



**RPC
Representatives**

Bethany:
Sharon Huxley

Branford:
Charles Andres

East Haven:
David Anderson

Guilford:
Michael Scott

Hamden:
Ralph Riccio

Madison:
Christopher Traugh
(Secretary)

Meriden:
Vacant

Milford:
Susan Shaw

New Haven: Karyn
Gilvarg

North Branford:
Vacant

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, February 11, 2010 RPC Meeting, 5:15pm @ SCRCOG Conference Room; 127 Washington Ave, 4th Floor West, North Haven, CT 06473

1. Administration

1.1. Minutes of the January 14, 2010 RPC Meeting

2. Statutory Referrals – February Action Items

2.1. Town of Clinton: Proposed Zoning Regulation Amendments to Section 9.18: Adult Day Care Facilities, Section 24.1.15 and 24.2.15: Day Care Facilities for Adults and Section 29.3.24: Parking Requirements for Adult Day Care Facilities. Submitted by: Town of Clinton. Received: January 14, 2010. Public Hearing: February 1, 2010 (Comment Period to be held Open).

2.2. Town of Southington: Proposed Zoning Amendments to Sections 9-06, 9-07.1 and 15.09 of the Town's Zoning Regulations. Submitted by: Town of Southington. Received: January 14, 2010. Public Hearing: February 16, 2010.

2.3. Town of Bethany: Proposed Zoning Regulation Amendment to add Section 5A: Permitting, Operation, Maintenance, and Abandonment of Small Wind Energy Systems. Submitted by: Town of Bethany. Received: January 20, 2010. Public Hearing: March 3, 2010.

2.4. City of Milford: Proposed Zoning Regulation Amendment to Section 3.8: Business District (BD) and Article XI: Definitions. Submitted by: Private Applicant. Received: February 1, 2010. Public Hearing: TBD

3. Other Business

3.1. Topics for Regional Round Table



DRAFT - Not yet approved by the Commission

MEETING MINUTES

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

Present: Peggy Rubens-Duhl, Brian Cummings, Christopher Traugh, Charles Andres, Ralph Riccio, Susan Shaw, Carl Amento, Eugene Livshits.

1 Administration

1.1 Minutes of the December 10, 2009 RPC meeting. Motion to accept the minutes as presented: Brian Cummings. Second: Christopher Traugh. Vote: Unanimous. Abstain: Peggy Rubens-Duhl, Susan Shaw

2 Statutory Referrals

2.1 City of West Haven: By resolution, the RPC has determined that the proposed Zoning Map Amendment does not appear to cause negative inter-municipal impacts to towns in the South Central region nor do there appear to be negative impacts to the habitat or ecosystems of the Long Island Sound. Motion: Christopher Traugh. Second: Ralph Riccio. Vote: Unanimous.

2.2 Town of Berlin: By resolution, the RPC has determined that the proposed Zoning Regulation Amendment does not appear to cause negative inter-municipal impacts to towns in the South Central region nor do there appear to be negative impacts to the habitat or ecosystems of the Long Island Sound. Motion: Charles Andres. Second: Brian Cummings. Vote: Unanimous.

2.3 Town of Bethany: By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause negative inter-municipal impacts to towns in the South Central region nor do there appear to be negative impacts to the habitat or ecosystems of the Long Island Sound. Motion: Charles Andres. Second: Brian Cummings. Vote: Unanimous.

2.4 Town of Guilford: By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause negative inter-municipal impacts to towns in the South Central region nor do there appear to be negative impacts to the habitat or ecosystems of the Long Island Sound. Motion: Charles Andres. Second: Christopher Traugh. Vote: Unanimous.



2.5 Town of Berlin: By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause negative inter-municipal impacts to towns in the South Central region nor do there appear to be negative impacts to the habitat or ecosystems of the Long Island Sound. Motion: Ralph Riccio. Second: Christopher Traugh. Vote: Unanimous.

2.6 Town of Madison: By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause negative inter-municipal impacts to towns in the South Central region nor do there appear to be negative impacts to the habitat or ecosystems of the Long Island Sound. Motion: Ralph Riccio. Second: Brian Cummings. Vote: Unanimous. Abstain: Christopher Traugh

A referral for the Town of North Branford was presented to the Regional Planning Commission. Motion to add the item to the RPC Agenda: Christopher Traugh. Second: Brian Cummings. Vote: Unanimous

2.7 Town of North Branford: By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause negative inter-municipal impacts to towns in the South Central region nor do there appear to be negative impacts to the habitat or ecosystems of the Long Island Sound. Motion: Susan Shaw. Second: Charles Andres. Vote: Unanimous.



3 Other Business

3.1 Nominations for Officers and Executive Committee Members: The following RPC members were recommended by the Nominating Committee for Officers and Executive Committee Members:

Chairman: Peggy Rubens-Duhl, Woodbridge
Vice Chairman: Brian Cummings, North Haven
Secretary: Christopher Traugh, Madison

Executive Committee: Peggy Rubens-Duhl, Woodbridge
Brian Cummings, North Haven
Christopher Traugh, Madison
Sharon Huxley, Bethany
Chuck Andres, Branford
Michael Scott, Guilford
David Anderson, East Haven

Motion to accept slate of Officers and Executive Committee Members: Peggy Rubens-Duhl. Second: Christopher Traugh. Vote: Unanimous

Motion to Adjourn: Ralph Riccio. Second: Susan Shaw. Vote: Unanimous.

Referral 2.1: Town of Clinton

Subject: Proposed Zoning Regulation Amendments to Section 9.18: Adult Day Care Facilities, Section 24.1.15 and 24.2.15: Day Care Facilities for Adults and Section 29.3.24: Parking Requirements for Adult Day Care Facilities.

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Town's in the South Central Region nor do there appear to be any negative impacts to the habitat or eco-system of the Long Island Sound.

In addition to the above recommendation, the Commission should consider reviewing the adequacy of the Parking Requirement. The requirement in Section 9.18.4 (c) should be reviewed; Connecticut does not currently license Adult Day Care Facilities.

Background: The Town of Clinton has proposed to amend several sections in the Zoning Regulations pertaining to Adult Day Care Facilities. The use can be established with a Special Exception in the following Zoning Districts: R-120, R-80, R-60, R-40, R-30, R-20, VZ, B-2, and B-3. The property on which the use is proposed cannot have any Zoning Violation at the time of application and a Certificate of Zoning Compliance is required.

Further procedures require the applicant to submit a letter from the Fire Marshal and the Director of Health. The letters are verification that the plans are in compliance with the Fire Codes and the design of the subsurface disposal system is approved. The proposed regulations have a requirement for the applicant to have a State License to operate an adult day care facility. Currently the State of Connecticut does not license Adult Day Care Facilities, but there is a certification process administered by the Connecticut Association of Adult Day Care.

The maximum number of adults permitted in an Adult Day Care is 30; and the requirement of activity space per client is 60 square feet excluding offices, bathrooms, kitchens, quit rooms, closets and vestibules. The bulk standards of the underlying Zoning Districts would apply to Adult Day Care Facilities.

The proposed Zoning Amendments would require one parking space for each employee on the largest shift, and one loading space for the arrivals and departures of the participants. The RPC reviewed a similar proposal for the Town of Clinton on September 10, 2009 and recommended that the adequacy of the parking requirement and activity space per client should be reviewed. The activity space has been changed to the original requirement of 60 square feet per client; but the parking requirement remains the same from the previous referral. Participants in Adult Day Care are usually dropped off and picked up at the facility, but parking considerations for visitors should be reviewed.

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



Town of Clinton
Planning and Zoning Commission
54 East Main Street
Clinton, Connecticut 06413
ZoningWetlands@ClintonCT.Org

January 11, 2010

Certified Mail

Eugene Livshits
South Central Regional Council of Governments
127 Washington Avenue, 4th Floor West
North Haven, CT 06473-1715

Re: AR 09-137: Proposed Amendment to the Zoning Regulations: Changes to Section 9.18: Adult Day Care Facilities and Sections 24.1.15 and 24.2.15: Day Care Facilities for Adults and Section 29.3.24: Parking Requirements for Adult Day Care Facilities.

Dear Mr. Livshits:

Please be advised that the above referenced amendment to the Zoning Regulations (Please see enclosed text) will be heard at a public hearing commencing on Monday, February 1, 2010 at 7:00 p.m. in the Green Room of the Andrews Memorial Town Hall.

Please forward any comments that you may have to:

Planning and Zoning Commission
54 East Main Street
Clinton, CT 06413

If you have any questions, please contact this office at (860) 669-6133, Monday through Friday, or at zoningwetlands@clintonct.org.

Sincerely,

Julia N. Pudem
Land Use Technician

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**SOUTH CENTRAL REGIONAL
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Phone: (860) 669-6133

FAX: (860) 664-4469

AR 09-137: Proposed Amendment to the Zoning Regulations

9.18 Adult Day Care Facilities (Added July 1, 2003)

9.18.1 **Purpose:** Adult Day Care Facilities constitute an important part of the continuum of care for our seniors, filling a growing niche between independent living and nursing home placement. By utilizing the cost-effective, high-quality professional care (not overnight care) provided by Adult Day Care Facilities, seniors can often be maintained at home for a longer period of time.

9.18.2 **Qualifications:** *A Special Exception for an Adult Day Care Facility may be granted provided that:*

(a) No zoning violation exists on the property as of the time of application. The applicant shall submit a current Certificate of Zoning Compliance as part of the application.

9.18.3 **Standards and Requirements:** *A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Section 9:*

(b) The design of the facility shall take into account the special needs of frail and mobility impaired participants and shall include the following in order to facilitate the participants' movement throughout the center and involvement in activities and services.

(b) The facility shall have at least two clearly identified exits with battery operated emergency exit lights at exit doors.

(c) *The maximum number of ~~participants~~ patrons permitted shall not exceed one client for every ~~forty~~ sixty (60) square feet of activity space, not including offices, bathrooms, kitchens, quiet rooms, closets and vestibules. The facility shall have ~~sixty square feet (60 sq. ft.)~~ of activity space per person not including offices, bathrooms, kitchen, closets and vestibules.*

(d) Locked storage space shall be provided for medications. All controlled substances shall be double locked.

(e) Shielded outside lighting must be supplied to provide safe lightening levels at all entrances and exits.

| November 23, 2009

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- (f) The facility shall meet all applicable federal, state and local requirements including licensing, sanitation, fire, building and safety requirements.
- (g) If the Adult Day Care Facility is located in a residential structure, the following standards must be applied in addition to those stated above:
 - (i) The facility shall have its own separate identifiable space from the residential/office area and designated bathrooms located within the space utilized for the facility.
 - (ii) The facility shall provide private office space for use by the facility.

9.18.4 ***Procedures:** The applicant shall follow the procedures set forth in Sections 8 and 9 4 of these Regulations, in addition to the following:*

(a) The applicant shall submit a letter from the Fire Marshal stating that the plans are in compliance with the Fire Codes.

(b) The applicant shall submit a letter from the Director of Health approving the design of the subsurface disposal system.

(b)(c) The applicant shall submit a copy of their state license to operate an adult day care facility.

24.1.15 Day care facilities for:

- (a) No more than nine (9) children (prohibited in all residential zones)
- (b) More than nine (9) children (Special Exception in all residential zones)
- (c) ~~No more than fifteen (15) a~~ **No more than thirty (30) a**Adults (Special Exception in R-120, R-80, R-60, R-40, R-30, R-20; Prohibited in R-15 and R-10)

24.2.15 Day care facilities for:

- (a) No more than nine (9) children (Zoning Permit in VZ; Prohibited in all other Non-Residential Zones)

- (b) More than (9) children (Site Plan in VZ; Special Exception in all other Non-Residential Zones)
- (c) ~~No more than fifteen (15) a~~ No more than thirty (30) aAdults (Special Exception in VZ, B-2, B-3; Prohibited in all other Non-Residential Zones)

29.3.24 **Adult Day Care Facilities: One (1) parking space for each employee on the largest shift, and one (1) loading space for the arrivals and departures of the participants.**

Referral 2.2: Town of Southington

Subject: Proposed Zoning Amendments to Sections 9-06, 9-07.1 and 15.09 of the Town's Zoning Regulations.

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Town's in the South Central Region nor do there appear to be any negative impacts to the habitat or eco-system of the Long Island Sound.

Background: The Town of Southington has submitted proposed Zoning Regulation Amendments to Section 9-06: Bonds, 9-07.1: Certificate of Site Plan Compliance, 15-09: Bonds. The first two amendments are in the Site Plan Review Section (9) of the regulations and the third amendment is in the Board of Appeals Section (15) of the Zoning Regulations.

The amendments are administrative and are applicable to the Bonding Requirements in the Town. The Zone Text changes that occur in Section 9-06 are the provision that a bond shall be filed in a form of a savings passbook endorsed to the Town has been deleted and the contingency requirement has been changed to 20%. In Section 9-07 the term surety bond or has been deleted and the percentage of contingency has been changed from 10% to 20%. In Section 15-09 the provision for a bond to be in form a savings passbook endorsed to the Town is proposed to be deleted.

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

PLANNING AND ZONING DEPARTMENT

P.O. BOX 610 SOUTHTON, CONNECTICUT 06489

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

Certified Mail #7004 2510 0005 2486 1591

January 12, 2010

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

RE: Proposed Zoning and Subdivision Regulation Amendments (ZA #552 and SA #23)

Dear Sir or Madam:

In accordance with the provisions of the Connecticut General Statutes, attached are copies of proposed text amendments, as follows:

- Amendments revising bonding procedures and requirements: Sections 9-06, 9-07.1 and 15.09 of the Zoning Regulations, and Sections 8-01.01, 8-01.01a, 8-01.02 and 11-07 of the Subdivision Regulations.

The Planning and Zoning Commission anticipates opening the public hearing on these items on February 16, 2010. The complete file is available for review in the Planning Department. If you have any questions regarding this proposal, please feel free to contact me at (860) 276-6248.

Respectfully,


Mary F. Savage-Dunham, AICP
Town Planner

enclosures

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SOUTH CENTRAL REGIONAL
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Please mail to:

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

RPC Referral Submission Form

South Central CT Regional Planning Commission

1.) General Information:

Date Sent: 1/12/10

Subject: Proposed Regulation Revisions

Applicant Name: Town of Southington

Property Address (if applicable): _____

Town/City: _____

Referral is from a private individual

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

Public Hearing Date: 2/16/10

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 Subdivision

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)

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4.) Preferred contact regarding this RPC referral:

Name: Mary F. Savage-Dunham, AICP

Telephone Number: 860-276-6248

E-mail Address: Savagem@southington.org

Comments: _____

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ZA #552

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9-06 BONDS

Before approval is granted under this Section, the applicant shall file a bond in the form of [a savings passbook endorsed to the Town,] a line of credit or a certified check payable to the Town of Southington with the Commission, in a form satisfactory to the Town Attorney and in conformity with the provisions of these regulations, in an amount recommended by the Town Engineer as sufficient to guarantee completion of all public improvements within an existing street and right-of-way, including but not limited to utility extensions and associated resurfacing, drainage improvements, curbing, and sidewalks, and in addition thereto [10] 20% thereof for contingency. Such bond or certified check shall not be release by the Commission until written certification from the Town Engineer has been received that all of the requirements of these regulations have been fully satisfied.

9-07 CERTIFICATE OF SITE PLAN COMPLIANCE

In all cases where these regulations require approval of site plans, no land shall be used and no building or other structure shall be occupied or used, nor shall a Certificate of Occupancy be issued by the Building Official until a Certificate of Site Plan Compliance has been issued by the Town Engineer stating that all of the provisions of these regulations, any special conditions imposed by the Zoning Board of Appeals or the Planning and Zoning Commission, and all site improvements as approved by the Commission have been completed.

9-07.1 The Planning and Zoning Commission may waive the requirements of this section in the case of exceptional winter weather or other extenuating condition when in its opinion the strict application of this section would cause exceptional hardship but would not be injurious to the neighborhood or otherwise detrimental to the public welfare. In such cases, the applicant shall post a [surety bond or] certified check, payable to the Town of Southington, to cover the balance of all remaining site work as determined by the Town Engineer and in addition thereto, [10] 20% thereof for contingency. Upon filing of such security and execution of an agreement between the applicant and the Town stipulating the items remaining to be completed, the cost of said items plus a [10] 20% contingency, and the date by which said items must be completed, and such other terms and conditions as deemed appropriate by the Commission, a Certificate of Occupancy shall be issued.

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

15-09 **BONDS**

The Board of Appeals, authorizing any use, may require as a precondition to its approval, the filing of a bond in a form satisfactory to the Town Attorney and in an amount established by the Board as sufficient to guarantee completion of those items specified by the Board in conformity with the provisions of these Regulations or any amendments thereto in force at the time of filing. The bond shall be in the form of [a savings passbook endorsed to the Town,] a certified check payable to the Town or a line of credit subject to the approval of the Town Attorney. Such bond shall not be released by the Board until it is satisfied that all of the requirements of these Regulations and all stipulations established as part of the approval have been fully complied with.

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SA #23

8-00 BONDING REQUIREMENTS

8-01 No building permit for any construction in the subdivision shall be issued nor any lot within the subdivision conveyed until a bond has been posted in accordance with all of the requirements of Section 8.01. No bond or letter of credit described herein shall be required as long as no building permit for construction is applied for and no lots are conveyed prior to acceptance of the public improvements by the Town.

8-01.01 A bond estimate shall be prepared by the Town Engineer and approved by the Commission as sufficient to guarantee the completion of all public improvements specified by the Commission and in conformity with the provisions of these Regulations. In computing the estimated cost of all public improvements, the Town Engineer shall add a percentage not exceeding 20%, to cover inflationary costs, contingencies, and administrative or other costs to the Town in case of default. The Commission may accept assurance, in writing, from each of the utility companies whose facilities are proposed to be installed in the subdivision, in lieu of bond.

The bond estimate shall be based on the actual cost of construction and installation of all streets, sidewalks, curbs, storm drainage facilities, public utilities, fire hydrants, parks, walkways and fencing, street lights, street name signs, traffic signs, pavement markings, telephone and electric service, planting of street trees and other required landscaping, retaining walls or other structures, easements, as built drawings and monumentation, which are proposed in the plan of subdivision or any phase of a plan of subdivision. Unit prices shall be as specified by the Town Engineer.

No bond shall be accepted for a period of less than 5 years and 3 months from the date of the approval. In the event the subdivider shall fail to install all improvements within five (5) years from the date of approval, the term of the performance bond may be extended by the Commission upon request of the developer and subject to the receipt of an agreement of such extension by the bank that issued the [passbook or] irrevocable letter of credit. However, such extension shall not exceed a period of one (1) year.

8-01.01.a The estimated costs of measures, as determined by the Town Engineer, required to control soil erosion and sedimentation, as well as a lump sum figure for possible clean-up efforts for failure to comply, as specified in the plan, shall be covered in the form of a certified check payable to the Town of Southington[, or savings passbook endorsed to the Town]. Said [surety] ***bond*** shall be separate from and in addition to the bonding requirements for all other public improvements pursuant to Section 8 herein.

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

- 8-01.02 The performance bond filed by the applicant shall be in the form of a certified check made payable to the Town of Southington[, a passbook assigned to the Town of Southington] or an irrevocable letter of credit in favor of the Town of Southington in a form satisfactory to the Town Attorney and in an amount recommended by the Town Engineer.
- 11-07 The estimated costs of measures, as determined by the Town Engineer, required to control soil erosion and sedimentation, as well as a lump sum figure for possible clean-up efforts for failure to comply, as specified in the plan, shall be covered in the form of a certified check payable to the Town of Southington[, or savings passbook endorsed to the Town]. Said [surety] *bond* shall be separate from and in addition to the bonding requirements for all other public improvements pursuant to Section 8 herein.

Referral 2.3: Town of Bethany

Subject: Proposed Zoning Regulation Amendment to add Section 5A: Permitting, Operation, Maintenance, and Abandonment of Small Wind Energy Systems.

Staff Recommendation: The proposed Zoning Regulations should adopt noise standards to avoid a potential nuisance and negative impacts to Town's in the South Central Region. There do not appear to be any negative impacts to the habitat or eco-system of the Long Island Sound.

Background: The Town of Bethany has submitted proposed Zoning Regulation Amendments pertaining to the permitting, operation, maintenance and abandonment of Small Wind Energy Systems (SWES). A Site Plan Approval would be required for a SWES with a total height 65 feet or less. A SWES with a height greater than 65 feet but less than 200 feet may be permitted by Special Permit.

In both cases the regulations establish a setback requirement of 110% of its height from any public right of way, any overhead utility lines, and all property lines. Unauthorized access would be limited by the requirement to have all ground equipment properly labeled and secured. The regulations establish requirements for electrical wires, lighting, appearance, signage, code compliance, utility notification/interconnection, and meteorological towers. The specific standards can be viewed in the Agenda Packet (Town of Bethany Referral).

The Site Plan for a SWES requires a dimensioned property line survey, which is of A2 accuracy for any property line within 150% of the proposed total height of the SWES. The locations of structures on the property, proposed SWES, right-of-way of any public road contiguous with the property need to be identified. System specification, tower drawing, foundation type and schematic plans need to be submitted. A SWES application requiring a Special Permit in addition to the above Site Plan requirements may need to include scaled photo simulations and information regarding potential adverse impacts on the environmental resources of the site.

The proposed regulations do not address issues that may arise pertaining to noise nuisances.

The Regional Plan of Conservation and Development recommends “Introducing regulations that provide standards that allow individual homeowners or commercial property owners to install solar panels or other alternative energy generators (wind turbines, etc.)” as a method to support energy conservation. Governor Rell’s “Connecticut Energy Vision” establishes the following goal “By 2020, 20% of all energy used and sold in the State of Connecticut will come from clean or renewable resources.”

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



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PLANNING AND ZONING COMMISSION

TOWN OF BETHANY
Town Hall - 40 Peck Road
Bethany, Connecticut 06524-3338
Tel. (203) 393-2100 Ext. 115
Fax: (203) 393-0821

January 15, 2010

South Central Regional Council of Governments
127 Washington Avenue
4th Floor West
North Haven, CT 06473-1715

Attention: Mr. Carl Amento, Executive Director

Subject: Proposed Bethany Zoning Regulation Amendment/Addition

Dear Mr. Amento:

In accordance with the Connecticut General Statutes, this letter is to serve as notification that the Bethany Planning and Zoning Commission will hold a public hearing in the Commission Meeting Room of the Bethany Town Hall, 40 Peck Road on Wednesday, March 3, 2010, beginning at 7:30 p.m. pertaining to the enclosed proposed Bethany Zoning Regulation Amendment to add Section 5A – Permitting, Construction, Operation, Maintenance and Abandonment of Small Wind Energy Systems.

Your comments on the proposed Amendment are welcome to be heard or submitted in writing for receipt into the public hearing record.

Very truly yours,

Antonia R. Marek, Clerk
For the Planning and Zoning Commission

Enclosure

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DRAFT
Zoning Regulation for
Permitting, Construction, Operation, Maintenance and Abandonment of
Small Wind Energy Systems (SWES)

**Section 5A. Permitting, Construction, Operation, Maintenance and Abandonment of
Small Wind Energy Systems**

Section 5A. 1. Authority: This regulation was adopted by the Bethany Planning and Zoning Commission pursuant to the authority granted to it under CGS Section 8-2.

Section 5A. 2. Purpose: The purpose of this regulation is to:

- (1) Establish the requirements for the permitting and construction, operation, maintenance and abandonment of small wind energy systems.
- (2) Preserve and protect public health and safety of Bethany's residents while promoting the use of renewable, alternative energy.

Section 5A. 3. Definitions:

- (1) "Meteorological tower" (Met Tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- (2) "Owner" is defined to mean the property owner where the SWES is located or the individual or entity that intends to own or operate the wind energy system in accordance with this regulation.
- (3) "Rotor Diameter" is defined as the cross sectional dimension of the circle swept by the rotating blades in a blade type turbine.
- (4) "Small Wind Energy System" (SWES) is a wind energy system that:
 - (a) is used to generate electricity
 - (b) has a nameplate capacity of 100 kilowatts or less; and
 - (c) has a total height of less than 200 feet
- (5) "Total height" means the vertical distance from ground level to the tip of the wind generator blade when the tip is at its highest point.

- (6) "Tower" means the monopole, freestanding, lattice or guyed structure that supports a wind generator.
- (7) "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in the system.
- (8) "Wind generator" means blades and associated mechanical and electrical conversion components mounted on top of the tower.

Section 5A. 4. Standards: A small wind energy system (SWES) may be permitted in any Zone subject to the following standards:

- (1) A SWES with a total height of up to and including 65 feet in height may be permitted upon the submission of a proper site plan meeting the following standards as a permitted principal or accessory use.
- (2) A SWES with a total height of greater than 65 feet but less than 200 feet may be permitted by Special Permit as a principal or accessory use upon a finding by the Planning and Zoning Commission that it meets the following standards.
- (3) Setbacks: A wind tower shall be set back a distance equal to a distance of 110% of its height from:
 - (a) any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - (b) any overhead utility lines, unless written permission is granted by the affected utility;
 - (c) all property lines, unless written permission is granted from the affected land owner or neighbor and such permission is properly entered on the Bethany land records prior to the issuance of the zoning permit for the SWES.
- (4) Access:
 - (a) All ground mounted electrical control equipment shall be properly labeled and secured to prevent unauthorized access.
 - (b) The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum of at least 8 feet above the ground.
- (5) Electrical wires: All electrical wires associated with a SWES, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box and the grounding wires shall be located underground.
- (6) Lighting: A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

- (7) **Appearance, color and finish:** The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless an alternative color or finish is proposed by the applicant and found acceptable.
- (8) **Signs:** All signs, other than the manufacturer's or installers identification, appropriate warning signs or owner identification on a wind generator, tower, building, or other structure associated with a SWES visible from any public road shall be prohibited.
- (9) **Code Compliance:** A SWES including tower shall comply with all applicable state construction and electrical codes and the National Electrical Code.
- (10) **Utility notification and interconnection:** SWES that connect to the electrical utility shall comply with the all requirements of and affecting the utility pertaining to Rules for Interconnecting Distributed Generation Facilities.
- (11) **Met Towers** if proposed to be used in connection with a proposed SWES, shall be permitted under the same standards, permit requirements, operating requirements and abandonment requirements as a SWES.

Section 5A. 5. Requirements:

- (1) A SWES requiring a site plan shall provide such information as is needed to assess compliance with this regulation as may be applicable including the requirements of Section 10, 11, 12 and 13 of these regulations. Specifically the site plan must be sure to also include the following:
 - (a) Property line survey with dimensions of the property. This survey must be of A2 accuracy for any property line with in 150% of the proposed total height of the SWES.
 - (b) Location of all structures on the property.
 - (c) Location of the proposed SWES.
 - (d) The right-of-way of any public road that is contiguous with the property.
 - (e) Any overhead utility wires on the property or within 100 feet of the property.
 - (f) SWES system specifications including manufacturer and model, rotor diameter, tower height, and details on tower type.
 - (g) Tower foundation type and schematic plans.
 - (h) Drawing of tower.
- (2) A SWES requiring a Special Permit shall, in addition to the requirements of (1) above, submit a Special Permit application for the

SWES to the Planning and Zoning Commission. In addition to the stated required items the Commission may request:

- (i) Scaled photo simulations of the proposed installation from a variety of locations. In order to determine the necessary number and location for these photo simulations a pre-application meeting with the Commission is recommended.
 - (j) Information regarding any potential adverse impact on the environmental resources of the site or of those avian species known to pass through the site may also be requested.
- (3) A building permit shall be required for the installation of a SWES.
(4) Fee: The application must be accompanied by all applicable fees.
(5) Expiration: A permit issued pursuant to this regulation shall expire in accordance with the requirement of the Connecticut General Statutes.

Section 5A. 6. Abandonment:

- (1) A SWES that is out of service for a continuous 18 month period will be deemed to have been abandoned. The Zoning Enforcement Officer may issue a letter citing a "finding of abandonment." The owner shall have the right to respond to the finding within 45 days from the date the letter was mailed by Certified Mail. The Zoning Enforcement Officer may refer the matter to the Commission or may, based upon facts presented, rescind the finding and determine that the SWES has not been abandoned. The ZEO may also impose specific time requirements to require the resumption of operation of the SWES.
- (2) If the SWES is determined to be abandoned, the owner shall remove the SWES at the owner's sole expense within 90 days. If the SWES is not removed within the allotted the ZEO may pursue all available legal measures to require said removal at the owner's expense.

Section 5A. 7. Violations: It is unlawful for a person to construct, install, or operate a SWES that is not in compliance with this regulation or any condition contained in a permit issued in connection with a SWES application.

Section 5A. 8. Administration and Enforcement: The Zoning Enforcement Officer or designee may enter any property for which a permit has been applied for or issued under this regulation in order to determine compliance with any aspect of this regulation. The ZEO may also issue orders to abate any violation of this regulation. The ZEO may also refer any violation of the regulation to legal counsel for enforcement.

Section 5A. 9. Penalties:

- (1) Any person who fails to comply with any provision of this regulation of any permit issued pursuant to this regulation shall be subject to enforcement in accordance with Section 13 of the Bethany Zoning Regulations and any penalties as may be permitted by any other applicable Town Ordinance or regulation.**
- (2) Nothing in this section shall be construed to prevent the Town from using any other lawful means to enforce this regulation.**

Section 5A. 10. Severability: The provisions of this regulation are severable, and the invalidity of any section, subdivision, paragraph, or other part of this regulation shall not affect the validity or effectiveness of the remainder of the regulation.

Draft 10/30/09

Referral 2.4: City of Milford

Subject: Proposed Zoning Regulation Amendment to Section 3.8: Business District (BD) and Article XI: Definitions

Staff Recommendation: The proposed Zoning Regulation Amendments to Article XI: Definitions do not appear to cause negative inter-municipal impacts to the Town's in the South Central Region nor do there appear to be impacts to the habitat or ecosystem of the Long Island Sound.

The proposed amendments do not include a provision under Section 5.1.4.1: Drive-In Establishments for a Coffeehouse drive-through window. The Commission should consider establishing the requirements for the use prior to adopting the definitions into the City's Zoning Regulations.

Background: A private applicant in the City of Milford has proposed Zoning Text amendments to Section 3.8: Business District (BD) and Article XI: Definitions. The amendments to the BD District in Milford would permit Drive-In Coffee Houses by Special Exception. The Business District in Milford is not within 500 feet of a municipality in the South Central Region and is not required to be reviewed by the RPC.

The referral does propose the addition of the following definitions to the Milford Zoning Regulations:

“RESTAURANT, COFFEEHOUSE: A Drive-In Establishment open to the general public for the principal purpose of preparing coffee based beverages, other non-alcoholic beverages and food typically associated with and incidental to, coffee based beverages, for consumption on and off premises. The type of food prepared and served does not rise to the level of a traditional restaurant style meal, fast food or otherwise and is a less intense restaurant use than a Restaurant or Restaurant, Fast Food as defined in these regulations.”

“DRIVE-IN COFFEEHOUSE: A Coffeehouse Restaurant as defined in these regulations with a drive a drive through service window where customers pick up beverages and food via driving by a pass-out window.”

Drive-In Establishments are only permitted in the Corridor Design Development District 1 and Corridor Design Development District 3. The City of Milford does have supplementary regulations pertaining to Drive-In Establishments in Section 5.1.4.1, which fall under the category of off-street parking regulations. The regulations have provisions for Banks, Car Washes, Fast Food and Pharmacy drive-through windows. The regulations establish requirements for the amount of waiting positions for automobiles between the street line and drive-through windows. It also requires that the drive-through arrangement does not conflict with the off-street parking requirements. If the City of Milford adds Drive-In Coffeehouse or Restaurant, Coffeehouse to the regulations a provision regarding the use would need to be added to Section 5.1.4.1: Drive-In Establishments. The existing regulations do have definitions for “Drive-In Establishments” and “Coffee House”.

Communication: In researching this proposal, I spoke to the Planning Staff in Milford and notified the adjacent municipalities in the South Central Region (Orange, West Haven).



City of Milford, Connecticut

- Founded 1639 -

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Website: www.ci.milford.ct.us

E-mail: planning@ci.milford.ct.us

Planning and Zoning
Office

David B. Sulkis, A.I.C.P.
City Planner

January 28, 2010

Via Certified Mail

Judy Gott, Executive Director
South Central Council of Governments
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

RECEIVED
FEB 01 2010
**SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS**

RE: PROPOSED ZONE TEXT CHANGE

Dear Ms. Gott:

In accordance with the provisions of Connecticut General Statute 8-3b, the Planning and Zoning Board is considering the adoption of a proposed zone text change to **Section 3.8 Business District: BD and Article XI-Definitions.**

The enclosed letter and attachments from Kevin J. Curseaden, Esq. will describe in detail the proposed change.

It is understood that your comments will be forthcoming within thirty-five (35) days of your receipt of the referral document.

Very truly yours,

David B. Sulkis, AICP
City Planner

DBS/pl
Enclosures

STEVENS, CARROLL & CARVETH
ATTORNEYS AND COUNSELORS AT LAW

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RECEIVED

FEB 01 2010

SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

January 8, 2010

RECEIVED

JAN - 8 2010

PLANNING & ZONING
MILFORD, CT 06460

David B. Sulkis, AICP
City Planner
City of Milford, Planning & Zoning Office
70 West River Street
Milford, CT 06460

Re: Application for Zone Text Change-Business District (BD)

Dear David:

Pursuant to our recent telephone conversation, please accept this letter with enclosures for transmittal to the necessary agencies for review and comment.

As you know, we are requesting an amendment to the Milford Zoning Regulations in the form of a text change to **Section 3.8 Business District: BD** and **Article XI-Definitions**. Specifically, we are applying to add text to **§§3.8.2** and **3.8.5**, as well as definitions in connection with the additional text.

This amendment will conform the **BD Zone** with other commercial and business districts, will not result in an intensified use and is compatible with the Plan of Conservation and Development.

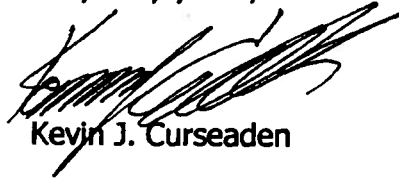
Enclosed please find fifteen (15) copies of the proposed zone text changes for circulation to the necessary agencies. Please let me know if you require additional copies or documentation in connection with this application.

Please advise if you, or members of the Planning and Zoning Board, have additional comments, concerns or input on this application.

STEVENS, CARROLL & CARVETH

We look forward to working with you and the Board on this matter. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin J. Curseaden", written over the typed name below it.

Kevin J. Curseaden

Enclosures

Cc: Mr. DeForest W. Smith

Proposed Zone Text Changes for Business District: See §3.8.2.10 and §3.8.5.4 as well as additional definitions regarding RESTAURANT, COFFEEHOUSE and DRIVE-IN COFFEEHOUSE below:

3.8.2 Special Uses: Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII, herein, and subject to the following:

- (1) Site Plan Requirements:** A detailed landscaping plan shall be required showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features. Landscaping shall be in accordance with Article V, Section 5.14.
- (2) Exterior Lighting:** Exterior lighting shall be provided by the applicant at all access points to streets, parking areas, building entrances and elsewhere, where required for safety or vehicular or pedestrian traffic.
- (3) Street Access:** No use shall be approved by the Board unless the lot has suitable access to an adequate collector or arterial street.

3.8.2.1 Clubs or fraternal organizations may be allowed subject to the following conditions and safeguards and provisions of Section 5.5, where applicable:

- (1)** All principal buildings shall be set back at least 50 feet from any Residential District boundary.
- (2)** All off-street parking areas shall be set back at least 25 feet from any Residential District boundary.
- (3)** No such use shall create any traffic hazard or nuisance to residential areas.
- (4)** Appropriate landscaping and screening shall be installed and suitably maintained in accordance with Article V, Section 5.14.

3.8.2.2 Printing or publishing establishments.

3.8.2.3 Funeral home or mortuary.

3.8.2.4 Public utility buildings or facilities with completely enclosed service or storage areas.

3.8.2.5 Mixed use buildings containing one or more allowable Special Uses.

3.8.2.6 Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing special uses may be approved by the Board in the same manner as Permitted Uses, unless the Board requires a public hearing.

3.8.2.7 Restaurants with an outdoor customer dining area as defined in Section 11-2.

3.8.2.8 Boarding houses, as provided and regulated in One Family Residential Districts, Section 3.1.1.1 herein.

3.8.2.9 Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

3.8.2.10 *Drive-in banks and Drive-In Coffeehouses, except that there shall not be more than one Drive-In allowed per site.*
(ADD)

3.8.5. Prohibited Uses: The following uses shall be expressly prohibited.

3.8.5.1. Unless permitted in single family residential districts, no residential uses shall be permitted.

3.8.5.2. No health center or club, including reducing salons, steam baths or similar uses shall be permitted.

3.8.5.3. No display of goods or sales outdoors or from open counters or with curb service shall be permitted; except during seasonal sidewalk sales.

3.8.5.4 *No Drive-in Establishment shall be permitted; except for drive-in banks and Drive-In Coffeehouses, as defined in Article XI of these Regulations, pursuant to Section 3.8.2.10, herein. (ADD)*

3.8.5.5 No commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing establishments, or other similar use shall be permitted.

3.8.5.6 No parking or loading area shall be used for the storage of new or used vehicles for sale or hire or for the storage of unregistered vehicles.

3.8.5.7 No principal warehouse or storage, junk yard, or outside storage yards shall be permitted.

3.8.5.8 No trucking distribution centers or other principal terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental deliver departments or off-street loading facilities operated by business concerns for their own use.

3.8.5.9 No principal manufacturing, fabricating, assembling or processing of goods or products shall be permitted.

3.8.5.10 Any building or use which will not comply with the Performance Standards of Section 5.11, shall be prohibited.

3.8.5.11 No other building or use which may be inconvenient or detrimental to the general character and appearance of the surrounding neighborhood or impair the value thereof or which shall be inconsistent with the Plan of Conservation and

Development dated September 20, 2002 and policy for future development of the area shall be allows.

Definitions:

RESTAURANT - A business establishment open to the general public for the principal purpose of preparing and serving food for consumption primarily on the premises. A type of eating place. (See definition of "EATING PLACE")

RESTAURANT, FAST FOOD - Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

ADD:

RESTAURANT, COFFEEHOUSE - A Drive-In Establishment open to the general public for the principal purpose of preparing coffee based beverages, other non-alcoholic beverages, and food typically associated with, and incidental to, coffee based beverages, for consumption both on and off premises. The type of food prepared and served does not rise to the level of a traditional restaurant style meal, fast food or otherwise, and is a less intense restaurant use than a Restaurant or Restaurant, Fast Food as defined in these Regulations.

DRIVE-IN COFFEEHOUSE - A Coffeehouse Restaurant as defined in these Regulations with a drive through service window where customers pick up beverages and food via driving by a pass-out window.