Area 10**

This small area has been recently developed. It is completely built out and is unlikely to be redeveloped in the future. No zone changes are proposed in this area.

**Planning Area 11**

This is another small area which is currently developed consist with the existing zoning. No changes are currently proposed. It should be noted that if the economic climate of the area changes and plans for Planning Area 1 are carried out successfully, this lot may be the focus of redevelopment pressure.

## **VIII. RECOMMENDED ZONING REGULATIONS**

Based upon the recommendation for a Transit Oriented Development District and the analysis presented in this plan we propose the following attached draft zoning regulations be permitted as an overlay district subject to the requirements herein.



## **APPENDIX A**

## **TRANSIT ORIENTED DEVELOPMENT DISTRICT**

### **Purpose of District.**

The purpose of the Transit Oriented Development District is to create a high density mixed use, transit oriented development adjacent to a Metro North Rail Station. It is further the intent to provide a range of housing, businesses and services specifically geared towards commuters and users of the rail road, designed in an aesthetically pleasing, environmentally conscious and pedestrian scaled manner.

The properties within a Transit Oriented Development District shall be regulated by an approved Concept Plan, which includes any additional standards or requirements deemed appropriate by the Commission.

### **Applicability.**

A. In order to apply to the Planning and Zoning Commission for a zone change, the subject property must be located within the area designated as "Potential Transit Development Area" with an existing rail station or planned rail station with a documented financial commitment and regulatory permits in place for the construction of a rail station.

### **Permitted Uses.**

- A. Retail uses, including retail banks, subject to the following:
  - a. All retail uses shall be supportive of the principal land uses within the TODD, including the railroad station, offices, hotels and multi-family residential uses.
  - b. The retail uses shall be designed to primarily serve the market of railroad station commuters, residents of the multi-family dwellings within the TODD, employees of the offices and/or hotels within the TODD, and guests of the hotels within the TODD. This shall be illustrated by size, type and signage of the proposed retail uses.
  - c. No retail uses shall exceed 5,000 square feet of building area.
  - d. All retail uses shall be within a building used primarily for one of the other permitted uses.
  - e. All retail uses shall be oriented to a public or private street, or other public space.
- B. Indoor restaurants and other food and beverage service establishments where customers are served only when seated at tables or counters and all of the customer seats are located within an enclosed building or outdoor area attached to the indoor dining area.
- C. Business and Professional offices, including medical offices.
- D. Railroad Transit stations
- E. Structured Parking
- F. Multi-family residential units subject to the following conditions:
  - a. No unit shall contain more than two bedrooms.

b. No units shall be located on the ground floor of a structure.

c. There shall be a maximum of 250 units.

d. Multi-family residential units shall only be permitted in conjunction with the development of office, hotels or other similar uses. There shall be a minimum of 1,000 square feet nonresidential use for each residential dwelling unit. The Commission may require the phasing of development to assure that the minimum non-residential development occurs prior to the residential development.

G. Hotels with accessory restaurants and/ or conference centers

## **Site Design**

### **A. Parking**

1. On Street parking shall be provided in the vicinity of all retail and service uses. This may be parallel or angled spaces. Surface parking lots may be permitted if in the opinion of the Commission sufficient parking cannot be provided on the street or in a parking structure alone. Parking lots shall not be located between the principal building and a public or private street.

2. Parking for the rail station shall be provided in a multi-level parking structure located within 300 feet of the station. Parking counts or reports from similar train stations shall be provided to assist the commission in determining an appropriate number of parking spaces.

(a.) The owner of said structure may charge a fee for parking.

(b.) The applicant shall submit plans demonstrating adequate circulation for the peak number of trips anticipated, drainage and ventilation of the parking structure.

3. Landscaping and/ or planters shall be placed around all parking lots and structures. Surface parking lots shall have landscaped islands and borders which consist of grass lawns, low shrubs, perennials, and trees and provide visual interest in all seasons. For any parking area with 30 or more parking spaces, one tree and one low shrub shall be provided for every 10 spaces or fraction thereof. The species of trees is subject to the review and approval of the Commission. Trees shall not have a caliper less than 2 1/2 inches, nor a height of less than 8 feet. Required trees and shrubs must be located in planting islands within the parking area, rather than on adjacent borders. Planting islands for required trees and shrubs shall not be less than 180 square feet nor have a minimum dimension less than eight feet.

4. All parking structures shall be designed in a way that does not create an adverse impact upon roadways or other spaces, in ways through architectural design and placement of other uses between the parking structure and the public spaces.

5. Parking for residential units shall be provided at 1 space per every one bedroom unit and 1.5 spaces for every two bedroom unit. Parking for residential units may share spaces in structured parking facility provided units are located within 300 feet of the closest entrance of said facility and lighted pedestrian walking paths or sidewalks are provided.

6. Parking for hotels shall be provided as required by the zoning regulations (1.5 spaces for each sleeping room plus spaces as required for restaurants or conference facilities). A portion of the parking requirement is encouraged to be located underground.

7. Parking for Office uses shall be provided at 3 spaces per 1000 square feet of office space. Parking may be provided in a structure and/ or underground.

8. All parking spaces and facilities are encouraged to be shared or jointly used wherever possible. The Commission may consider the joint or shared use of parking, upon review of a parking use study, submitted by the applicant, which analyzes periods and amount of projected usage for each of the proposed uses.

9. Parking stalls shall be 8 feet wide by 18 feet in length. Where 90 degree parking spaces are provided a 24 foot isle way should also be provided. Angled spaces are permitted with the angle not to be less than 50 degrees. Angled spaces shall require a minimum 15 foot isle and appropriate one way signage and surface markings. Parallel spaces are permitted in close proximity to retail and personal service uses only and shall be clearly marked as temporary spaces only so as to prohibit use by commuters. Parallel spaces shall be 9 feet in width by 20 feet in length and shall require painted ground markings to divide spaces.

#### B. Open space/ public gathering spaces

The plan shall include public sitting and gathering areas which may include but is not limited to a public plaza or passive recreation areas. The area shall be equipped with benches or chairs, pedestrian scaled lighting, and adequate trash receptacles. The area(s) should be generally centrally located on the site. Water features and public art are encouraged to be included.

#### C. Building Design

1. The first floor of all mixed use or non-residential buildings should be orientated to pedestrians. At least 50% of the front façade of a first floor use which is facing a new or proposed public street shall be windows. Mirrored glass or dark tints which blocks views of inside the building from the outside is prohibited. Mullions are permitted as long as they are appropriate for the overall architectural style of the building. Awnings, colorful window displays, and other elements which create visual interest are encouraged.

2. In keeping with the desired pedestrian scale, developments with facades over 50 feet in length will be designed to visually reduce the scale and mass of the building by either extending or recessing the façade to break up the flat plane of the building or by providing projecting features on the front façade such as entry areas, arcades or bay windows.

3. Architectural styles found in and around the area and elsewhere in New England's early periods should be used. Applicants should use decorative details on the exterior of the building appropriate to the architectural style that is being emulated. Buildings should have minimum details of window sills and frames and door frames. Other details such as quoins and lintels are encouraged.

4. Natural building materials such as stone, brick or wood should be used. Materials which provide an identical outward appearance may be used subject to review and approval by the Commission. Prefabricated aggregate stone shall not be permitted. Wrought iron, copper or other metalwork can be used in detailing for items such as railings, balconies or other architectural details but shall not be used for visible doors or siding. A combination of materials may be used but the entire building should be of the same architectural style. Concrete blocks shall not be visible on any outer façade of a building.

5. Parking structures shall not be located on a main access road within the development and shall not be visually prominent from open or public gathering spaces. Structures shall be landscaped or have planters located near all entrances.

6. All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units which may be located on higher floors. Mansard roof or gabled roofs are preferred with flat roofs only being permitted where the proposed structure is taller than adjacent structures. Flat roofs should have a parapet and cornice appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels and an ornamental frieze are encouraged.

7. Fabric awnings are permitted with steel supports over windows or storefronts. Colors and lettering on all awnings on the same building shall be uniform. No neon signs shall be permitted.

### **C. Height and Setback Requirements**

The Commission shall consider the height and setback requirements as part of the rezoning application, in accordance with the goals of the TODD, sound planning and public safety.

### **Affordable Housing Requirement**

At least 20% of all housing units constructed within this district shall be made affordable for the life of the project as per the requirements of Section 8-30g of the General Statutes of Connecticut and U.S. Department of Housing and Urban Development (HUD). Units shall be mixed throughout the development and the proportion of affordable units by bedroom shall be identical to that of the overall project.

### **Procedural Requirements**

#### **A. Informal Consideration**

It is recommended that, prior to the submission of a formal application for approval of a Transit Oriented Development District, the applicant review with the Commission and its staff in preliminary and informal manner any proposal for a TODD.

## B. Petition

A petition for a change of zone for the establishment of a Transit Oriented Development District shall be submitted to the Commission in writing and shall be signed by the owner or owners of all parcels within the proposed district, in accordance with the provisions of 383-10, and shall be accompanied by the following:

### 1. Statement

A written statement specifying the proposed uses of the area, special design considerations and features, architectural guidelines and themes, and how the proposal is consistent with the purpose of the Transit Oriented Development District.

### 2. Conceptual Plan

A conceptual plan shall be presented to the Commission showing the general intent of the proposal. The following information shall be presented in enough detail to allow the Commission to determine if the plan is in the spirit of the Zone's intent.

- a. Location and size of property, including a boundary map and a map showing the project site in the context of the surrounding area.
- b. Plans for the construction of a rail station including funding sources
- c. General building and parking layout.
- d. Proposed area and square footage of the proposed buildings and uses.
- e. Concept plan for uses to be proposed which may not necessarily include specific tenants.
- f. General vehicular and pedestrian circulation showing all proposed public and private drives, walking paths, sidewalks, and means of traffic calming and/ or pedestrian safety.
- g. Proposed public areas such as parks, lawn areas and recreational facilities.
- h. Landscaping and lighting plans showing areas of existing mature trees, all existing and proposed surface water resources, proposed landscaping treatments, proposed open space and recreational areas, and detail of proposed pedestrian-scaled lighting fixtures to be used.
- i. General streetscape and architectural design or theme, with exterior elevations, perspective drawings and descriptive information regarding building materials and exterior finishes.
- j. Tentative construction timeline and phasing plan
- k. Existing and propose utility plan
- l. Traffic Impact analysis, which describes the potential impact of the proposed uses on public roads, and if needed, includes recommended improvements to such roads; and the adequacy and efficiency of the proposed internal circulation system. The Commission may request that the traffic impact be analyzed as to individual components of the overall plan.

### 3. Application Fee

Fees shall be paid to amend the zoning map as set forth in Section 270-1 of the Town Code with an additional fee for site plan as set forth in this section to be paid at the time of submission of detailed development plans once the Commission determines the concept plan is acceptable.

#### **C. Review of Concept Plan**

After the application submission has been deemed complete for the establishment of a Transit Oriented Development district, the commission shall review the application for completeness of submission, and may require additional information. The complete application shall be reviewed at a public hearing and during this review may hold meetings with the petitioner and require additional information. The Commission shall hold a public hearing on the application.

After the public hearing, the Commission may disapprove or give approval to the Concept Plan or approval subject to modifications. Approval of the Concept Plan shall not constitute final approval of the Transit Oriented Development district and shall simply authorize the submission of Site plans setting forth the in detail the specifics of the proposed development and showing any modifications specified by the Commission.

#### **D. Site Plan**

A site plan and application shall be submitted to the Commission as required by Article XIII of the Zoning Regulations. In addition to the plans required by Article XIII of the zoning regulations, the following shall also be submitted:

1. A Pedestrian circulation plan showing safe, illuminated means of circulation throughout the site. Proposed material for pathways will be presented on a detail plan. This plan shall also incorporate locations for secure bicycle racks.

#### **E. Criteria for Approval of Site Plan**

The Commission may approve the Site Plan only after the Commission finds that the Site Plan is consistent with the approved Concept Plan and any other requirements included within its approval.

#### **Requirements for Maintenance of Common Land and Facilities**

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

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

## **APPENDIX B**



**Traffic and Corridor Study  
Marsh Hill Road / Indian River Road / Edison Road  
Orange, Connecticut  
November 2009**

**Introduction**

The purpose of this study was to evaluate the impact that the selected development proposal for any of the parcels of land served by Marsh Hill Road, Indian River Road, and/or the extension of Edison Road between Marsh Hill Road and its current western terminus west of Prindle Hill Road, will have on the principal intersections within this study area. At the current time, the selected development proposal consists of a new Metro North Railroad Station on the parcel of land located on the east side of Marsh Hill Road and served by a two-way site drive in the vicinity of Salemme Lane. It has been assumed that full development of this parcel, which would consist of a combination of commuter parking, a hotel, multi-family residential units, retail space and office space, would be developed and fully occupied in about 10 years, or by 2020. These traffic operational analyses assess the impact of this development proposal, and recommendations for the required roadway and traffic control improvements to mitigate this impact have been formulated and prioritized.

The work effort to date has included an analysis of the many improvements that have recently been implemented by the Connecticut Department of Transportation along U.S. Route 1 (Boston Post Road); Lambert, South Lambert and Marsh Hill Roads; Indian River Road and Racebrook Road; as well as the improvements proposed by the Stew Leonard's development proposal to extend Edison Road between Prindle Hill Road and Marsh Hill Road. Specifically, the following two documents were reviewed and pertinent information therein was included in the analyses that follow:

- Traffic Study for Stew Leonard's, dated December 28, 2004, by Barkan & Mess Associates, prepared for the developer.
- Independent Traffic Impact Study of Stew Leonard's, dated February 2005, by BL Companies, prepared for the Town of Orange.

Several field views were conducted to inventory and review existing roadway and traffic control conditions within the study area. Additionally, since the two aforementioned studies only considered the traditional retail peaks, including the weekday pm peak and the Saturday midday peak, manual turning movement counts were conducted at the various study intersections during the weekday am peak to facilitate analyses of weekday am peak hour traffic operations as well. These existing am peak hour turning movement counts were expanded to include the impact of the proposed Stew Leonard's during that peak as was the case for the weekday pm and Saturday midday peaks contained in the two aforementioned traffic studies.

## **Study Intersections**

Reference is made to Exhibit 1 of the Appendix which shows the location of the study intersections within the study area, as well as the location of the proposed Metro North Railroad Station development site, as follows:

### **Boston Post Road at Lambert Road and South Lambert Road**

This is a four-way, signalized intersection with Boston Post Road (U.S. Route 1) running east-west, Lambert Road as the north leg, and South Lambert Road as the south leg.

The Boston Post Road eastbound approach is four lanes wide with one dedicated left-turn lane, two through lanes and one dedicated right-turn lane. The Boston Post Road westbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/right lane. The South Lambert Road northbound approach is three lanes wide with one dedicated left-turn lane, one combination left/through lane and one dedicated right-turn lane. The Lambert Road southbound approach is three lanes wide, with one dedicated left-turn lane, one through lane, and one combination through/right lane.

### **Boston Post Road at Racebrook Road and Old Tavern Road**

This is a five-way, signalized intersection with Boston Post Road (U.S. Route 1) running east-west, Racebrook Road (CT Route 114) as the north leg, Racebrook Road as the south leg, and Old Tavern Road as the northwest leg.

The Boston Post Road eastbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/right lane. The Boston Post Road westbound approach is four lanes wide with one dedicated left-turn lane, two through lanes and one dedicated right-turn lane. The Racebrook Road northbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one dedicated right-turn lane. The Racebrook Road southbound approach is three lanes wide, with one dedicated left-turn lane, one through lane, and one right-turn lane. The Old Tavern Road southeast-bound approach is one lane wide.

**Boston Post Road at Indian River Road and Smith Road**

This is a four-way, unsignalized intersection with Boston Post Road (U.S. Route 1) running east-west, Smith Farm Road as the north leg, and Indian River Road as the south leg.

The Boston Post Road eastbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/right lane. The Boston Post Road westbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/right lane. The Indian River Road northbound approach is one lane wide controlled by a Stop sign. The Smith Farm Road southbound approach is one lane wide controlled by a Stop sign.

**Indian River Road at Marsh Hill Road and South Lambert Road**

This is a four-way, signalized intersection with Marsh Hill Road as the south leg, South Lambert Road as the north leg, and Indian River Road running east-west.

The Marsh Hill Road northbound approach is three lanes wide with two through lanes and one dedicated right-turn lane. The South Lambert Road southbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one combination through/right lane. The Indian River Road eastbound approach is two lanes wide with one combination left/through lane and one dedicated right-turn lane. The Indian River Road westbound approach is three lanes wide, with one dedicated left-turn lane, one combination left/through lane, and one dedicated right-turn lane.

**Indian River Road at Prindle Hill Road and Recreation Showroom Site Drive**

This is a four-way, signalized intersection with Indian River Road running east-west, the Recreation Showroom facility site drive as the north leg, and Prindle Hill Road as the south leg.

The Indian River eastbound approach is three lanes wide with one dedicated left-turn lane, one through lane and one dedicated right-turn lane. The Indian River westbound approach is two lanes wide with one dedicated left-turn lane and one combination through/right lane. The Prindle Hill Road northbound approach is two lanes wide with one combination left/through lane and one dedicated right-turn lane. The Recreation Showroom site drive southbound approach is one lane wide for combination left/through/right movements.

### **Indian River Road at Racebrook Road**

This is a three-way, unsignalized intersection with Racebrook Road as the north leg, and Indian River Road as the south and east legs.

The Racebrook Road southbound approach is two lanes wide with one dedicated left-turn lane and one through lane. The Indian River Road northbound approach is one lane wide for combination through/right movements. The Indian River Road westbound approach is one lane wide for combination left/right turns controlled by a Stop sign.

### **Marsh Hill Road at Edison Road Extension**

This will be a three-way, signalized intersection with Marsh Hill Road running north-south and the Edison Road Extension as the east leg.

The Marsh Hill Road northbound approach will be three lanes wide with two through lanes and one dedicated right-turn lane. The Marsh Hill Road southbound approach will be three lanes wide with one dedicated left-turn lane and two through lanes. The Edison Road westbound approach will be three lanes wide with two dedicated left-turn lanes and one dedicated right-turn lane.

### **Prindle Hill Road at Edison Road**

This is a three-way, unsignalized intersection with Prindle Hill Road running north-south and Edison Road as the west leg.

The Prindle Hill Road northbound approach is one lane wide for combination left/through movements. The Prindle Hill Road southbound approach is one lane wide for combination through/right movements. The Edison Road eastbound approach is two lanes wide with one dedicated left-turn lane and one dedicated right-turn lane controlled by a Stop sign.

### **Marsh Hill Road at Former Cinemas Drive and Interstate 95 Southbound Ramps**

This is a four-way, signalized intersection with Marsh Hill Road running north-south, the former Cinemas Drive as the west leg, and the I-95 Southbound On / Off Ramps as the east leg.

The Marsh Hill Road northbound approach is four lanes wide with one dedicated left-turn lane, two through lanes and one dedicated right-turn lane. The Marsh Hill Road southbound approach is four lanes wide with one dedicated left-turn lane, two through lanes, and one dedicated right-turn lane. The former Cinemas Drive eastbound approach is three lanes wide with one dedicated left-turn lane, one through lane, and one dedicated right-turn lane. The I-95 Southbound Off Ramp westbound approach is

four lanes wide with one dedicated left-turn lane, one combination left/through lane, one combination through/right lane, and one dedicated right-turn lane.

#### **Marsh Hill Road at Interstate 95 Northbound Ramps**

This is a four-way, signalized intersection with Marsh Hill Road running north-south, the I-95 Northbound Off Ramp as the west leg, and the service road connecting to the I-95 Northbound On Ramp and the former Bayer property as the east leg.

The Marsh Hill Road northbound approach is three lanes wide with two through lanes and one dedicated right-turn lane. The Marsh Hill Road southbound approach is four lanes wide with two dedicated left-turn lanes and two through lanes. The I-95 Northbound Off Ramp (eastbound) approach is four lanes wide with two dedicated left-turn lanes, one combination through/right lane, and one dedicated right-turn lane. The service road westbound approach is two lanes wide with one dedicated left-turn lane and one dedicated right-turn lane.

#### **Marsh Hill Road at Metro North Railroad Station Site Drive**

This will be a three-way, signalized intersection with Marsh Hill Road running north-south and Metro North Site Drive as the east leg located about 500 feet south of the Interstate 95 Northbound Ramps intersection at Marsh Hill Road. The specific lane arrangements and traffic signal operation that will be required are discussed later in this report.

### **2010 Peak Hour Traffic Volumes**

Reference is made to Exhibits 2 through 4 of the Appendix which summarize the existing 2010 peak hour traffic volumes for the subject study area during the weekday am, weekday pm, and Saturday midday peak hours. These projected peak hour traffic volumes were derived from both the manual turning movement counts conducted for the weekday am peak, and from the weekday pm peak and Saturday midday peak traffic volumes obtained from the two aforementioned studies conducted for the Stew Leonard's project and then projected forward to study year 2010.

### **2015 Peak Hour Traffic Volumes**

Reference is made to Exhibits 5 through 7 of the Appendix which summarize the projected 2015 peak hour traffic volumes for the subject study area during the weekday am, weekday pm, and Saturday midday peak hours. These projected peak hour traffic volumes were derived by expanding the existing peak hour traffic volumes from Exhibits 2 through 4 by 2 percent per year over the 5-year period from 2010 to 2015, or by a factor of 1.10.

## **2020 Peak Hour Traffic Volumes**

Reference is made to Exhibits 8 through 10 of the Appendix which summarize the projected 2020 peak hour traffic volumes for the subject study area during the weekday am, weekday pm, and Saturday midday peak hours. These projected peak hour traffic volumes were derived by expanding the existing peak hour traffic volumes from Exhibits 2 through 4 by 2 percent per year over the 10-year period from 2010 to 2020, or by a factor of 1.20.

## **Metro North Railroad Station Development Area**

Reference is made to Table 1 which summarizes the estimated development potential for the proposed new Metro North Development Area to be located on the east side of Marsh Hill Road, south of Interstate 95, and served by a new site drive in the vicinity of Salem Lane. The full development potential of the site, anticipated to be fully occupied by 2020, includes 1,000 commuter parking spaces, a 200-room hotel, 250 multi-family residential units, 50,000 square feet of retail space, and 300,000 square feet of office space.

Reference is made to Exhibit 11 of the Appendix which summarizes the estimated trip generation calculations for each of the proposed uses within the Metro North Railroad Station Development Area. These trip generation calculations were made utilizing the latest edition of Trip Generation Manual by the Institute of Transportation Engineers.

Reference is made to Table 2 which summarizes the trip generation estimates for each of the proposed land uses within the proposed Metro North Railroad Station Development Area based on the calculations shown in Exhibit 11 of the Appendix for each of the three study peak periods: weekday am peak, weekday pm peak, and Saturday midday peak. Since the proposed development will have some component of its traffic utilizing the railroad itself in traveling to and from the site, Table 2 additionally shows the estimated component of site-generated traffic for each use that will be vehicle-oriented and added to the surrounding roadway network.

Table 2 shows that it is estimated that 100 percent of the railroad station commuter traffic utilizing the parking spaces, 100 percent of the hotel traffic, 50 percent of the residential traffic, 80 percent of the retail traffic, and 75 percent of the office traffic will travel to and from the site via passenger vehicles, whereas the balance for each will travel by train and not impact the surrounding roadway network.

A review of Table 2 shows that it is estimated with full development of the proposed Metro North Railroad Station site, there will be an addition of about 1,663 vehicles per hour during the weekday am peak, 1,906 vehicles per hour during the weekday pm peak, and 679 vehicles per hour during the Saturday midday peak.

Reference is made to Exhibit 12 of the Appendix which graphically shows the estimated site-generated traffic distributions for the proposed Metro North Railroad Station Development Area. It has been assumed that site-generated traffic will generally follow the same distribution patterns as existing traffic entering and exiting the study area, or more specifically as follows:

- To and from the south via Marsh Hill Road: 25 percent
- To and from the west (south) via Interstate 95: 25 percent
- To and from the east (north) via Interstate 95: 30 percent
- To and from the west via Boston Post Road: 5 percent
- To and from the east via Boston Post Road: 5 percent
- To and from the north via Lambert Road: 5 percent
- To and from the north via Racebrook Road: 5 percent

Reference is made to Exhibits 13 through 15 of the Appendix which graphically show the estimated site-generated traffic volumes for the three-study periods, including weekday am, weekday pm and Saturday midday peaks, for the proposed Metro North Railroad Station Development Area. Exhibits 13 through 15 were derived by multiplying the respective site-generated peak hour traffic volume estimates from Table 2 by the corresponding site-generated traffic distribution estimates from Exhibit 12 of the Appendix.

### **Traffic Operations Analysis**

Traffic operations analyses were conducted for the subject study area for the three study peaks under 2010 existing, 2020 background (no-build), and 2020 combined (build) conditions utilizing the Highway Capacity Methodology developed by the Federal Highway Administration. This methodology was facilitated by utilization of the Synchro Traffic Operations Analysis Software.

The 2010 existing peak hour analyses are based on the peak hour traffic volumes from Exhibits 2 through 4 of the Appendix.

The 2020 background (no-build) peak hour analyses (in the year when full occupancy of the Metro North Development Area is expected but without its associated traffic) are based on the peak hour traffic volumes from Exhibits 8 through 10 of the Appendix.

The 2020 combined (build) peak hour analyses (i.e., with the addition of Metro North Development Area traffic) are based on the peak hour traffic volumes from Exhibits 16 through 18 of the Appendix. Exhibits 16 through 18 were derived by adding the 2020 background (no-build) peak hour traffic volumes from Exhibits 8 through 10 to the respective site-generated peak hour traffic volumes from Exhibits 13 through 15.

Reference is made to Exhibits 19 and 20 of the Appendix which summarize the definitions of levels of service for signalized and unsignalized intersections, respectively, similar to the study intersections.

The results of the traffic operations analysis are summarized in Table 3 showing the following:

**Boston Post Road at Lambert Road and South Lambert Road**

This signalized intersection will experience reduction in overall level of service during the Saturday midday peak, operating at overall level of service E. Given the extent of improvements recently made at this intersection, there is very little if anything that can be done to overcome this poor level of service.

**Boston Post Road at Racebrook Road and Old Tavern Road**

This signalized, five-way intersection will continue to experience poor levels of service F during the weekday pm and Saturday midday peaks until such time that the fifth leg, Old Tavern Road, is made to operate one-way away from the intersection.

**Boston Post Road at Indian River Road and Smith Farm Road**

This unsignalized intersection will experience significant delays for traffic exiting the Indian River Road and Smith Farm Road approaches during the weekday pm and Saturday midday peaks without the benefit of a traffic signal to provide exclusive right-of-way, with or without the proposed Metro North development.

**Indian River Road at Marsh Hill Road and South Lambert Road**

This signalized intersection will experience significant reductions in overall levels of service during the Saturday midday peak as the result of the proposed Metro North development, operating at overall level of service D. Given the extent of improvements recently made at this intersection, there is very little if anything that can be done to overcome this "fair" level of service.

**Indian River Road at Prindle Hill Road and Recreation Showroom Site Drive Road**

This signalized intersection will continue to operate satisfactorily during all three peaks with or without the addition of the Metro North development.



**Indian River Road at Racebrook Road**

This unsignalized intersection will experience significant delays for traffic exiting the Indian River Road westbound approach during the weekday pm and Saturday midday peaks without the benefit of a traffic signal to provide exclusive right-of-way, with or without the proposed Metro North development.

**Marsh Hill Road at Edison Road Extension**

This signalized intersection will continue to operate satisfactorily during all three peaks with or without the addition of the Metro North development.

**Prindle Hill Road at Edison Road**

This unsignalized intersection will experience significant delays for traffic exiting Edison Road during the weekday pm peak without the benefit of a traffic signal to provide exclusive right-of-way, with or without the proposed Metro North development which will add negligible traffic to this intersection.

**Marsh Hill Road at Former Cinemas Drive and Interstate 95 Southbound Ramps**

This signalized intersection will experience a significant reduction in overall level of service during the weekday pm peak as the result of the proposed Metro North development, operating at overall level of service E, and this with a relatively low traffic generator such as the movie theater that previously occupied the west side of Marsh Hill Road. Improvement will probably require doubling-up some of the dedicated turn lanes to move traffic more efficiently.

**Marsh Hill Road at Interstate 95 Northbound Ramps**

This signalized intersection will experience significant reductions in overall levels of service during the weekday am and weekday pm peaks as the result of the proposed Metro North development, operating at overall levels of service D and E, respectively, during these two peaks. Given the extent of improvements recently made at this intersection, there is very little if anything that can be done to overcome these fair to poor levels of service.

**Marsh Hill Road at Metro North Railroad Station Site Drive**

This new three-way intersection will serve as the sole site drive for the proposed Metro North development. Signalization of this intersection and the provision of the following lane arrangements will be required: Marsh Hill Road southbound approach will require two dedicated left-turn lanes for traffic turning into the site and two dedicated through lanes; Marsh Hill Road northbound approach will require two dedicated through lanes and one dedicated right-turn lane for traffic turning into the site; and the Site Drive westbound (outbound) approach will require one dedicated left-turn lane and two dedicated right-turn lanes for traffic turning out of the site.

**Table 1**  
**Development Parameters**  
**Metro-North Railroad Station Area**  
**Marsh Hill Road at Salemme Lane**  
**Orange, Connecticut**

<u>Land-Use Type</u>	<u>Size</u>
Commuter RR Station	1,000 Parking Spaces
Hotel	200 Rooms
Multi-Family Residential	250 Units
Retail	50,000 SF
Office	300,000 SF

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**November 2009**

**Table 2**  
**Trip Generation Estimates**  
**Proposed Transit Oriented Development**  
**Metro-North Railroad Station Area**  
**Orange, Connecticut**

	Commuter RR Station (1,000 Parking Spaces)		Hotel (200 Rooms)		Multi-Family Residential (250 Units)		Retail (50,000 SF)		Office (300,000 SF)	TOTAL	
	All Traffic	Vehicular Portion (100%)	All Traffic	Vehicular Portion (100%)	All Traffic	Vehicular Portion (50%)	All Traffic	Vehicular Portion (90%)	All Traffic	Vehicular Portion (75%)	All Traffic Vehicular Portion
<u>Weekday AM Peak Hour</u>											
Inbound	860	860	68	68	18	9	31	25	456	342	1433
Outbound	210	210	44	44	93	47	20	16	57	43	424
Total	1070	1070	112	112	111	56	51	41	513	385	1857
<u>Weekday PM Peak Hour</u>											
Inbound	720	720	62	62	88	44	92	74	63	47	1025
Outbound	520	520	56	56	43	22	95	76	381	286	1095
Total	1240	1240	118	118	131	66	187	150	444	333	2120
<u>Saturday Midday Peak Hour</u>											
Inbound	124	124	80	80	63	32	127	102	30	23	424
Outbound	124	124	64	64	55	28	118	94	12	9	373
Total	248	248	144	144	118	59	245	196	42	32	797

Bubaris Traffic Associates  
November 2009

**Table 3**  
**Results of Traffic Operational Analyses**  
**Levels of Service**  
**Traffic Corridor Study**  
**Marsh Hill Road / Indian River Road / Edison Road**  
**Orange, Connecticut**

Intersection	2010 Existing Conditions				2020 Background (No-Build Conditions)				2020 Combined (Build) Conditions			
	Traffic Control	Levels of Service			Traffic Control	Levels of Service			OTIMIZED SIGNAL TIMING	Levels of Service		
		AM Peak	PM Peak	SAT Peak		AM Peak	PM Peak	SAT Peak		AM Peak	PM Peak	SAT Peak
<b><u>Boston Post Road at Lambert Road / South Lambert Road</u></b>												
Eastbound	<i>Signalized</i>	B	C	D	<i>Signalized</i>	B	(D)	(E)	<i>Signalized</i>	B	D	E
Westbound		B	B	C		B	(C)	C		B	C	(D)
Northbound		C	D	E		C	(E)	(F)		(A)	(D)	(E)
Southbound		D	D	D		D	(E)	(F)		(C)	E	(E)
OVERALL		C	C	D		C	(D)	(E)		(B)	D	E
<b><u>Boston Post Road at Racebrook Road / Old Tavern Road</u></b>												
Eastbound	<i>Signalized</i>	C	F	F	<i>Signalized</i>	C	F	F	<i>Signalized</i>	C	F	F
Westbound		C	F	F		C	F	F		(C)	F	F
Northbound		D	E	D		D	(F)	(F)		C	F	F
Southbound		C	F	E		C	F	(F)		C	F	F
Southeastbound		E	F	F		E	F	F		(D)	F	F
OVERALL		C	F	F		C	F	F		C	F	F
<b><u>Boston Post Road at Indian River Road/Smith Farm Road</u></b>												
Eastbound	<i>Unsignalized</i>	A	B	B	<i>Unsignalized</i>	A	(C)	(C)	<i>Unsignalized</i>	A	C	C
Westbound		A	C	D		A	(E)	(F)		A	E	F
Northbound		B	F	F		B	F	F		B	F	F
Southbound		C	F	F		C	F	F		C	F	F
<b><u>Indian River Road at South Marsh Hill Road / Lambert Road</u></b>												
Northbound	<i>Signalized</i>	B	B	B	<i>Signalized</i>	(A)	B	B	<i>Signalized</i>	A	B	B
Southbound		A	B	B		(B)	B	B		(A)	B	B
Eastbound		C	D	D		C	D	D		C	(E)	D
Westbound		D	C	C		D	(D)	(D)		(C)	(E)	D
OVERALL		B	C	C		B	C	C		(A)	C	(D)
<b><u>Indian River Road at Prindle Hill Road/Recreational Showroom Drive</u></b>												
Eastbound	<i>Signalized</i>	A	B	B	<i>Signalized</i>	A	(C)	B	<i>Signalized</i>	A	(B)	B
Westbound		A	C	A		A	(B)	A		A	(C)	(B)
Northbound		B	B	B		B	(C)	(C)		B	C	C
Southbound		C	C	C		C	(D)	(D)		(B)	(C)	(C)
OVERALL		A	B	B		(B)	(C)	B		(A)	C	B
<b><u>Indian River Road at Racebrook Road</u></b>												
Northbound	<i>Unsignalized</i>	A	A	A	<i>Unsignalized</i>	A	A	A	<i>Unsignalized</i>	A	A	A
Southbound		A	A	A		A	(B)	(B)		A	B	(A)
Westbound		C	F	E		(D)	F	(F)		(C)	F	F
<b><u>Marsh Hill Road at Edison Road Extension</u></b>												
Northbound	<i>Signalized</i>	A	C	C	<i>Signalized</i>	A	C	(D)	<i>Signalized</i>	A	C	(B)
Southbound		A	C	C		A	C	C		A	(B)	C
Westbound		C	C	C		C	C	C		(B)	(D)	C
OVERALL		A	C	C		A	C	C		A	C	C
<b><u>Prindle Hill Road at Edison Road</u></b>												
Northbound	<i>Unsignalized</i>	A	A	A	<i>Unsignalized</i>	A	A	A	<i>Unsignalized</i>	A	A	A
Southbound		A	A	A		A	A	A		A	A	A
Eastbound		B	E	C		(C)	(F)	(D)		C	F	D
<b><u>Marsh Hill Road at Interstate 95 Southbound Ramps</u></b>												
Northbound	<i>Signalized</i>	B	C	C	<i>Signalized</i>	B	C	C	<i>Signalized</i>	B	(E)	C
Southbound		B	B	B		B	B	B		B	(C)	B
Eastbound		C	C	D		C	(D)	D		C	D	D
Westbound		C	B	B		C	(D)	(C)		C	(E)	C
OVERALL		B	C	C		B	C	C		B	E	C
<b><u>Marsh Hill Road at Interstate 96 Northbound Ramps</u></b>												
Northbound	<i>Signalized</i>	B	C	C	<i>Signalized</i>	B	C	C	<i>Signalized</i>	(D)	(E)	C
Southbound		B	C	C		B	C	C		(E)	(E)	C
Eastbound		C	C	C		C	C	(D)		(D)	(D)	D
Westbound		C	B	C		C	B	C		C	(C)	C
OVERALL		B	C	C		B	C	C		(D)	(E)	C
<b><u>Marsh Hill Road at Metro North Site Drive</u></b>												
Northbound		---	---	---		---	---	---	<i>[Signalized]</i>	C	B	A
Southbound		---	---	---		---	---	---	<i>[Geometrics]</i>	B	C	B
Westbound		---	---	---		---	---	---		B	C	B
OVERALL		---	---	---		---	---	---		C	C	B

NOTES: (XXX) = changes due to background traffic growth  
 (YYY) = changes due to Metro North Project traffic

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# **A P P E N D I X**

**Traffic and Corridor Study  
Marsh Hill Road / Indian River Road / Edison Road  
Orange, Connecticut  
November 2009**

**APPENDIX**

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Metro-North Railroad Station Development Area**

**(continued)**

(continued)

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Metro-North Railroad Station Development Area**

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Metro-North Railroad Station Development Area**

**Exhibit 15 - 2020 Site-Generated Saturday MIDDAY Peak Traffic Volumes  
Metro-North Railroad Station Development Area**

**Exhibit 16 - 2020 Build Weekday AM Peak Hour Traffic  
Metro-North Railroad Station Development Area**

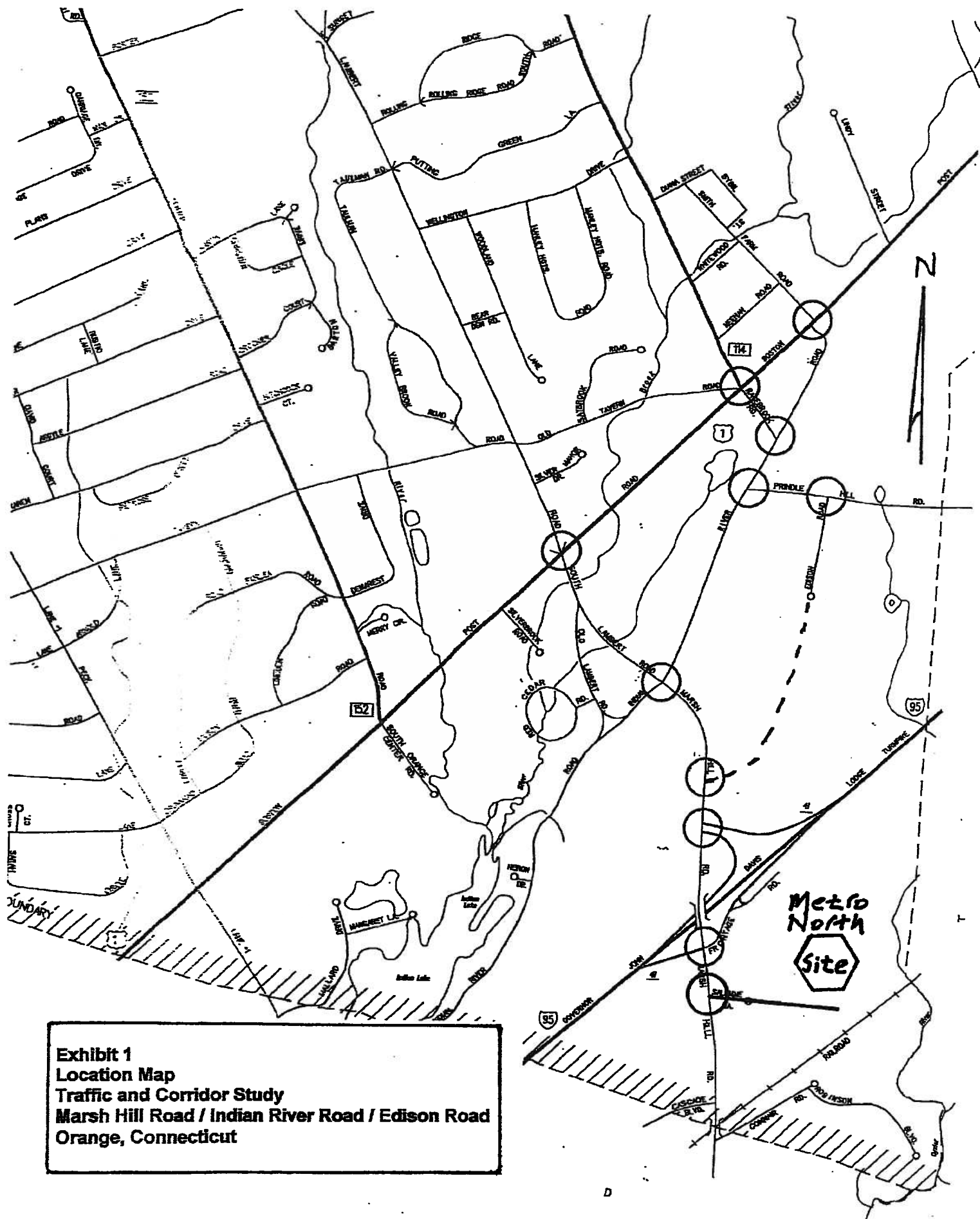
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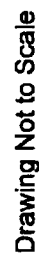


**Marsh Hill Road/Indian River Road/Edlson Road**

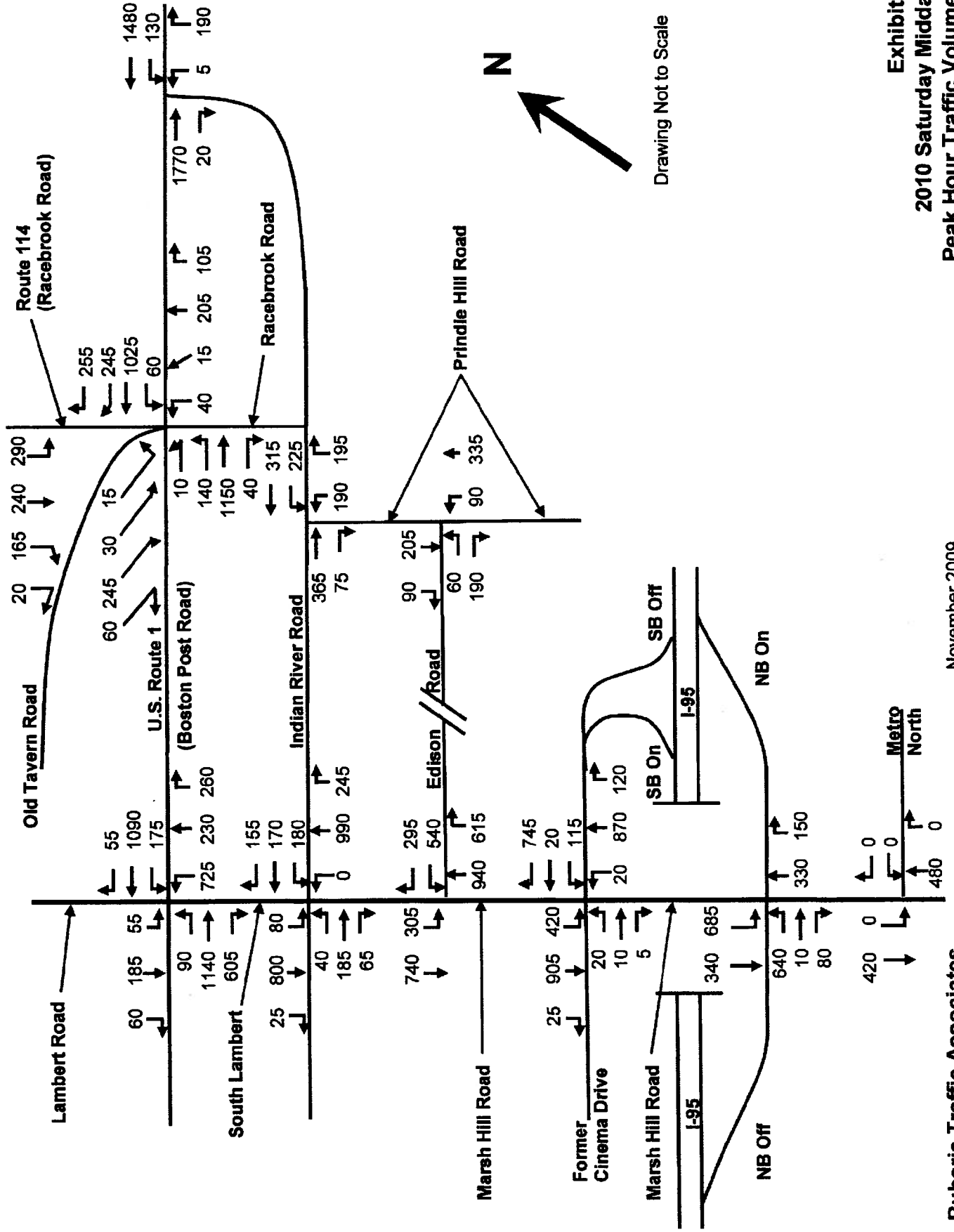


November 2009

**Marsh Hill Road/Indian River Road/Edison Road**



November 2009



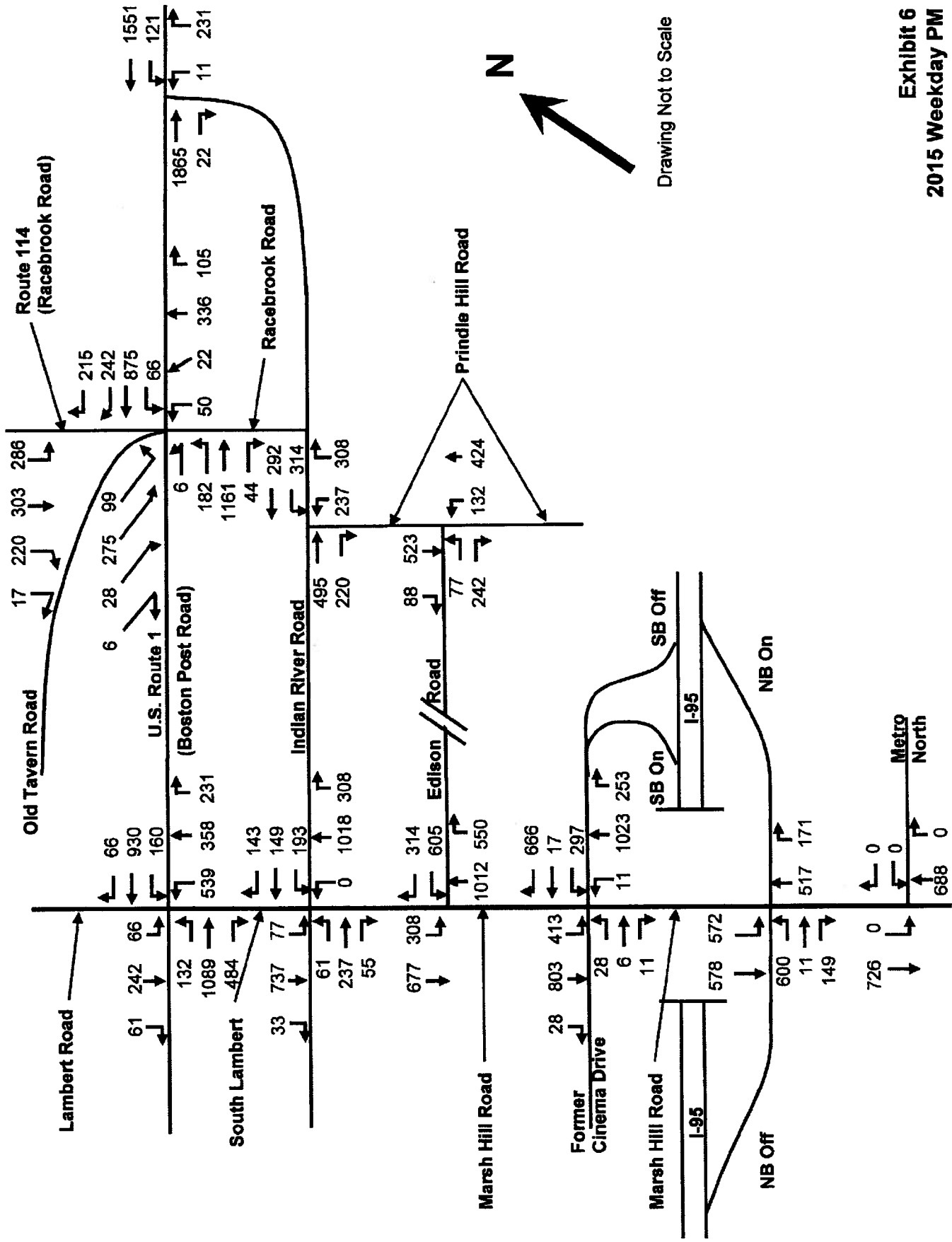
## Marsh Hill Road/Indian River Road/Edison Road



November 2009

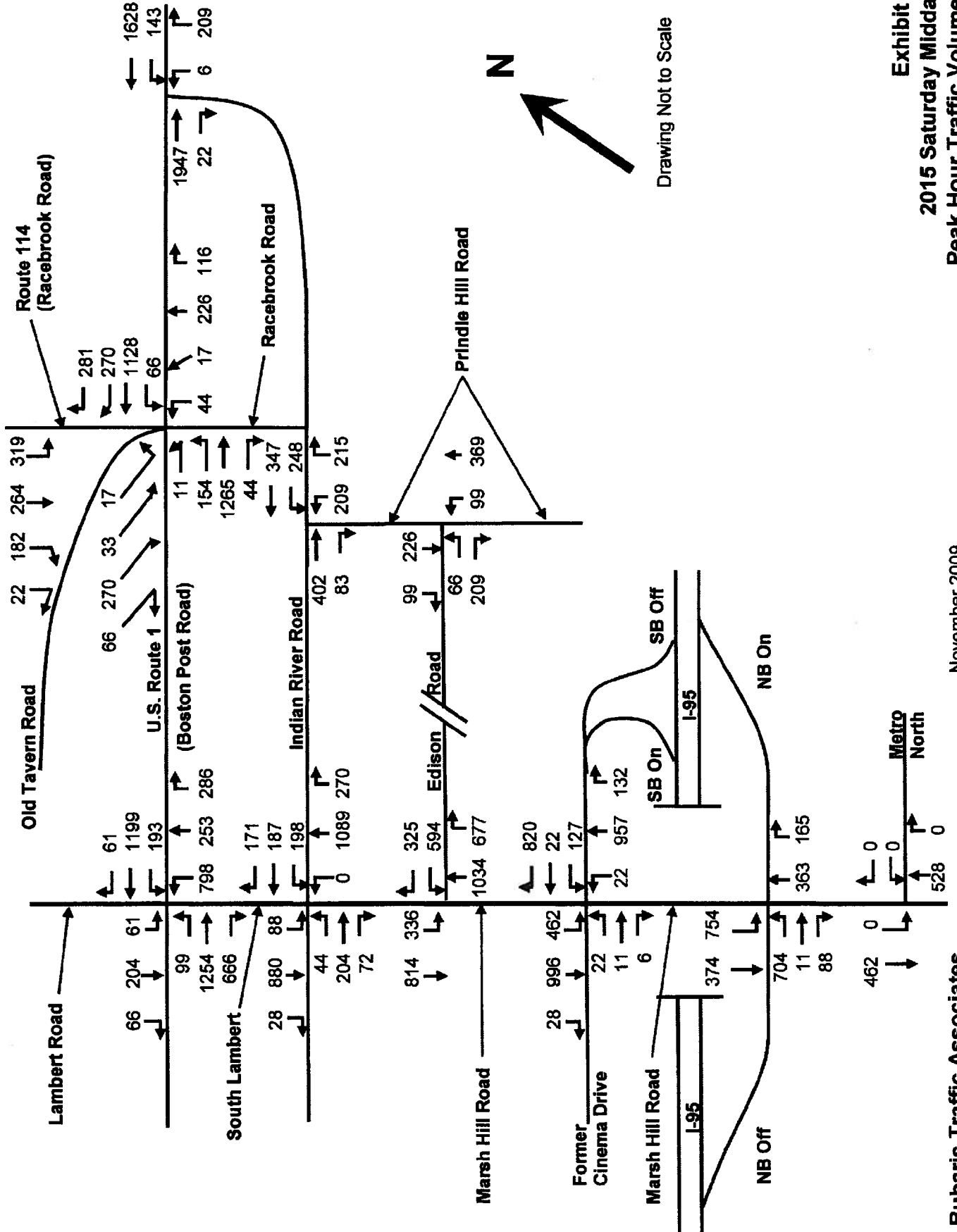
# Traffic Corridor Study

## Marsh Hill Road/Indian River Road/Edison Road



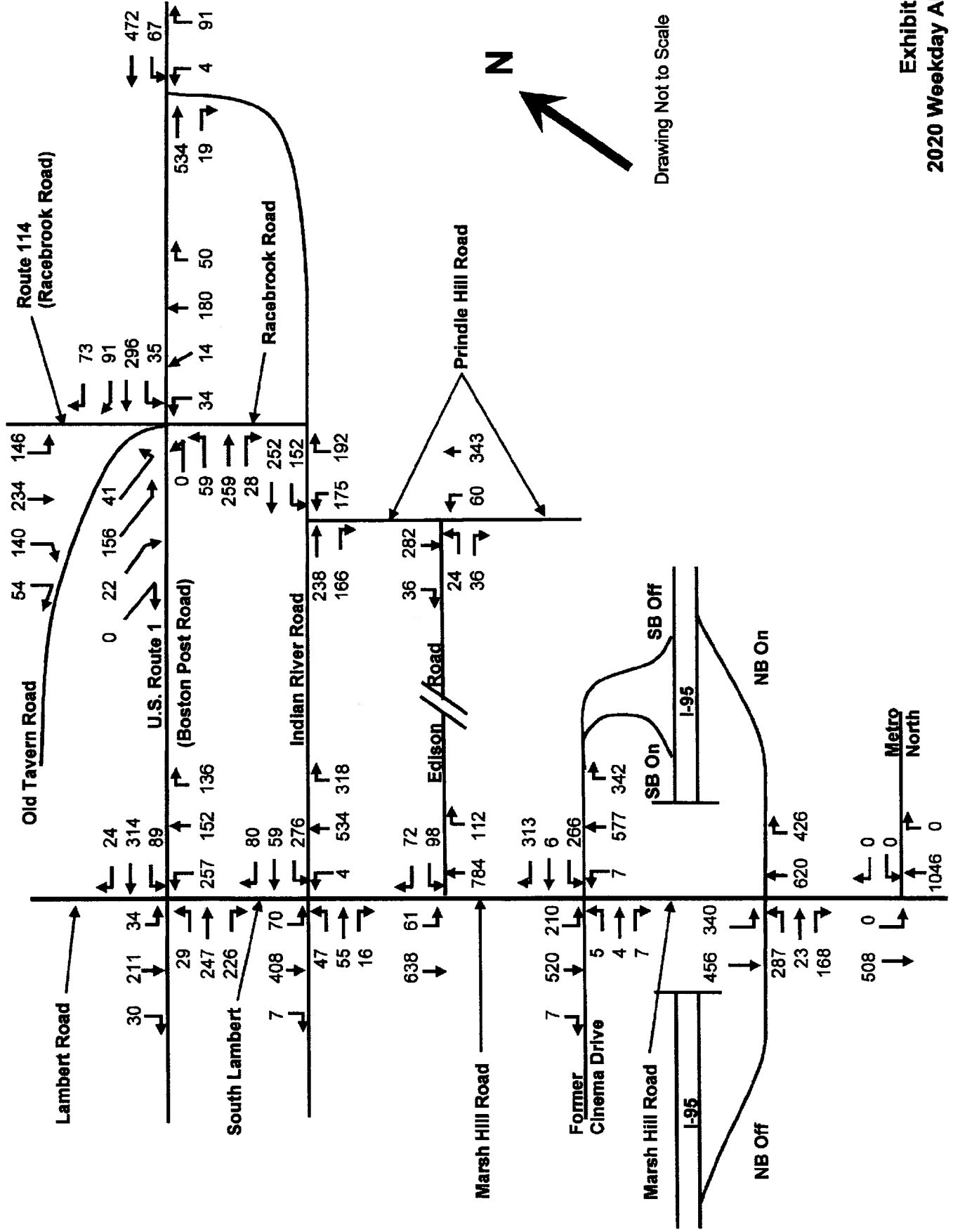
# Traffic Corridor Study

## Marsh Hill Road/Indian River Road/Edison Road



# Traffic Corridor Study

## Marsh Hill Road/Indian River Road/Edison Road

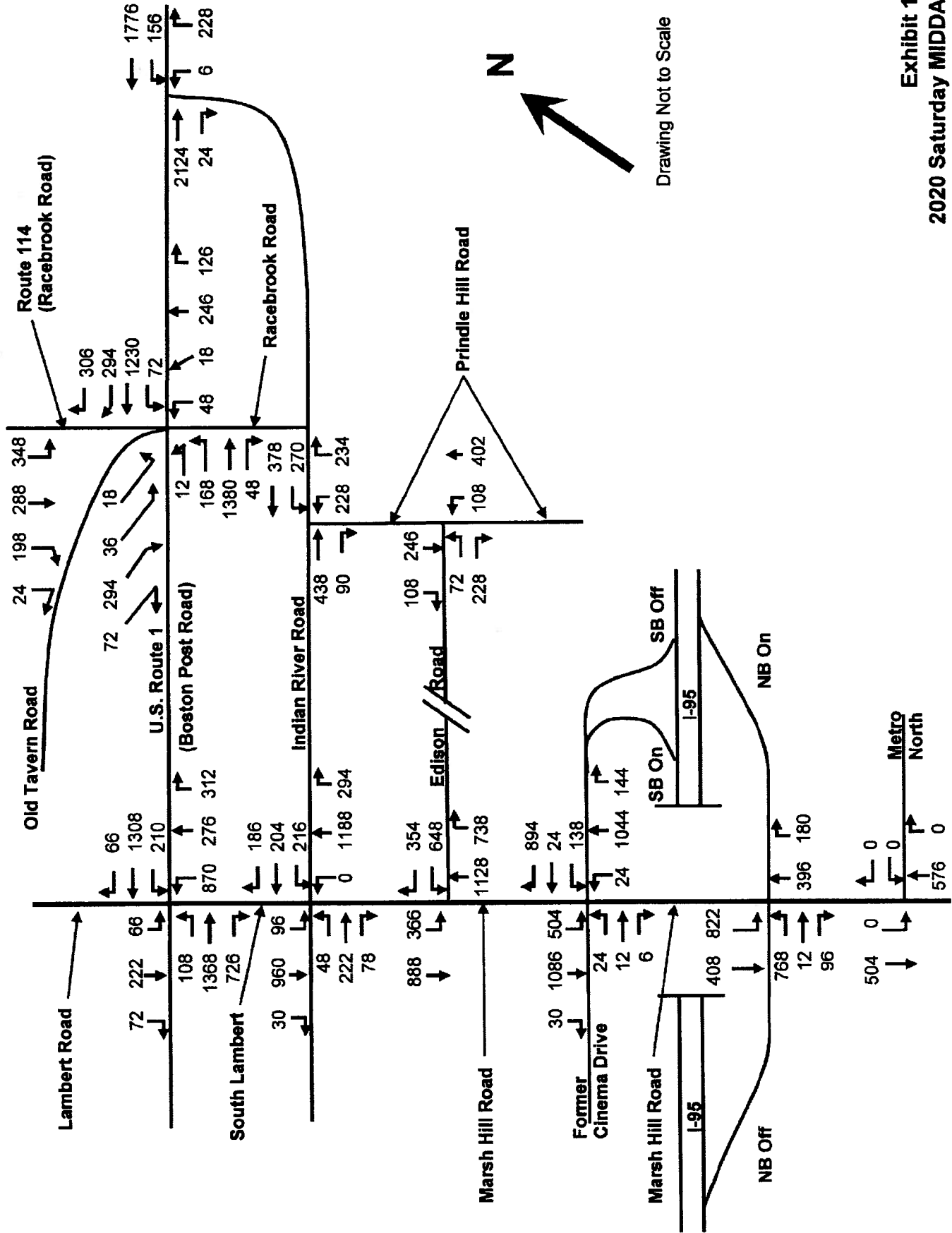




**Marsh Hill Road/Indian River Road/Edison Road**



November 2009



**Exhibit 11**  
**Trip Generation Calculations**  
**Metro-North Railroad Station Development Area**

Orange, Marsh Hill Road  
Summary of Trip Generation Calculation  
For 1000 Parking Spaces of LRT Station with Parking  
November 04, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	2.51	0.00	1.00	2510
7-9 AM Peak Hour Enter	0.86	0.00	1.00	860
7-9 AM Peak Hour Exit	0.21	0.00	1.00	210
7-9 AM Peak Hour Total	1.07	0.00	1.00	1070
4-6 PM Peak Hour Enter	0.72	0.00	1.00	720
4-6 PM Peak Hour Exit	0.52	0.00	1.00	520
4-6 PM Peak Hour Total	1.24	0.00	1.00	1240
AM Pk Hr, Generator, Enter	0.00	0.00	1.00	0
AM Pk Hr, Generator, Exit	0.00	0.00	1.00	0
AM Pk Hr, Generator, Total	0.00	0.00	1.00	0
PM Pk Hr, Generator, Enter	0.00	0.00	1.00	0
PM Pk Hr, Generator, Exit	0.00	0.00	1.00	0
PM Pk Hr, Generator, Total	0.00	0.00	1.00	0
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0
Sunday 2-Way Volume	0.00	0.00	1.00	0
Sunday Peak Hour Enter	0.00	0.00	1.00	0
Sunday Peak Hour Exit	0.00	0.00	1.00	0
Sunday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers  
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

Orange, Marsh Hill Road  
Summary of Trip Generation Calculation  
For 200 Rooms of Hotel  
November 11, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	8.17	3.38	1.00	1634
7-9 AM Peak Hour Enter	0.34	0.00	1.00	68
7-9 AM Peak Hour Exit	0.22	0.00	1.00	44
7-9 AM Peak Hour Total	0.56	0.78	1.00	112
4-6 PM Peak Hour Enter	0.31	0.00	1.00	62
4-6 PM Peak Hour Exit	0.28	0.00	1.00	56
4-6 PM Peak Hour Total	0.59	0.80	1.00	118
AM Pk Hr, Generator, Enter	0.29	0.00	1.00	58
AM Pk Hr, Generator, Exit	0.23	0.00	1.00	46
AM Pk Hr, Generator, Total	0.52	0.75	1.00	104
PM Pk Hr, Generator, Enter	0.35	0.00	1.00	70
PM Pk Hr, Generator, Exit	0.26	0.00	1.00	52
PM Pk Hr, Generator, Total	0.61	0.81	1.00	122
Saturday 2-Way Volume	8.19	3.13	1.00	1638
Saturday Peak Hour Enter	0.40	0.00	1.00	80
Saturday Peak Hour Exit	0.32	0.00	1.00	64
Saturday Peak Hour Total	0.72	0.87	1.00	144
Sunday 2-Way Volume	5.95	2.89	1.00	1190
Sunday Peak Hour Enter	0.26	0.00	1.00	52
Sunday Peak Hour Exit	0.30	0.00	1.00	60
Sunday Peak Hour Total	0.56	0.75	1.00	112

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers  
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

Orange, Marsh Hill Road  
Summary of Trip Generation Calculation  
For 250 Dwelling Units of Residential Condominium / Townhouse  
November 04, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	5.81	3.11	1.00	1453
7-9 AM Peak Hour Enter	0.07	0.00	1.00	18
7-9 AM Peak Hour Exit	0.37	0.00	1.00	93
7-9 AM Peak Hour Total	0.44	0.69	1.00	110
4-6 PM Peak Hour Enter	0.35	0.00	1.00	88
4-6 PM Peak Hour Exit	0.17	0.00	1.00	43
4-6 PM Peak Hour Total	0.52	0.75	1.00	130
AM Pk Hr, Generator, Enter	0.08	0.00	1.00	20
AM Pk Hr, Generator, Exit	0.36	0.00	1.00	90
AM Pk Hr, Generator, Total	0.44	0.68	1.00	110
PM Pk Hr, Generator, Enter	0.33	0.00	1.00	83
PM Pk Hr, Generator, Exit	0.19	0.00	1.00	48
PM Pk Hr, Generator, Total	0.52	0.75	1.00	130
Saturday 2-Way Volume	5.67	3.10	1.00	1418
Saturday Peak Hour Enter	0.25	0.00	1.00	63
Saturday Peak Hour Exit	0.22	0.00	1.00	55
Saturday Peak Hour Total	0.47	0.71	1.00	118
Sunday 2-Way Volume	4.84	2.71	1.00	1210
Sunday Peak Hour Enter	0.22	0.00	1.00	55
Sunday Peak Hour Exit	0.23	0.00	1.00	58
Sunday Peak Hour Total	0.45	0.70	1.00	113

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers  
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

Orange, Marsh Hill Road  
Summary of Trip Generation Calculation  
For 50 Th.Sq.Ft. GLA of Shopping Center  
November 04, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	42.94	21.38	1.00	2147
7-9 AM Peak Hour Enter	0.61	0.00	1.00	31
7-9 AM Peak Hour Exit	0.39	0.00	1.00	20
7-9 AM Peak Hour Total	1.00	1.38	1.00	50
4-6 PM Peak Hour Enter	1.83	0.00	1.00	92
4-6 PM Peak Hour Exit	1.90	0.00	1.00	95
4-6 PM Peak Hour Total	3.73	2.74	1.00	187
AM Pk Hr, Generator, Enter	0.00	0.00	1.00	0
AM Pk Hr, Generator, Exit	0.00	0.00	1.00	0
AM Pk Hr, Generator, Total	0.00	0.00	1.00	0
PM Pk Hr, Generator, Enter	0.00	0.00	1.00	0
PM Pk Hr, Generator, Exit	0.00	0.00	1.00	0
PM Pk Hr, Generator, Total	0.00	0.00	1.00	0
Saturday 2-Way Volume	49.97	22.62	1.00	2499
Saturday Peak Hour Enter	2.54	0.00	1.00	127
Saturday Peak Hour Exit	2.35	0.00	1.00	118
Saturday Peak Hour Total	4.89	3.10	1.00	244
Sunday 2-Way Volume	25.24	17.23	1.00	1262
Sunday Peak Hour Enter	1.53	0.00	1.00	77
Sunday Peak Hour Exit	1.59	0.00	1.00	80
Sunday Peak Hour Total	3.12	2.78	1.00	156

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

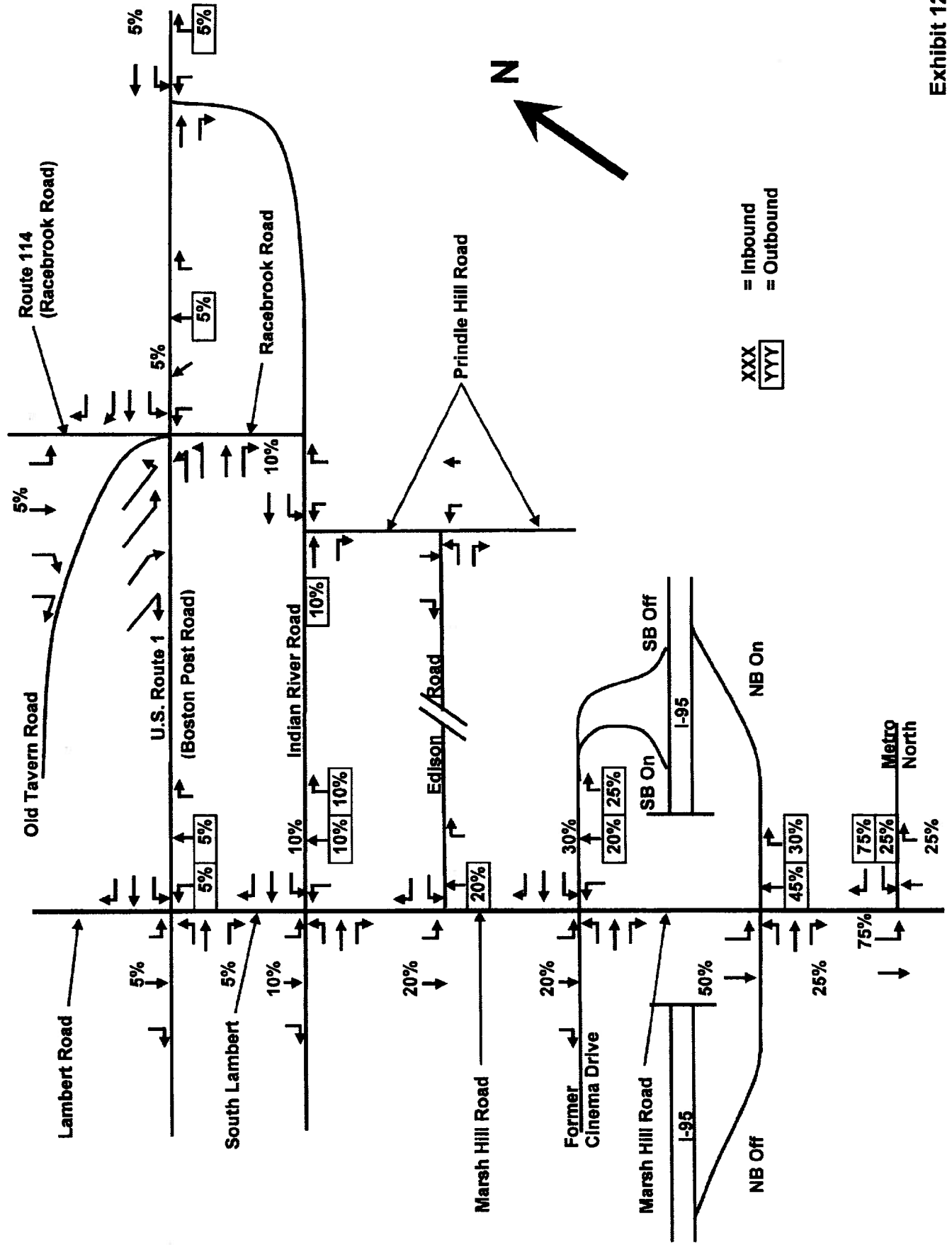
Orange, Marsh Hill Road  
Summary of Trip Generation Calculation  
For 300 Th.Sq.Ft. GFA of Office Park  
November 04, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	11.42	4.69	1.00	3426
7-9 AM Peak Hour Enter	1.52	0.00	1.00	456
7-9 AM Peak Hour Exit	0.19	0.00	1.00	57
7-9 AM Peak Hour Total	1.71	1.46	1.00	513
4-6 PM Peak Hour Enter	0.21	0.00	1.00	63
4-6 PM Peak Hour Exit	1.27	0.00	1.00	381
4-6 PM Peak Hour Total	1.48	1.31	1.00	444
AM Pk Hr, Generator, Enter	1.52	0.00	1.00	456
AM Pk Hr, Generator, Exit	0.19	0.00	1.00	57
AM Pk Hr, Generator, Total	1.71	1.46	1.00	513
PM Pk Hr, Generator, Enter	0.21	0.00	1.00	63
PM Pk Hr, Generator, Exit	1.27	0.00	1.00	381
PM Pk Hr, Generator, Total	1.48	1.31	1.00	444
Saturday 2-Way Volume	1.64	1.32	1.00	492
Saturday Peak Hour Enter	0.10	0.00	1.00	30
Saturday Peak Hour Exit	0.04	0.00	1.00	12
Saturday Peak Hour Total	0.14	0.37	1.00	42
Sunday 2-Way Volume	0.76	0.91	1.00	228
Sunday Peak Hour Enter	0.05	0.00	1.00	15
Sunday Peak Hour Exit	0.07	0.00	1.00	21
Sunday Peak Hour Total	0.12	0.35	1.00	36

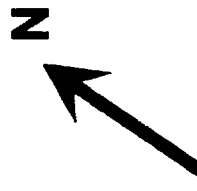
Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

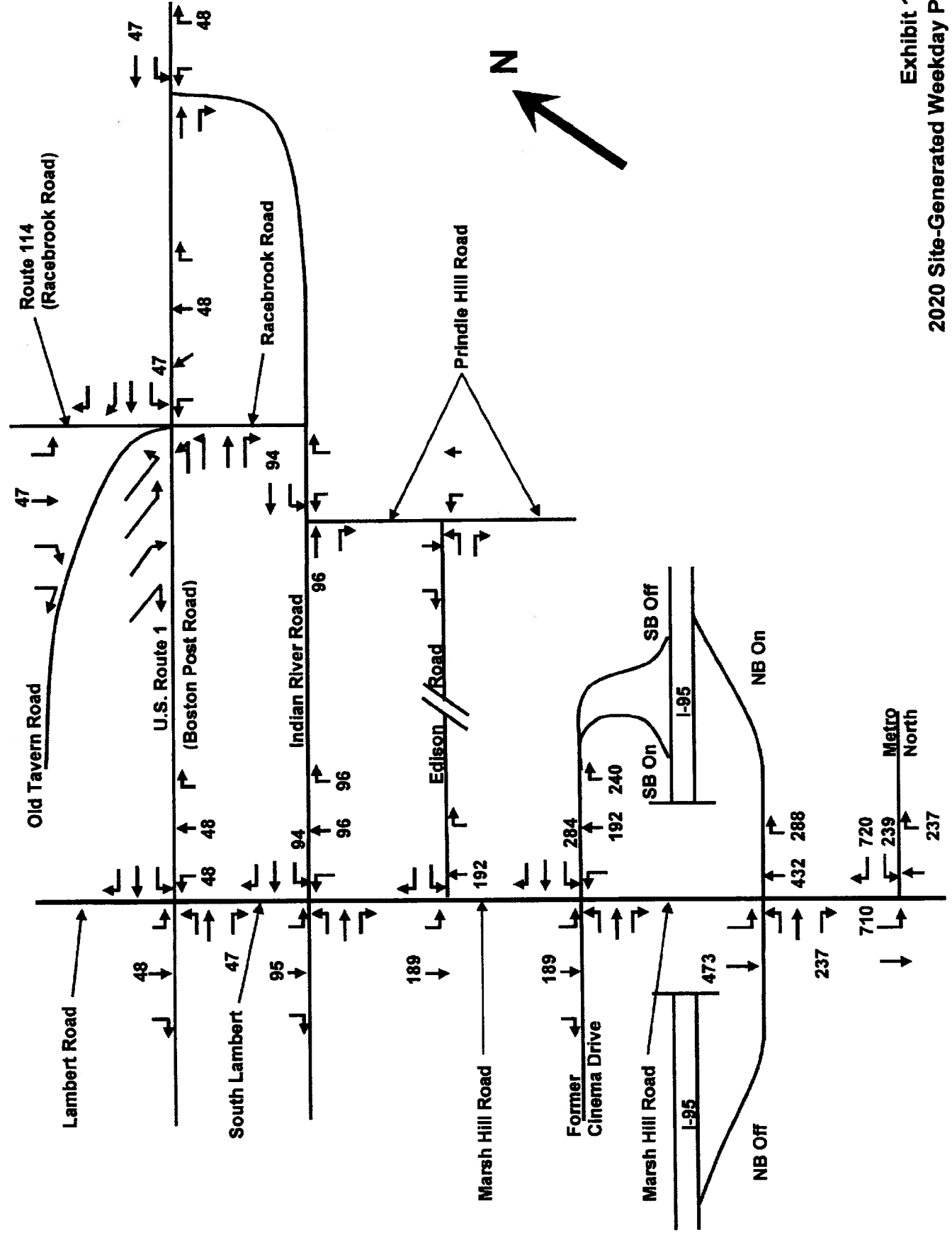




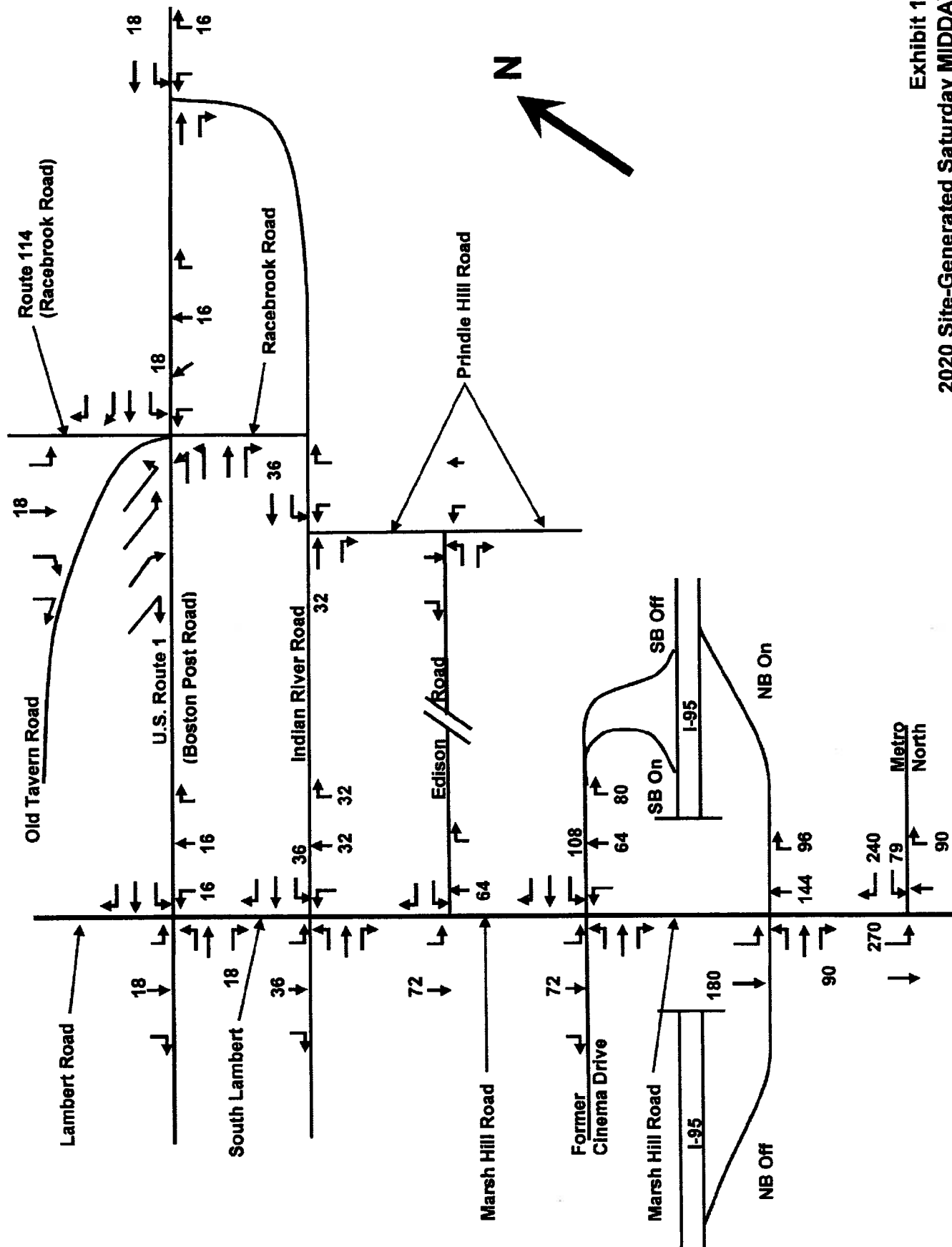
**Marsh Hill Road/Indian River Road/Edison Road**



## Traffic Corridor Study

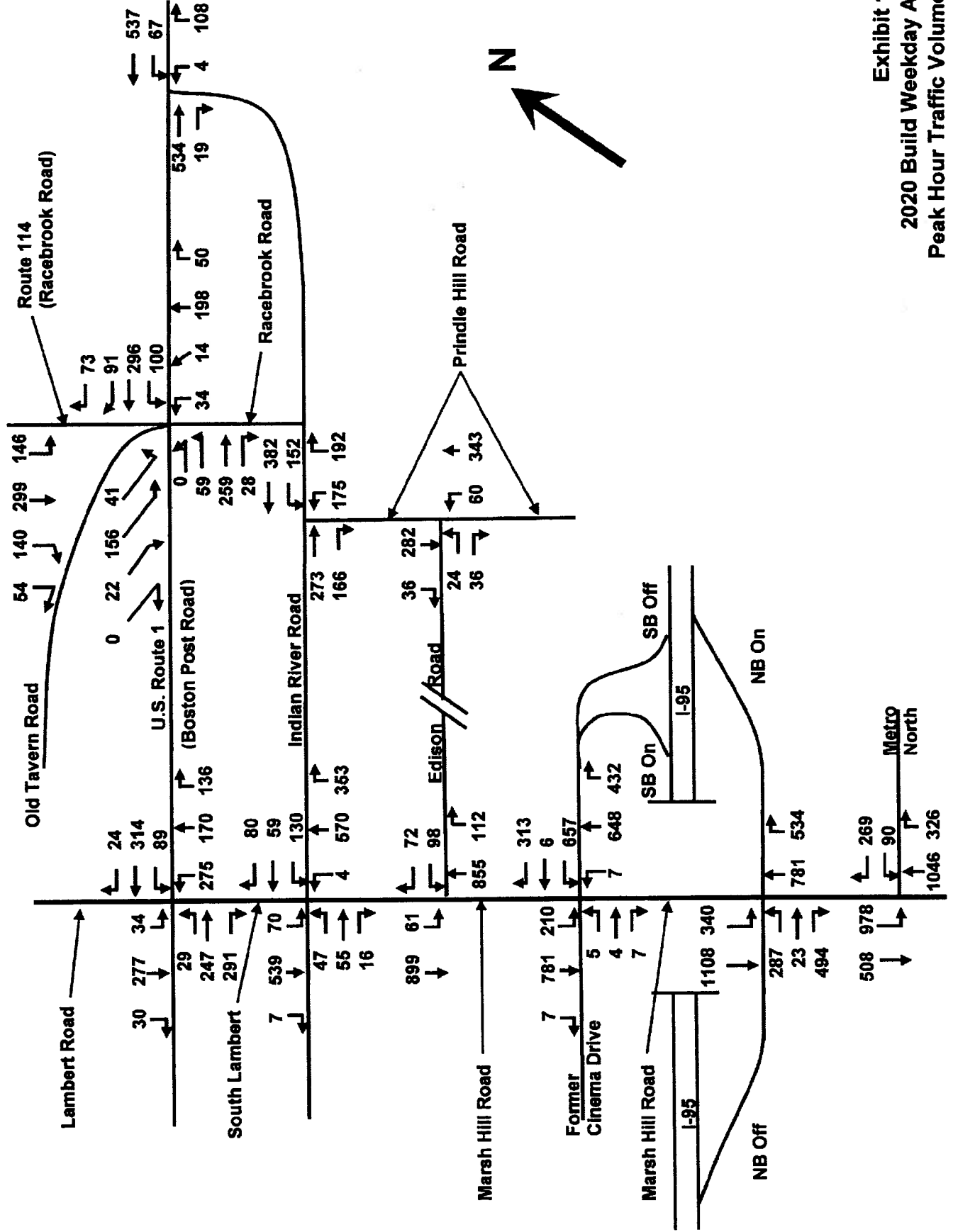


# Traffic Corridor Study Marsh Hill Road/Indian River Road/Edison Road



# Traffic Corridor Study

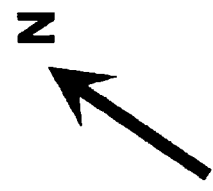
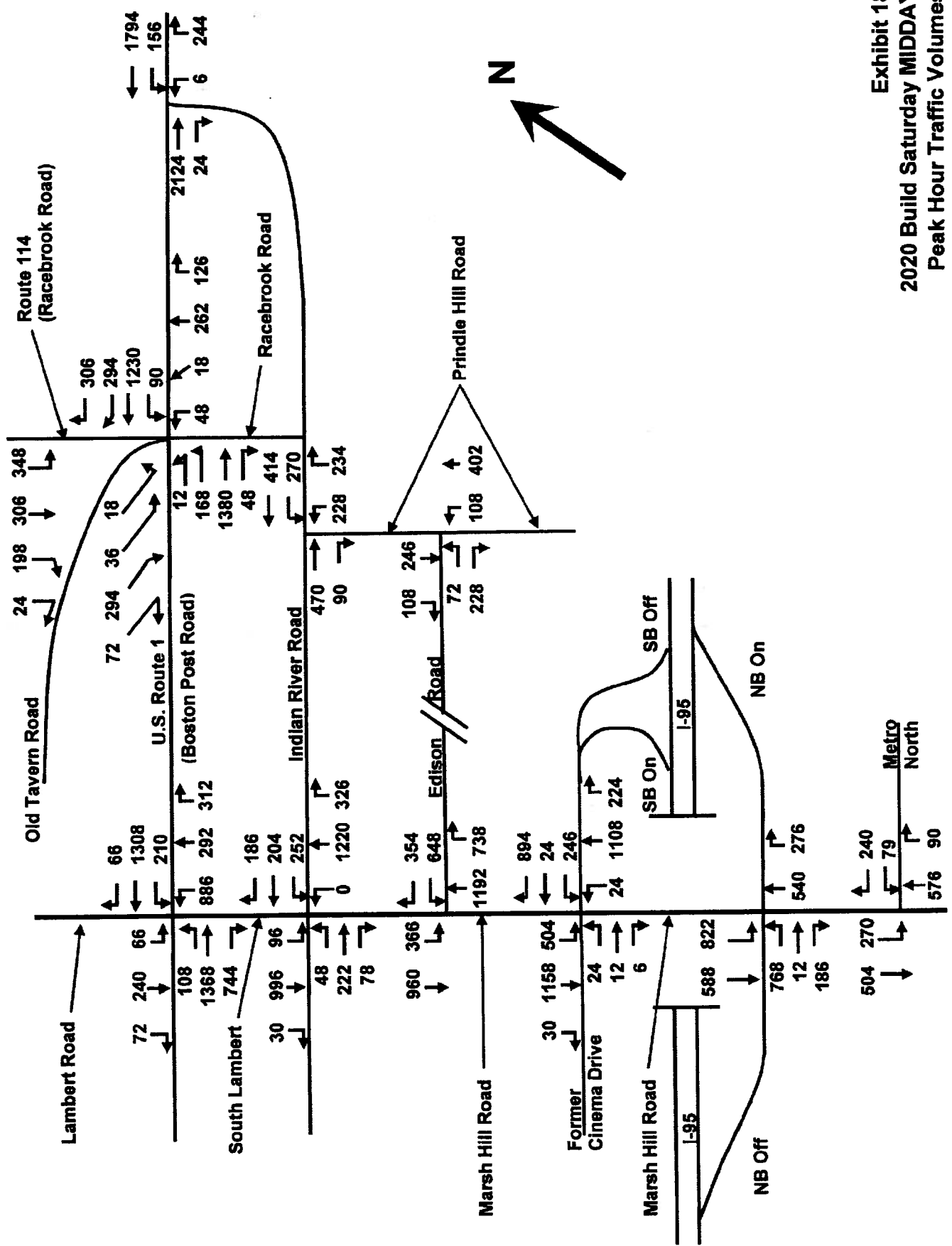
## Marsh Hill Road/Indian River Road/Edison Road



**Marsh Hill Road/Indian River Road/Edison Road**



**Traffic Corridor Study** **Marsh Hill Road/Indian River Road/Edison Road**



**EXHIBIT 19**  
**LEVEL OF SERVICE CRITERIA**  
**SIGNALIZED INTERSECTIONS**

**SOURCE: HIGHWAY CAPACITY MANUAL (HCM), 2000**  
**TRANSPORTATION RESEARCH BOARD (1)**

Level of Service for **signalized intersections** is defined in terms of control delay, which is a measure of driver discomfort, frustration, increased fuel consumption, and lost travel time. The delay experienced by a motorist is comprised of a number of factors that relate to control, geometric, traffic, and incidents. Total delay is the difference between the travel time actually experienced and the reference travel time that would result during base conditions in the absence of traffic control, geometric delay, any incidents, and any other vehicles. Specifically, LOS criteria for traffic signals are stated in terms of the average control delay per vehicle, typically for a 15-minute analysis period. Delay is a complex measure and depends on a number of variables, including the quality of progression, the cycle length, the green ratio, and the volume-to-capacity (v/c) ratio for the lane group.

In the case of **signalized intersections**, the Level of Service for each approach is computed, and an overall Level of Service for the entire intersection is determined.

Levels of Service (LOS) for **signalized intersections** are defined as follows:

LEVEL OF SERVICE	CONTROL DELAY PER VEHICLE (SECONDS)	CONDITION
LOS A	< 10	LOW DELAY
LOS B	> 10 TO 20	SHORT DELAY
LOS C	> 20 TO 35	AVERAGE DELAY
LOS D	> 35 TO 55	CONGESTION NOTICEABLE
LOS E	> 55 TO 80	LIMIT OF ACCEPTABLE DELAY
LOS F	> 80	UNACCEPTABLE

In today's environment, Levels of Service C to D are considered acceptable, and Levels of Service A to B are seldom achieved at signalized intersections.

(1) **HCM**, Exhibit 16-2.



**EXHIBIT 20**  
**LEVEL OF SERVICE CRITERIA**  
**UNSIGNALIZED INTERSECTIONS**

**SOURCE: HIGHWAY CAPACITY MANUAL (HCM), 2000**  
**TRANSPORTATION RESEARCH BOARD (1)**

Level of Service for **unsignalized intersections** similar to the study intersections is defined in terms of the average control delay for the approach or movement evaluated. Control delay involves movements at slower speeds and stops on intersection approaches as vehicles move up in the queue or slow down upstream of an intersection.

The delay experienced by a motorist is comprised of factors that relate to control, geometrics, traffic, and incidents. Total delay is the difference between the travel time actually experienced and the reference time that would result during base conditions in the absence of incident, control, traffic, or geometric delay. Control delay includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay.

At two-way stop-controlled and all-way stop-controlled intersections, control delay is the total elapsed time from a vehicle joining the queue until its departure from the stopped position at the head of the queue. The control delay also includes the time required to decelerate to a stop and to accelerate to the free-flow speed.

Level of Service (LOS) for a two-way stop-controlled intersection is determined by the computed or measured control delay and is defined for each minor movement. LOS is **not defined** for the intersection as a whole.

Level of Service (LOS) for an all-way stop-controlled intersection is determined by the computed or measured control delay and is defined for all movements. A LOS is **then defined** for the intersection as a whole.

Levels of Service (LOS) for **unsignalized intersections** are defined as follows:

LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	CONDITION
LOS A	0 TO 10	LITTLE OR NO DELAY
LOS B	> 10 TO 15	SHORT DELAY
LOS C	> 15 TO 25	AVERAGE DELAY
LOS D	> 25 TO 35	LONG DELAY
LOS E	> 35 TO 50	VERY LONG DELAY
LOS F	> 50	EXTREME DELAY

In today's environment, Levels of Service D to F are common and are often experienced on minor street approaches to major streets carrying relatively high traffic volumes.

(1) HCM, Exhibits 17-2 and 17-22.

## **APPENDIX C**

## **PROJECT CORRESPONDANCE**

The following interviews were conducted as part of the gathering of information for this project.

### **Brian Miller Meeting with First Selectman James Zeoli**

- The owner of Dichello Distributors, Ed Crowley, is anxious to work with DOT to construct the railroad station.
- Mr. Zeoli has been meeting with DOT officials and will have another meeting concerning the railroad station at the end of July.
- Other property owners within the area have decided to wait on development of their properties until the Town makes decisions based upon this study.
- There may be opportunities for coordinated development of the properties on the west side of Marsh Hill Road, north of the I-95 interchange.
- The current zoning regulations may need to be adjusted to respond to development opportunities.

### **Max Stach Phone Interview with Paul Grimer, Executive Director; Orange Economic Development Corporation**

April, 2008

- Area has traditionally been used for warehousing and related uses, little manufacturing. This is due to location at exit to the Connecticut Turnpike.
- There has been recent interest in some of the properties
- Some recent interest in age restrictive residential.
- There have also been inquiries for retail uses.
- An investor has been purchasing the houses on Salemme Lane.
- There seems to be significant interest in the Showcase Cinema's site, including a major corporate user.
- Yale has started planning for the Bayer campus.
  - Changed the zoning.
  - Locate a data center there.
  - Creating a medical research center, specializing in psychiatry.
  - Expected to have 2,000 employees there within two years.
- 3 major vacant pieces; Foyers, Stu Leonard's site and Cuz Acres.
- There has been some inquiries from Bio Tech companies

## **Brian Miller Interview with Robert Gregory, Director of Community Development for the City of Milford**

July 14, 2008

- Market for industrial uses is strong for small users, not good for large users. As a result, many larger properties have been broken up. The market for the small uses has been steady, if not spectacular.
- Much of the industrial activity has been firms relocating from Fairfield County, seeking larger, more contemporary, and less expensive accommodations that is more accessible to their workforce.
- They have had several small manufacturers located from Bridgeport into Milford.
- Retail activity has been strong within the past several years near Exit 39, because it is a full cloverleaf interchange for the Post Road, (Route 1). This includes the expansion of the Connecticut Post mall, the redevelopment of the old trailer park into a Wal-Mart and Barnes and Noble store, and the redevelopment of the Jai Lai site into redevelopment by Ceruzzi into a Lowe's, hotel and other pads.
- The furniture stores which predominated along the Post Road declined in recent years, primarily due to factors of the national chains. However, the recent slump in the housing slump has exacerbated the problem of the furniture stores. The Post Road furniture stores were further weakened by the opening of the IKEA in New Haven.
- The corporate office market has been weak overall. Shelton has been receiving the greatest amount of corporate office activity, as firms migrate up from Fairfield County. An example of the lure of Shelton was the relocation of the Bic headquarters from Milford to Shelton.

## **Interview with Karl Russell of George J Smith Associates**

April 22, 2008

Karl Russell answered questions about the suitability of the project area to support various uses. The following are his recommendations:

1. No more residential should be permitted within the study area even as part of Transit Oriented Development.
2. Convenience commercial retail would work in selected locations, especially around the proposed new train station or at its interface with Marsh Hill Road
3. This area has established itself as light industrial/office park, laboratory and heavy commercial and there is continuing market interest in the study area from these industries.
4. The market for office space has been weak for several years.
5. Highest and best use for the area is Laboratory Light Industrial and other "clean" industrial uses.
6. Private recreation could be profitable and there is a continuing demand for movie theaters, since the existing theater closed. The theaters at the Connecticut Post Mall have not absorbed the demand. "Frozen Ropes" provides batting cages nearby.

7. The parcel for the existing theater is being offered at \$15M for 24 buildable acres.
8. Convenience commercial support services for Bayer Campus users would also be a successful use.
9. Regional Retail and Commercial would not work as it would compete with US Route 1 at market rates, and premium retail would have to compete with the Connecticut Post Mall.

### **Max Stach Phone Interview with Mike Richitelli of Colonial Properties**

April 23, 2008

Mike Richitelli answered questions about the suitability of the project area to support various uses. The following are his recommendations:

1. The Prindle Hill Road and Edson Road area have developed principally as light industrial and this remains their highest and best use.
2. The area directly adjacent to the interchange could also be developed for Commercial or Retail, but big box retail on US Route 1 is already soft and the market potential is doubtful. There is already some retail and office on Indian River Road.
3. There is no market for additional residential development.
4. The office market is soft.
5. The future Orange Bayer Campus will not be as conducive to TOD as it was in Milford or West Haven.

### **Max Stach Phone Interview with Matt O'Hare of CBRE Commercial Real Estate Company.**

June 13, 2008

- With purchase of Bayer Property by Yale, this area will grow
- Orange is 65 miles to Manhattan and 140 miles to Boston. Great location.
- Many manufacturing companies are leaving, but those doing business with established area businesses are stuck.
- Office market is healthy for region.
- Bus Routes and affordable housing are available in New Haven
- Sikorski is major player in region.
- TOD would be a good idea in this location.
- Many of the existing older manufacturing buildings are functionally obsolete.
- I-95 Traffic is a nightmare
- Expensive operationally to do business.