AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, March 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 February 11, 2010 RPC Meeting

2. Statutory Referrals – March Action Items


3. Other Business
To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Supplemental Information for Thursday, March 11, 2010 RPC Meeting, 5:15pm

RPC Representatives:

Staff Recommendations and Background Information for the proposed Plan of Conservation and Development for the Town of Bethany will be emailed to you early next week and a hard copy will be provided during the RPC meeting. The proposed Plan of Conservation and Development can be viewed on the SCRCOG website in the March Agenda Packet. If you have any questions, please do not hesitate to contact me.

Sincerely,

Eugene Livshits
Regional Land Use Planner
South Central Regional Council of Governments
127 Washington Ave.
North Haven, CT 06473
(203) 234-7555
DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, February 11, 2010 Meeting

Present: Peggy Rubens-Duhl, Brian Cummings, Christopher Traugh, Charles Andres, Sharon Huxley, David Anderson, Susan Shaw, Donald Moses, Carl Amento, Eugene Livshits.

1 Administration

1.1 Minutes of the January 14, 2010 RPC meeting. Motion to accept the minutes as presented: Christopher Traugh. Second: Susan Shaw. Vote: Unanimous. Abstain: Sharon Huxley

2 Statutory Referrals

2.1 Town of Clinton:

The Commission voted to move the staff recommendation with additional comments, which clarified that the parking requirement should be reviewed for visitor parking and an adequate amount of loading spaces.

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.

In addition to the above recommendation, the Commission should consider reviewing the adequacy of the parking requirement to provide for visitor parking and to ensure that there is an adequate amount of loading spaces. The requirement in Section 9.18.4 (c) should be reviewed; Connecticut does not currently license Adult Day Care Facilities. Motion: Sharon Huxley. Second: David Anderson. Vote: Unanimous.

2.2 Town of Southington: 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: Brian Cummings. Second: Sharon Huxley. Vote: Unanimous.
2.3 Town of Bethany:

The RPC moved the staff recommendation with additional comments. The additional comments involved setbacks between structures and the density of Small Wind Energy on a single lot.

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments should adopt noise standards to avoid a potential nuisance and any negative impacts to the Towns of the South Central Region. There do not appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

In addition to the above recommendation, the Commission should consider establishing requirements pertaining to setbacks between structures and density of Small Wind Energy Systems on a single lot. Motion: Peggy Rubens-Duhl. Second: Christopher Traugh. Vote: Unanimous.

2.4 City of Milford: By resolution, the RPC has determined that the proposed Zoning Regulation Amendments to Article XI: Definitions do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do they appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

In addition to the above recommendation, the Commission should consider establishing requirements under Section 5.1.4.1 for a coffeehouse drive-through window prior to adopting the definitions into the City's Zoning Regulations. Motion: Charles Andres. Second: Sharon Huxley. Vote: Unanimous.

3 Other Business

3.1 Potential topics for a future Regional Round Table were discussed. There was interest expressed in permitting and newer technology for septic systems. As part of the discussion an overview of the M.O.R.E Commission (Municipal Opportunities and Regional Efficiencies) was given by Carl Amento.

Motion to Adjourn: Sharon Huxley. Second: Charles Andres. Vote: Unanimous.
Referral 2.1: Town of Orange

Subject: Proposed Zoning Regulation Amendments to delete Section 383-66 C and 383-143.2 from the Town’s Zoning Code.

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 Orange has submitted a referral application pertaining to deleting two subsections from the Zoning Code. The first section is 383-66 (C) which permits stores and retail “unitary development” in the LI-2 District. The second section is 383-143.2, which provides the special standards for stores and retail “unitary development” in the LI-2 District.

“Stores and other buildings and structures where goods are sold or service is rendered primarily at retail and developed as unitary development…” is a permitted use in the LI-2 District. The deletion of the Section does not cause any impact as the amendment essentially prohibits the use from the district. Section 383-143.2 is directly related with the use being permitted in the LI-2 District and will no longer be applicable.

Communication: In researching this proposal, I spoke to the Planning Staff in Orange and notified the adjacent municipalities in the South Central Region (Milford, West Haven, New Haven, and Woodbridge).
February 1, 2010
CERTIFIED MAIL

Ms. Judy Gott, Executive Director
Council of Governments
127 Washington Avenue
4th Floor - West
North Haven, CT 06473-1715

REFERRAL OF PETITION TO AMEND
THE ORANGE ZONING REGULATIONS
-UPON THE INITIATIVE OF THE ORANGE TOWN PLAN & ZONING COMMISSION

1. To delete Section 383-66 C which permits stores and retail “unitary development” in the Light Industrial LI-2 District.
2. To delete Section 383-143.2 which provides for Special Standards for stores and retail “unitary development” in the Light Industrial LI-2 District.

Dear Ms. Gott:

In accordance with the Connecticut General Statutes, enclosed for your review are proposed changes to the Orange Zoning Regulations. I have included a copy of the existing and proposed regulations. These are changes which will eliminate stores and retail “unitary development” in the Light Industrial LI-2 District. A public hearing on this matter is tentatively scheduled for March 16, 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

SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

ARTICLE VIII, Light Industrial District #2
§ 383-65. Permitted uses.
A. Manufacture, processing or assembling of goods.
B. Laboratories for research, testing and development; printing and publishing establishments.
C. Office buildings for business and professional establishments, excluding those establishments which primarily provide services to customers and clients on the premises.
D. Warehousing of goods or materials manufactured on the same lot or warehoused for distribution and sale or resale and wholesale business.
E. Freight and materials trucking businesses when clearly accessory and subordinate to another permitted use on the same lot.
F. Repairing and servicing of motor vehicles when clearly accessory and subordinate to another permitted use on the same lot.
G. Public utility substations, telephone equipment buildings and switching stations; water supply pump stations and storage facilities; public utility transmission lines; public utility maintenance facilities.
H. Buildings and facilities of the Town of Orange, State of Connecticut, and federal government, excluding corporate or proprietary uses unless otherwise permitted above.
I. Railroad rights-of-way and storage sidings.
J. Signs as provided in Article XIX.
K. Accessory uses customary with and incidental to any aforesaid permitted use, provided such accessory uses are located on the same lot with the use to which they are accessory; such uses may include, but are not limited to, off-street parking and loading spaces, and eating, recreation and auditorium facilities primarily for persons employed on the lot and not open to the general public.
§ 383-66. Special uses.
A. On-premises child care and preschool development facility, when located on the same parcel or an abutting parcel of a user employing no fewer than 500 employees (the "employer") for a permitted use within the Light Industrial No. 2 Zone, provided further that: [Amended 6-6-2005]
   (1) At least one-half of the clients served by the facility must be children of employees or children of family members of employees of the employer.
   (2) The balance of the clients served by the facility may be children of employees or children of family members of employees of other employers located within the Light Industrial No. 2 Zone or children of employees of the on-premises child care and preschool development contractor.
B. Hotels, provided that: [Added 2-1-2005]
   (1) The hotel use contains not less than 100 sleeping rooms for transient lodging, where a sleeping room shall mean a transient lodging unit which consists of a bedroom, may include common areas and kitchen facilities, and designed for independent occupancy;
   (2) The hotel has frontage on I-95 and Marsh Hill Road;
(3) Maximum height of structures shall not exceed four stories or 60 feet, whichever is less;
(4) The hotel shall provide function space consisting of conference facilities and/or banquet rooms at the rate of not less than 15 square feet per sleeping room, with a minimum requirement of 2,000 square feet. Said space is in addition to floor area required for supporting office space, storage, kitchen area and similar support uses. All function space shall be located within the principal hotel structure.
(5) In addition, a hotel proposal under this subsection may also include a restaurant facility as accessory and subordinate to the hotel and subject to a special permit approval. Such facility may be located within the hotel structure or in a detached structure, and said restaurant shall be a full-service facility where patrons are served by waitstaff and only when seated at tables. Such use may include a bar area and limited take-out, incidental to the primary permitted use, but shall specifically exclude drive-through service and establishments where customers are served primarily at take-out counters.

***The proposal is to delete Section 383-66 C
C. Stores and other buildings and structures where goods are sold or service is rendered primarily at retail and developed as a unitary development, where "unitary development" is defined as consisting of one or more buildings and structures of quality design, consistent architectural design continuity, having a single architectural theme that unites all components, and where goods are sold or service is rendered, primarily at retail. Said development shall be in accordance with and conform to the additional requirements and standards as provided in Article XIV. [Added 5-12-2005]
D. Conference and training centers for use by companies, corporations, organizations, and groups for events, executive, management or educational training purposes, or meetings of their officers, directors, shareholders, members and/or employees. [Added 5-12-2005]
E. Indoor recreational facility providing opportunity for athletic activities, sports training and therapy in an enclosed building, but shall not include the following: [Added 11-6-2006]
(1) Bowling alleys;
(2) Billiard pool halls;
(3) Amusement devices, meaning any mechanical, electric or electronic device used or designed to be operated for entertainment or as a game of skill by the insertion of a piece of money, coin, token or other article into said device or by paying money to have it activated.
A. Dwellings.
B. Self storage or other forms of warehousing which is not either for storage of materials manufactured on the same lot or for goods or materials stored for distribution, sale or resale.
§ 383-68. Lot area, shape and frontage.
A. Minimum lot area: two acres.
B. Minimum dimension of square: 200 feet.
C. Minimum frontage: 50 feet.
§ 383-69. Height.
A. Maximum height: 40 feet.

§ 383-70. Setbacks.
A. From street line: 50 feet.
B. From rear property line: 35 feet.
C. From other property line: 35 feet.
D. From residence district boundary line: 50 feet.
E. Projections into setback area: five feet.

§ 383-71. Building bulk and coverage. [Amended 4-17-2007]
A. Maximum floor area: 80%.
B. Maximum ground coverage: 40%.

§ 383-72. Site plan.
Prior to approval of any application for a certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

ARTICLE XIV, Special Uses

In accordance with the procedures, standards and conditions hereinafter specified, the Commission may approve special uses in a district where such uses are listed. All requirements of the section are in addition to other requirements applicable in the district in which the special use is to be located.

§ 383-132. Purpose.
Uses permitted as special uses subject to the approval of the Commission are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this section. Special uses that may be permitted in a district are unusual uses that under favorable circumstances will be appropriate, harmonious and desirable uses in the district but that possess such special characteristics that each use should be considered as an individual case.

§ 383-133. Application.
Application for a special use shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an application for certificate of zoning compliance and shall also be accompanied by the following:
A. Statement of use: a written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations and the performance standards of Article XVII; eight copies shall be submitted.
B. Site plan: a site plan, drawn to a scale of not less than 100 feet to the inch, showing all of the following information, both existing and proposed, as applicable to the particular application: property lines and lines delimiting the land to be used under the application; contours or ground elevations; buildings, structures, signs and outdoor illumination facilities; streets, driveways and off-street parking and loading spaces, water courses, storm drainage and sewage disposal and water supply facilities; and landscaping (including trees and/or shrubs, lawn, other landscape features and natural terrain not to be disturbed). The site plan shall be prepared by a professional engineer or architect licensed to practice in the State of Connecticut; eight copies shall be submitted. Upon completion of construction and before a certificate of zoning compliance shall be issued, an "as built"
site plan, meeting the requirements of this paragraph, shall be submitted to the Zoning Enforcement Officer.

C. Architectural plans: Architectural plans of all proposed buildings, structures and signs, which plans may be in preliminary form but shall include exterior elevation drawings, generalized floor plans and perspective drawings, prepared, except for signs, by an architect or professional engineer or architect licensed to practice in the State of Connecticut; eight copies shall be submitted.

D. Soil erosion and sediment control plan: A soil erosion and sediment control plan in accordance with the provisions of Article XXI; eight copies shall be submitted.

E. Other: The Commission, upon written request by the applicant, may by resolution waive the required submission of all or part of the information required under § 383-133B and C if the Commission finds that the information is not necessary in order to decide on the application. The Commission may also request the submission of such additional information that it deems necessary in order to decide on the application.

F. Application fee: An application fee as determined under § 383-6 shall be filed.

§ 383-134. Procedure.
Upon receipt, the Zoning Enforcement Officer shall transmit the application for a special use and accompanying maps, plans and documents to the Commission. In acting on any application, the Commission shall hold a public hearing, shall decide thereon and shall give notice of its decision as required by law.

§ 383-135. Approval.
A. In approving an application for a special use or approving it subject to modifications, the Commission shall make a finding that all applicable requirements of this section have been met in addition to other requirements applicable in the district in which the special use is to be located and that the special use will be in harmony with the general purpose and intent of these Regulations. The grounds for disapproval of an application shall be stated by the Commission in its records. Approval of an application under this section shall constitute approval conditioned upon completion of the proposed development, in accordance with plans as approved, within a period of four years after approval is given, or such lesser period as may be determined by the Commission.

Approval of the application shall become null and void in the event of failure to complete the proposed development within such prescribed period. One extension of such period for an additional period not to exceed one year may be granted by the Commission after public hearing for good cause. All special uses may be approved subject to appropriate conditions, restrictions and safeguards imposed by the Commission as necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood and to meet the considerations and standards set forth in this Article XIV.

B. Bond: As a condition for approval of a special use for which a site plan submission has been made, the Commission shall require the applicant to file with the Commission a bond in form acceptable to the Commission and in accordance with § 383-11.1 and the approved special use. [Amended 6-19-2001]

In addition to general and special standards for particular uses that are hereinafter specified, the Commission shall consider the following before acting on any special use application:
A. The size and intensity of the proposed use, and the size of the lot on which it is to be located;
B. The effect of the proposed use on any adopted Comprehensive Plan of Development for the town;
C. The capacity of adjacent and feeder streets to accommodate peak traffic loads, and any traffic hazards that may be created by the use;
D. The effect upon property values and appearance in the neighborhood, taking into account the topography of the lot and the character, location and height of proposed buildings and structures and the site plan and proposed landscaping;
E. The number, location and arrangement of off-street parking and loading spaces and the vehicular access to the lot;
F. Fire and police protection needs;
G. Water supply, sewage disposal facilities and drainage and erosion problems; and
H. The arrangement, design and nature of any buildings and structures.
§ 383-137. General standards.
The following general standards shall apply to all special uses in addition to any special standards for particular uses that may be hereinafter specified:
A. Access: Provision shall be made for vehicular access to the lot in such a manner as to avoid undue hazards to traffic and undue traffic congestion on any street.
B. Neighborhood: The site plan and architectural plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community and to preserve and protect the natural features of the site when feasible.
C. Plan of development: The site plan and architectural plans shall be in conformance with the purpose and intent of the Comprehensive Plan of Development adopted by the Commission for the area in which the special use is to be located, and the site plan shall provide for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.
D. Site plan standards: The special use, including the site plan and architectural plan therefor, shall conform to the standards set forth in Article XIII.
§ 383-138. Special standards for office buildings in Office Park District.
Office buildings in the Office Park (OP) District as provided for in § 383-74A shall conform to the following additional standards:
A. Lot area, shape and frontage: The use shall be located on a lot having a minimum area of 20 acres, a minimum frontage of 100 feet on a street and be of such shape that a square with a minimum dimension of 600 feet will fit on the lot.
B. Setbacks: No building or other structure shall extend within less than 100 feet of the right-of-way line of a street, 100 feet from any other property line or 200 feet of a Residence District boundary line, except for certain signs as permitted in Article XIX.
C. Outside storage: There shall be no outside storage.
D. Parking: No surface parking areas shall extend within less than 50 feet of any property line or 100 feet of a Residence District boundary line and shall be screened from view from any street right-of-way line or property line by fences, walls and/or closely planted evergreens, trees, hedges or shrubs to a height of four feet at time of planting. Within each surface parking lot there shall be evenly distributed landscaped areas.
containing a minimum of one shade tree and other low planting for every 10 parking spaces.
E. Loading: No part of the area required for building setback from a street right-of-way line or a Residence District boundary line shall be used for off-street loading. Any off-street loading space, including any truck loading bay, ramp or dock, which is located within 200 feet of any street right-of-way line shall be screened from view from such street by buildings and/or fences, walls, or evergreen shrubs or trees to a height of eight feet at time of planting.
F. Landscaping: The entire area of the lot not used for buildings, driveways and off-street parking and loading shall be suitably landscaped with trees and/or shrubs and with lawns or shall be left as undisturbed natural terrain. Along and adjacent to a Residence District boundary line, a strip of land not less than 75 feet in width shall either be left in its natural state if already wooded or shall be landscaped with evergreen trees at least eight feet in height at the time of planting.
G. Exterior lighting: Exterior illumination shall be provided as necessary for the safety lighting of parking areas, drives, walkways and buildings. No offensive glare from lighting shall be transmitted so to endanger the public health and safety nor shall it be transmitted into or within any Residence District so as to impair the value and enjoyment of any lot therein.
H. Building and pavement coverage: The total ground coverage of all structures, paved parking and loading areas and drives shall aggregate to no more than 20% of the lot area.
§ 383-139. Special standards for equestrian clubs in Residence Districts.
As provided for in § 383-27H, shall conform to the following additional standards:
A. Land area: The use shall be contained within one parcel of land having a minimum area of 20 acres.
B. Setback: No building or other accessory structure shall extend within less than 150 feet of the right-of-way line of a street or other property line, except for certain signs as permitted in Article XIX. No rings, jumps, or other active use areas other than riding trails shall extend within less than 50 feet of the right-of-way line of a street or other property line.
C. Parking:
(1) No parking areas, including horse van and horse trailer parking areas, shall extend within less than 50 feet of any property line or street right-of-way line. All horse vans and horse trailers, other than those associated with a scheduled equestrian event, shall be parked or stored only in an enclosed building or other area completely screened from view from any adjacent property.
(2) Sufficient off-street parking facilities shall be provided to accommodate all users and visitors to the property including spectators for horse shows or similar events. The roads for entering and leaving the property shall not be located to create pedestrian or vehicular traffic hazard on a public road or highway.
D. Health:
(1) Stable manure must not create a health hazard from the air and water pollution standpoint to the community in general. The stabling or horses shall conform to all regulations of local and state Health Authorities.
(2) Toilet facilities shall be provided for in accordance with local health requirements for normal operations as well as for horse shows and similar events.
§ 383-140. Special standards for conversion of single-family dwellings to accommodate elderly housing.
A single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit in any Residence District subject to special permit and site plan approval in accordance with Article XIV, herein, and the following conditions: For the purposes of this section the term "incorporation" shall mean either completely within an existing principal building or added to an existing principal building, provided that both dwelling units shall be attached by a common wall, floor or ceiling and not simply by an attached breezeway or porch; and shall be contained within one building. All means of ingress and egress from the front of the structure must be limited to existing doorways.
A. Qualifications: No single-family dwelling shall qualify under these Regulations unless it is located on a lot having a minimum area of 30,000 square feet, and unless such unit shall have been on the Assessor's list as of October 1, 1997.
B. Occupancy: The dwelling in question shall be owner-occupied during the duration of the special permit.
C. Elderly: At least one dwelling unit shall be occupied by a person 55 years of age or older.
D. Signatures: All applications for a special permit under these Regulations shall contain the signature(s) of the owner(s).
E. Floor area: Each dwelling unit created shall contain not more than 900 square feet of floor area. [Amended effective 11-19-2002]
F. Certificate: Prior to the issuance of a special permit, a certificate in the form of an affidavit to certify that the owner is in residence and that one of the occupants of the particular dwelling unit is elderly shall be presented to the Commission. Thereafter, the applicant shall submit such notarized affidavit to the Zoning Enforcement Officer by January 31st of each year as a requirement for the continuance of the special permit.
§ 383-141. Special standards for drive-through service windows.
Drive-through service windows in Local Shopping Center (LSC), Commercial C-1 and Commercial C-2 Districts as provided for in §§ 383-34A, 383-42A and 383-50A shall conform to the following additional standards:
A. Provisions for safe pedestrian ingress and egress to and from the structure shall be made and restricted to specified areas. They shall be located to insure sufficient visibility to maximize pedestrian and vehicular safety.
B. Crosswalks shall be provided to service pedestrians crossing the drive-through service access driveway. All required sidewalks must have railings to channel pedestrian traffic to and from the building and to the crosswalks.
C. The drive-through service access driveway shall be designed and have a large enough vehicular holding capacity so as to avoid interior and exterior traffic and pedestrian hazards.
D. Information regarding the time and manner in which deliveries will be made to the structure must be submitted in sufficient detail so that it can be determined that no disruption of vehicular or pedestrian traffic will occur.
E. Provisions for adequate on-site litter control must be made and documented.
F. The minimum clearance height of the structure relative to vehicles using the drive-through window shall be nine feet.

G. All the regulations as set forth in Article XIII, Site Plans, must be met prior to the approval of the application for special use.

§ 383-142. Special standards for public sale and/or processing of agricultural products. The public sale and/or processing of produce, nursery and greenhouse stock and other agricultural products of a farm, nursery, truck garden or forestry use shall conform to the following additional standards:

A. The public sale and/or processing shall be located on land that is part of the farm, nursery, truck garden or forestry use, and the area and facilities and intensity of activity for such sale and/or processing shall be incidental to the permitted principal farm, nursery, truck garden or forestry use.

B. The range of agricultural products for public sale and/or processing shall consist primarily of products of the operator of a farm, nursery, truck garden or forestry use where such sale and/or processing is located but may include additional agricultural products when the total annual product to be sold or processed does not exceed the total product of the operation of a farm, nursery, truck garden or forestry use where such sale and/or processing is located.

C. The areas and facilities used for the public sale and/or processing of such agricultural products shall not extend within less than 50 feet of a street line or property line, which setback requirement, however, is not applicable to live nursery stock on or in the ground.

D. Under the provisions of §§ 383-171 and 383-172B(19), sufficient off-street parking spaces shall be provided to accommodate the motor vehicles of all persons using or visiting the public sale and/or processing activity at any one time. Should the number of off-street parking spaces be insufficient to accommodate the motor vehicles of all persons using or visiting such sale and/or processing activity on any five consecutive days or any day in each of three consecutive weeks, either application shall be made for a revised special use to provide sufficient spaces or, on written notice of violation given by the Zoning Enforcement Officer, the public sale and/or processing activity shall be discontinued.

E. The application for a special use for lawfully existing public sale and/or processing under § 383-27A registers the extent and nature of the existing use. The application may include request for approval of change in the existing extent and nature of the use and/or change in site development. Lawfully existing nonconformities, if any, in the existing use may be continued under the special use, provided however, that the Commission may require modification of the driveway access from the street, off-street parking and signs to conform to these Regulations.

§ 383-143. Special standards for convenience marts, gasoline pumps, and/or the sale of gasoline.

Convenience marts, gasoline pumps and/or the sale of gasoline in the Commercial C-1 District as provided for in § 383-42C shall conform to the following additional standards:

A. Gasoline pumps and/or the sale of gasoline shall be permitted, provided that the pump for the retail selling of gasoline on any lot is located a minimum of 2,500 feet from any other lot where the retail sales of gasoline occurs, regardless of the district or Town in which such other lot may be located. The 2,500 feet shall be the straight horizontal
distance from the property line of the lot where gasoline sales is proposed to the property line of any lot where gasoline sales exists.
B. Gasoline pumps and/or the sales of gasoline shall be permitted only in conjunction with the use of the premises as a motor vehicle service station and/or motor vehicle repair garage and/or a retail convenient mart with less than 2,800 square feet of gross floor area. No site containing more than 2,800 square feet of gross floor area for retail sales shall be permitted to have gasoline pumps and/or to sell gasoline.
C. Convenience marts are defined as retail establishments which do not exceed 2,800 square feet in gross floor area, and are located on a site where the sales of gasoline occurs. Sales items may include dry goods, dairy products, food items, and prepared foods, limited to Class 1 and Class 2 Food Service, as defined by the Public Health Code; and miscellaneous sundries.

(1) The outdoor storage or display of any goods or items is prohibited.
(2) In addition to the parking standards of Article XVIII, one additional parking space for each employee during the largest work shift period must be provided.
D. All gasoline pumps must be serviced by an overhead canopy. The canopy must comply with all building setbacks of the Orange Zoning Regulations.
E. All gasoline pumps and pumping areas shall meet the design and safety standards of the Orange Building Department and Fire Marshal's office.
F. The location of gasoline pumps shall be designed so as to isolate vehicles being fueled, from vehicles entering and exiting the site, and from on-site pedestrian traffic.
G. The Commission shall consider the size, intensity, and appropriateness of the proposed uses and the size of the lot on which it is to be located.

§ 383-143.1. Special standards for gasoline pumps and/or sale of gasoline as accessory use. EN [Added 7-6-2004]

Gasoline pumps and/or the sale of gasoline as an accessory use in the Commercial C-2 District as provided for in § 383-50 shall conform to the following additional standards:
A. The gasoline pumps must be located on the same lot and be operated by the same ownership as the retail use. The gasoline pumps and/or the sale of gasoline shall be permitted, provided that the pump for the retail sales of gasoline on any lot is located a minimum of 2,500 feet from any other lot where the retail sales of gasoline occurs, within the Town of Orange. The 2,500 feet shall be the straight horizontal distance from the property line of the lot where gasoline sales is proposed to the property line of any lot where gasoline sales exists.
B. The access to the pumps must not be located on a public street and must be accessed by means of the curb cuts which serve the retail use.
C. All gasoline pumps must be serviced by an overhead canopy. The canopy must comply with all building setbacks of the Orange Zoning Regulations.
D. All gasoline pumps and pumping areas shall meet the design and safety standards of the Orange Building Department and Fire Marshal's office.
E. The location of gasoline pumps shall be designed so as to isolate vehicles being fueled, from vehicles entering and exiting the site, and from on-site pedestrian traffic.
F. The Commission shall consider the size, intensity, and appropriateness of the proposed uses and the size of the lot on which it is to be located.
III. The proposal is to delete Section 383-143.2
§ 383-143.2. Special standards for retail stores in Light Industrial District No. 2. [Added 5-12-2005]
Unitary developments of store(s) and other buildings and structures where goods are
sold or service is provided primarily at retail in the Light Industrial District No. 2
provided for in § 383-66C shall conform to the following additional standards:
A. The minimum lot size shall be not less than 30 acres, exclusive of officially
designated inland wetland areas and existing natural steep slopes in excess of 40%.
B. The site shall directly abut the right-of-way of Interstate 95, and the principal
access driveway shall be located within 1,200 feet of the nearest ramp connections
thereto, as measured along the center line of connecting streets, starting at the
intersection point of the center line of said ramp with Marsh Hill Road to the
intersection point with the center line of the principal driveway. The site shall have not
less than 300 feet of frontage on Marsh Hill Road.
C. There shall be one principal building within which the building floor area
devoted to the principal retail and appurtenant support use shall be not less than
100,000 square feet. Any additional use of said principal building shall be limited to
not more than two additional tenants, each occupying not less than 8,000 square feet
but not more than a total of 30,000 square feet. The maximum total size of the
principal retail building shall not exceed 200,000 square feet.
D. In addition to customary and accessory uses, the principal use may include the
retail sale and storage of produce, nursery and greenhouse stock and products as well
as other agricultural products and related items as an accessory and subordinate use to
the permitted principal retail use. Said accessory use may be located as an adjunct area
to the principal retail use or in a freestanding building and/or outdoors in an
appropriately delineated area.
E. Said principal use may include a petting zoo and/or farm area as an accessory
and subordinate use to the principal retail use, provided that no animal pen or other
animal enclosure shall extend within 200 feet of the street line of Marsh Hill Road or
Edison Road nor within 50 feet of any other property line.
F. Said principal use may include indoor restaurant and food service areas within
the floor area of the principal retail use. In addition, not more than one full-service,
indoor sit-down restaurant and food beverage service establishment may be located in a
detached, freestanding building, as a subordinate use. Said restaurant shall be a full-
service facility where patrons are served by wait-staff and only when seated at tables.
Such use may include a bar area and limited take-out, incidental to the restaurant use,
but shall specifically exclude drive-through service and establishments where patrons
are served primarily at take-out counters.
G. No certificate of occupancy shall be issued for any accessory and subordinate
uses permitted under Subsections D, E and F above until a certificate of occupancy for
the principal retail use as referenced in Subsection C above to which they are accessory
and subordinate, has been issued.
§ 383-143.3. Special standards for indoor recreational facilities in Light Industrial
District #2. [Added 11-6-2006]
As provided for in § 383-66E, indoor recreational facilities in Light Industrial District #2 shall conform to the following additional standards:

A. Outside activities: There shall be no outside recreational activities of any kind.

B. Size: No area utilized as an indoor recreational facility shall occupy less than 10,000 square feet or more than 30,000 square feet of building space.

C. Accessory uses: In addition to customary and accessory uses, the principal use may include the retail sale of sporting equipment limited to items directly related to the athletic activities conducted in the indoor recreational facility, provided that the area of retail uses not exceed 1% of the total floor area.

D. Each indoor recreational facility within a Light Industrial District #2 shall be located a minimum of one-half mile from other indoor recreational facilities, unless the Commission determines that such separation is not necessary to avoid an undue concentration of indoor recreational facilities.

§ 383-143.4. Special standards for Active Adult Community (AAC) age-restricted housing and associated uses and features in the Residential RES District. [Added 9-18-2007]

The development of age-restricted, private residential dwellings as provided for in § 383-27, Special uses, shall conform to the following additional standards:

A. Occupancy: An AAC is developed to provide a variety of housing opportunities for individuals and family units where at least one member of the family is aged 55 or older in accordance with Federal Fair Housing Statutes and Guidelines. Occupancy is subject the following conditions and exceptions:

1. A single household member may also be under age 55 if he/she is the surviving spouse of a previously qualifying occupant.

2. A single household member may also be under age 55 if he/she is a divorcée of a previously qualifying occupant.

3. A household member may also be under age 55 if he/she is the nonspousal primary caregiver to a qualifying occupant.

4. No children under the age of 21 years shall be permitted to reside in any dwelling, except by hardship exception granted by the Board of Directors or other governing body of the community. Such hardship exception shall be granted only for children of an existing occupant, provided that visitor occupants of any ages shall be permitted to visit for up to four weeks of any calendar year. The restrictive language in the governing documents and in the restrictive covenant shall be approved by the Town Counsel and shall not be subject to revocation. In the event the Board of Directors or other governing body of the housing facility community shall grant a hardship exception, a copy of the application for the exception and of the Board’s decision thereon shall be forwarded to the Orange Planning and Zoning Commission within 30 days after such decision is made.

5. The Community Board/Association of the AAC shall be vested with the powers set forth in the declaration documents and further have the power and authority to enforce the rules and regulations contained herein as well as grant temporary exceptions as circumstances may warrant.

B. Site size: The parcel size and project development area for an AAC shall contain a gross measurement of no less than 35 acres, and no larger than 50 acres.
C. Street location: The AAC site must have a minimum of unbroken frontage, except for driveways, of 1,475 feet on CT. Rt. 121 (Grassy Hill Road) and a minimum of unbroken frontage, except for driveways, of 1,775 feet on CT. Rt. 34 (Derby Turnpike).

D. Sanitary sewers and public waters: The AAC site will only be considered if the proposed dwellings will be connected to public sanitary sewers and if the proposed dwellings will be connected to public drinking water system.

E. Allowed uses:
   (1) Single-family detached and single-family attached residential dwellings at a density of no more than 3.75 dwelling units per net acre (gross acreage, less existing, naturally formed wetlands).
   (2) Community facilities such as community buildings and recreational amenities.

F. Development limitations: In order to allow for the orderly provision of municipal services and so as to not overburden the infrastructure capacity of the Town, the maximum number of dwelling units to be approved on any site is limited by:
   (1) Floor area ratio standards.
   (2) Net acre density provision [Subsection E(1) noted above].
   (3) A maximum of 150 units may be permitted in any one qualifying development.
   (4) Any AAC development containing 30 or more dwellings shall include a community building or room adequately sized to accommodate general use of the residents.

G. Height, area and bulk standards:
   (1) No building shall exceed an average height of 35 feet, or 2 1/2 stories.
   (2) Impervious site coverage shall not exceed 60% of the project area (gross area, less existing, naturally formed wetlands).
   (3) Maximum building coverage shall not exceed 15% of the project area (gross area, less existing, naturally formed wetlands).
   (4) Maximum building floor area ratio (F.A.R.) shall not exceed 0.30 (or 30%) of the project area (gross area, less existing, naturally formed wetlands).

H. Buffers and setbacks:
   (1) Except as provided for herein, all residential buildings, garages, community service facilities and accessory uses shall meet a minimum building setback of 50 feet from all property lines.
   (2) All residential buildings, garages, community service facilities and accessory uses when abutting a residential adjoiner with existing homes, shall meet a setback of 75 feet, with a thirty-five-foot landscaped buffer. This landscape buffer may be a naturalized mix of evergreen and deciduous trees and shrubs.
   (3) Gates, guardhouses and similar type structures may be constructed within 30 feet of any street line and 15 feet from any other property line.

I. Parking and site circulation standards: Except as otherwise delineated in this section, parking space design and arrangement shall meet the criteria of §§ 383-177 through 383-183 inclusive.
   (1) Parking shall be provided at a rate of 2.0 spaces per dwelling unit. Garage spaces, dedicated driveway spaces measuring a minimum 8.5 feet by 18 feet and surface parking spaces measuring a minimum of nine feet by 18 feet may be utilized for the purpose of meeting this requirement.
K. Landscaping, open space and lighting.

L. In order to assure the high-quality visual aesthetic, and long-term compatibility with neighbors, a master landscape plan, along with a detailed landscape plan shall be provided, prepared by a Connecticut licensed landscape architect. All lighting shall meet the requirement of § 383-123.1 of these regulations, except as delineated in this section.

   (1) Existing mature vegetation on the site shall be retained in areas not disturbed by construction. In areas disturbed by construction or in areas sparsely vegetated, new plantings shall be provided in accordance with the master landscape plan.

   (2) Internal roads shall be planted with street trees, minimum caliper of 2 1/2 inches to three inches, approximately 50 feet on center.

   (3) Surface parking areas shall contain interior island and/or perimeter tree plantings at the rate of one tree caliper of (2 1/2 inches to three inches for deciduous and height of six feet to eight feet for evergreen) for every six parking spaces proposed.

   (4) Typical foundation plantings shall be shown on the provided detail landscape plan.

   (5) Excluding required buffers; space in the form of undeveloped natural areas, created wetlands and landscaped areas shall be provided at the rate of 400 square feet per dwelling.

   (6) Additionally, recreational and community amenities, including community buildings with associated infrastructure such as parking areas and driveways shall be provided at the rate of an additional 400 square feet per dwelling.

   (7) While required open space may be multisegmented, it must include at least one contiguous segment, containing at least 50% of the required area with a dimension no less than 65 feet.

   (8) General roadway and parking lighting shall employ decorative light poles and fixtures with a maximum height of 20 feet for all areas with pedestrian orientation.

   (9) Larger parking areas may use generic nondecorative poles and fixtures.

M. Trash removal: With the exception of community amenities, and attached dwellings lacking garages, trash collection points shall be designated at the driveway of each individual dwelling. Standardized trash containers shall be provided to each unit owner, and be stored in garages, or if applicable a designated, suitably enclosed area.

   (1) Trash enclosures, when utilized, shall be adequately screened by fencing and/or architectural elements and landscaping which harmonizes with the development in general.

   (2) Trash enclosures shall meet setback requirements, as described above.

N. Fire suppression:

   (1) All units shall be equipped with domestic fire-suppression systems, such as sprinklers, that in the opinion of the Fire Marshal, shall be adequate to protect the structures, and the safety and welfare of all inhabitants.

   (2) The water system within the development shall deliver adequate water pressure to provide safe and efficient fire protection, in the opinion of the Fire Marshal.

O. Construction of improvements:

   (1) The Commission may require a performance bond to guarantee the completion of all physical improvements required by the approved plans and regulations, in accordance with § 383-11.1, including but not limited to:
(a) The installation and completion of measures and facilities required under drainage and soil and erosion control plan;
(b) The cost of all community improvements and restorations, including but not limited to roadway, curbing, driveway aprons, sidewalks, streetlighting, catch basins, water and sanitary sewer lines and facilities, storm drainage facilities, easements and channels, public road restoration upon completion of subdivision, landscaping, and recreational facilities;
(c) The cost to achieve restoration of the site in the event of expiration of approval of the plan prior to the completion of community improvements.
(d) All other items required by the Zoning regulations, whether listed in the bond estimate or not.

(2) The Commission may permit development to occur in phases, in which it may permit a performance bond for the completion of all items indicated in Subsection N(1) for each individual phase. The Commission may restrict the issuance of building permits for a phase until improvements are installed or a bond for the improvements for each phase is in place.

(3) The Commission may, in conjunction with or instead of a performance bond for a specific improvement, require that such improvement be installed in accordance with a timetable governed by the issuance of building permits for dwellings.
Referral 2.2: Town of Hamden

Subject: Proposed Zoning Amendment to Section 724: Temporary Permits, of the Town’s Zoning Code

Staff Recommendation: The proposed Zoning Regulation Amendment does 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: A private applicant has submitted a proposed zoning amendment to Section 724 (Temporary Permits). The amendment adds the following provision to the Section “A commercial business may conduct a farmer’s Market, limited to 12 days in any calendar year.”

The Section regulates non-profits holding fairs, carnivals, etc…for a maximum of 7 days. The existing regulations do not have a limit on the amount of days a farmer’s market can be held. The amendment puts a limit on farmer’s market, specifically held by a commercial business.

Communication: In researching this proposal I spoke to the Town Planner in Hamden and notified the adjacent municipalities in the South Central Region (Bethany, Woodbridge, New Haven, North Haven, and Wallingford).
February 17, 2010

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

RE: Application 10-920

Dear Carl,

Enclosed, please find a copy of Application 10-920 from CLC Realty, LLC to amend Section 724 of the Hamden Zoning Regulations. Please forward your comments to the Planning Office.

Sincerely yours,

Leslie Creane
Town Planner

LC/ks

Enclosure
Date of Filing ____________________
Fee __________________________
Date Paid ______________________
Receipt # ______________________

TOWN OF HAMDEN
APPLICATION TO AMEND THE ZONING REGULATIONS

Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations.

APPLICANT CLC Realty, LLC
(Name)
ADDRESS 13 Hamden Park Drive
Street No and Name
Hamden
Town and State
CT
06517
Zip Code

TELEPHONE (203) 508-1650

REGULATION TO BE: ☐ AMENDED ☐ ADDED or ☐ DELETED:
Article Number VII Section 724 Group Use All

CURRENT LANGUAGE See Attached

PROPOSED LANGUAGE See Attached

REASON FOR PETITION FOR CHANGE To equalize treatment of farmers markets by commercial and non-profit organizations.

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

If YES, list name of applicant

Application to Amend the Zoning Regulations, Revised 1/20/10
<table>
<thead>
<tr>
<th>SIGNATURE OF APPLICANT</th>
<th>Steven R. Rolnick, Attorney for applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>TELEPHONE NO.</td>
<td>(203) 248-5444</td>
</tr>
<tr>
<td>MAILING ADDRESS</td>
<td>P.O. Box 185650 2832 Whitney Avenue, Ste. A</td>
</tr>
<tr>
<td></td>
<td>Hamden CT 06518</td>
</tr>
</tbody>
</table>

(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.

Application to Amend the Zoning Regulations, Revised 1/20/10
Section 724—amended

Nothing in these Regulations shall prevent a church, school, civic association, social club, volunteer fire department, municipal agency, or other non-profit organization from holding a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period not exceeding seven days in any calendar year, the profits of which are for the sole benefit of such organization or for civic, religious or philanthropic purposes. Seasonal operations, such as a farmer’s market, shall not be limited to 7 days. A Zoning Permit may be issued to any member of the above group of organizations located within the Town of Hamden, for an event, as described and limited above, at permissible premises other than those of such organizations.
Section 724— amended

Nothing in these Regulations shall prevent a church, school, civic association, social club, volunteer fire department, municipal agency, or other non-profit organization from holding a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period not exceeding seven days in any calendar year, the profits of which are for the sole benefit of such organization or for civic, religious or philanthropic purposes. Seasonal operations, such as a farmer’s market, shall not be limited to 7 days. A commercial business may conduct a farmer’s market, limited to 12 days in any calendar year. A Zoning Permit may be issued to any member of the above group of organizations located within the Town of Hamden, for an event, as described and limited above, at permissible premises other than those of such organizations.

Change in bold
Referral 2.3: Town of Cheshire

Subject: Proposed Zoning Regulation Amendments to regulate poultry, enlargement of non-conforming uses, off-street parking/loading and technical changes to Sections 34.10, 34.11, 40.2.1, 41.2.1

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 eco-system of the Long Island Sound.

Background: The Town of Cheshire has submitted a referral application pertaining to several amendments in the Town’s Zoning Code. The first amendment regulates poultry as a separate use. In the existing regulations poultry had the same requirements as cattle and other farm animals with requirements for a minimum 3 acres site. There is a setback requirement from each property line of 100 feet. The proposed regulations reduce the setback requirement to 50 feet for poultry from any lot line. The minimum lot has been reduced to 80,000 square feet for 12 chickens, while the lot requirement for more than 12 chickens and roosters remains at 3 acres. Technical changes are being proposed to Section 24.4: Enlargement of Non-Conforming Uses, Section 34.10 and 34.11: off-site directional signs. The amendments in Sections 24.4, 34.10, 34.11, 40.2, 41.2, and 41.2.1 have several technical changes which do not have any inter-municipal impacts.

There are several proposed amendments to Section 33 off-street parking and loading. Subsection 33.1.7 has been sub-divided into smaller section base on what type of use it is. Business, professional offices and financial institutions are required to have one space per 200 square feet of finished space. Medical offices/clinics, personal services businesses and commercial recreational are required to have one space per 150 square feet of finished space. Retail uses are now required to have one space per 250 square feet of finished space. In the existing regulations all of the uses are required to have one space per 150 square feet of finished space. The parking space requirement has been reduced to a minimum 9 feet in width and 18 feet in length (previously 10 feet and 20 feet); the travel aisle between all parking spaces is 24 feet. The proposed amendments state that
dead end parking bays shall be avoided and would require a maintenance plan for parking lots, which have over twenty cars. The shared parking subsection has been expanded to include situations where shared parking should be permitted.

The landscaping and design standards section has been revised to be more detailed in several subsections. The proposed regulations would require parking lots to be designed with elements capable of storm water absorption, infiltration and requirements for screening. The landscaping of the parking lots cannot interfere with vehicle sightlines or creates a situation for unsafe lighting levels. The last amendment adds the terms “Personal Services Businesses” and “Finished Space” to the definition section of the Zoning Regulations

**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

1.) General Information: Date Sent: 2/9/10

Subject: See attached

Applicant Name: Planning & Zoning Commission

Property Address (if applicable): __________________________

Town/City: Cheshire, CT

☐ Referral is from a private individual

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

Public Hearing Date: March 22, 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: William S. Voelker

Telephone Number: (203) 271-6670

E-mail Address: wvoelker@cheshirect.org

Comments: _____________________________________________________________

Questions: (203) 234-7555
South Central Regional Council of Governments | http://www.srcog.org
MEMORANDUM
TOWN OF CHESHIRE
84 SOUTH MAIN STREET, CHESHIRE, CONNECTICUT 06410
(203) 271-6670 Telephone  (203) 271-6688 FAX

February 8, 2010

TO: Attorney Michael Zizka
FROM: Cheshire Planning
SUBJECT: Proposed Changes

Enclosed please find the attached:

Please forward comments (s) before the

Scheduled Public Hearing date: March 22, 2010

Zone Text Petition Application
Planning and Zoning Commission
Section 30, Schedule A, Permitted Uses
Para: 24b, & c
To regulate poultry

Zone Text Petition Application
Planning and Zoning Commission
Technical Zoning Text Changes
   Section 24.4 Enlargement of Non-Conforming Uses
   Section 34.10, 34.11 (Technical)
   Section 40.2.1 Site Plan (Technical)
   Section 41.2.1 Site Plan (Technical)

Technical Subdivision regulation Changes

Section 33 Off-Street Parking and Loading

Existing and Proposed Text Attached

If further information is required, please contact me at the Planning Office at
(203) 271-6670. We look forward to receiving your comments.
<table>
<thead>
<tr>
<th>PERMITTED USES</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>24A.</strong> Horses, Ponies, and Other Equine Animals, subject to the following:</td>
<td></td>
</tr>
<tr>
<td>a. The lot shall contain a minimum of two (2) acres for the first animal and an additional ½ acre for each animal thereafter.</td>
<td>R-80 YY Y Y Y Y Y Y</td>
</tr>
<tr>
<td>b. A stall or other space in a suitable weather tight permanent shelter shall be provided for each animal.</td>
<td>R-40 YY Y Y Y Y Y Y</td>
</tr>
<tr>
<td>c. Any building used for housing of animals, feed or water trough, or storage area for manure shall be located not less than 100 feet from any property line.</td>
<td>R-20A YY Y Y Y Y Y Y</td>
</tr>
<tr>
<td><strong>24B.</strong> Livestock, Cattle, Poultry and Other Farm Animals, (excluding equine and poultry), subject to the following:</td>
<td></td>
</tr>
<tr>
<td>a. The lot shall contain a minimum of three (3) acres.</td>
<td>C1 YY Y Y Y Y Y Y</td>
</tr>
<tr>
<td>b. Shelter must be provided to adequately house all animals kept on the lot.</td>
<td>C2 YY Y Y Y Y Y Y</td>
</tr>
<tr>
<td>c. Any building used for the housing of animals, feed or water trough or storage area for manure shall be located not less than 100 feet from each property line.</td>
<td>C3 YY Y Y Y Y Y Y</td>
</tr>
<tr>
<td><strong>24C.</strong> Poultry, subject to the following:</td>
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<tr>
<td>a. The lot shall contain a minimum of 80,000 square feet.</td>
<td>P Y Y Y Y Y Y Y Y</td>
</tr>
<tr>
<td>b. No more than 12 chickens or similar poultry shall be kept on the lot.</td>
<td>P Y Y Y Y Y Y Y Y</td>
</tr>
<tr>
<td>c. Roosters are prohibited on lots less than three (3) acres.</td>
<td>P Y Y Y Y Y Y Y Y</td>
</tr>
<tr>
<td>d. More than 12 chickens or similar poultry requires three (3) acres.</td>
<td>N N N N N N P S</td>
</tr>
<tr>
<td>e. All poultry must be kept in a building or enclosure located no less than 50 feet from any lot line.</td>
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<tr>
<td><strong>24D.</strong> Horses or ponies for hire, riding academies or boarding stables for five or more animals located on a lot or not less than 15 acres provided that any building (other than a dwelling) and riding ring shall be located at least 300 feet from any lot line.</td>
<td></td>
</tr>
</tbody>
</table>

Technical Zoning Text Changes for Consideration

Section 24.4 Enlargement of Non-Conforming Uses

Correct reference to aquifer protection regulations, as follows:

24.4 Enlargement. Building and uses permitted in Section 30, Schedule A, when nonconforming, may be extended or expanded on the lot occupied by such use, subject to compliance with all other applicable Regulations and particularly the maximum lot coverage, yard and height requirements, provided no such building or use existing upon the adoption of these Regulations, and any Amendment thereto, shall be expanded by more than 25% of the nonconforming floor and/or ground area. The total of all such expansions shall not exceed 25%. Such expansion shall be by Special Permit as provided in Section 40. Persons seeking to extend or expand a nonconforming use that is listed as a regulated activity in the Cheshire Aquifer Protection Regulations must have a valid Aquifer Protection Area Registration, and shall apply for an Aquifer Protection Area permit, or modify the Aquifer Protection Area Registration in accordance with the Cheshire Aquifer Protection Regulations. Prohibited use in Section 47.5(C) of these Regulations shall apply for an Aquifer Protection Overlay Zone Permit, as provided in Section 47.4.1(G) and Section 47.8.2 of these Regulations, instead of a Special Permit pursuant to Section 40 of these Regulations.

Sections 34.10(E) and 34.11(D) Off-site directional signs in industrial and interchange zones

Currently, these sections refer to 34.9(C), which regulates changeable copy signs. They should read 34.9(G), referring to off-site directional signs, as follows:

34.10 Signs Allowed in I-1 and I-2 Industrial Districts

The following signs are permitted in I-1 and I-2 industrial districts, in addition to those allowed in Section 34.6. The following signs may be illuminated and require a permit:

...E. Off-Site directional signs: Signs as described in Section 34.9CG are allowed in the I-1 and I-2 districts.

34.11 Signs Allowed in the Interchange Zone

The following signs are allowed in the Interchange Zone, in addition to those allowed under Section 34.6.

The following signs may be illuminated and are allowed by permit, except if otherwise noted:

...D. Off-Site directional signs: Signs described in Section 34.9CG are allowed in the Interchange Zone.
Sections 40.2.1 and 41.2.1 Site Plans required under Special Permit and Site Plan Applications

Currently, 9 copies of site plans are required with each application. Especially given the number of revisions some plans go through, this generates a lot of waste. Six copies would be adequate for Engineering, Fire, Police, and Planning Departments, as well as the Commission.

40.2 [Special Permit] Application. All applications for Special Permits shall be submitted to the Planning and Zoning Commission on forms prescribed by that Commission and shall be accompanied by the following:

40.2.1 Site Plan. A site plan, drawn to a scale of not smaller than 100 feet to the inch, showing property lines, names and addresses of all abutting owners (including those across any street) as determined from the most recent assessor’s records, existing and proposed grade contours, buildings and other structures, building setbacks, lot coverage, driveways, off-street parking and loading, streets, outdoor illumination, outdoor storage, signs, wetlands and water courses, storm drainage, sewage disposal facilities, water supply facilities, landscaping (including trees and/or shrubs, lawn, other landscaped areas and natural terrain not to be disturbed); 9-6 copies shall be submitted.¹

41.2 Application. Prior to approval of any application for a zoning permit for a use for which a site plan must be approved as specified in Section 30, application for approval of a site plan shall be submitted to the Planning and Zoning Commission on forms provided by that Commission and shall be accompanied by the following:

41.2.1 Site Plan. A site plan, drawn to a scale of not smaller than 100 feet to the inch, showing property lines, names and addresses of all abutting owners (including those across any street) as determined from the most recent assessor’s records, existing and proposed grade contours, buildings and other structures, building setbacks, lot coverage, driveways, off-street parking and loading, streets, outdoor illumination, outdoor storage, signs, wetlands and water courses, storm drainage, sewage disposal facilities, water supply facilities, landscaping (including trees and/or shrubs, lawn, other landscaped areas and natural terrain not to be disturbed); 69 copies shall be submitted.

¹ Amendment effective June 26, 1975. Amended, effective October 4, 2002 at 12:01 a.m.
SECTION 33 OFF-STREET PARKING AND LOADING.
It is the intent of this Section to assure that off-street parking and loading spaces are provided to accommodate the motor vehicles of all persons normally using or visiting a use or structure at any one time. For any permitted use hereafter established, such spaces shall be provided in accordance with the standards hereinafter specified. Any off-street parking and loading provision existing shall conform to these standards to the extent that they conform at the time of adoptions of these Regulations. All spaces required to be provided by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land or structures for which such spaces are herein required. If any existing use of land or structure is changed to a use requiring additional spaces to comply with this Section, such additional spaces shall be provided for the new use in accordance with the standards hereinafter specified.

33.1 Parking Space Standards. Notwithstanding other requirements of these Regulations, off-street parking facilities shall satisfy the following minimum requirements with regard to number of spaces and location. Except for one and two-family dwellings, no parking or access thereto shall be located less than twenty feet from any street line or residential district boundary line, and ten feet from any other property line.

33.1.1 Dwellings: two spaces for each dwelling unit and located on the same lot with the dwelling.

33.1.2 Churches, places of worship, theaters, assembly halls or stadia and the like: one space for each three legal occupants and located on the same lot with the facility or on another lot any part of which is within 500 feet in a direct line from the facility. If the facility is located in a residential zone, such spaces shall be on the same lot as the facility or on a contiguous lot.

33.1.3 Hospitals and convalescent homes: for hospitals, 2 spaces per bed and for convalescent homes, 1 space for 3 beds all located on the same lot with the facility.

33.1.4 Hotels, motels, tourist courts, rooms to let in a dwelling, and the like: one space for each guest unit plus one space for each two persons regularly employed; and located on the same lot with the facility. One additional space shall be provided for each guest unit having kitchen facilities.

33.1.5 Restaurants and food service establishments: one space for each 75 square feet of customer space plus one space for each 100 square feet of other floor area and located on the same lot with the facility or on another lot, any part of which is within 300 feet in a direct line from the facility.

33.1.6 Gasoline stations, boat dealers and motor vehicle dealers and repairers, establishments for auto washing and cleaning and the like: ten spaces, and located on the same lot as the facility.¹

¹ Amendment effective May 27, 1988.
33.1.7 Business and professional offices, financial institutions: one space per 200 square feet of finished space.

33.1.7 (a) Medical offices and medical clinics, and the like: one space per 150 square feet of finished space.

33.1.7 (b) Retail uses: one space per 250 square feet of finished space.

33.1.7 (c) Personal services businesses and commercial recreational: one space per 150 square feet of finished space.

Parking for all of the above shall be located on the same lot with the facility or on another lot, any part of which is within 300 feet in a direct line from the facility.

33.1.8 Farm stands as permitted under Section 30, Paragraph 23A: one space for each five linear feet of frontage of such stand and located on the same lot with the stand. Farm stands as permitted under Section 30, paragraph 23B: one space for each three linear feet of frontage of such stand and located on the same lot with the stand.

33.1.9 Undertaker’s establishments: 40 spaces plus ten spaces for each chapel or parlor in excess of one, all located on the same lot with the building or on another lot, any part of which is within 300 feet in a direct line from the building.

33.1.10 Warehouses, wholesale businesses, trucking terminals, contractor’s businesses, research laboratories, establishments for the manufacture, processing or assembling of goods; printing and publishing establishment; painting, woodworking, sheet metal, blacksmith, welding, tire recapping, and machine shops; laundry, cleaning and dyeing plants and the like: one space for each one and one-half employees during the largest daily work shift period, and located on the same lot with the facility or on another lot, any part of which is within 500 feet in a direct line from the facility.

33.1.11 Customary Home Enterprises: one space per non-resident employee and located to the side or rear of the principal building.

33.1.12 Temporary Parking: Temporary parking is authorized in connection with any use listed in Paragraphs 33.1.1 through 33.1.11 above and for other uses not listed above as may be approved by the Planning and Zoning Commission under 33.1.13, subject to obtaining a Special Permit pursuant to Section 40 Special Permits of the Cheshire Zoning Regulations.¹

33.1.13 Parking. Other Uses: Sufficient off-street parking spaces shall be provided in connection with any use not listed in Paragraphs 33.1.1 through 33.1.11 and shall be approved as adequate by the Planning and Zoning Commission to preserve the purpose and intent of this Section.

¹ Amendment effective December 17, 1999.
**33.2 Loading Space Standards.** Each hospital, hotel, motel, retail store, restaurant, warehouse, wholesale business, trucking terminal, contractor’s business, research laboratories and establishment for the manufacture, processing or assembling of goods, printing and publishing establishments, painting, woodworking, sheet metal, blacksmith, welding, tire recapping, and machine shops, and laundry cleaning and dyeing plants, having a ground floor area in excess of 4,000 square feet, shall have one off-street loading space for each 20,000 square feet of gross floor area or fraction thereof, excluding basements. No loading space or access thereto shall be located less than 20 feet from any property line, street line, or residential boundary line.

**33.3 Design Standards.** All off-street parking and loading areas shall meet the following minimum design standards:

**33.3.1** Each parking space shall constitute an area with a minimum width of nine (9) and a minimum length of eighteen (18) feet. Parking spaces located in underground garages, buildings, or above ground garages may be reduced where necessary to allow for column spacing to a width of no less than eight (8) feet when adjacent to a structural column. Each loading space shall constitute an area with a minimum length of fifty (50) feet and a minimum vertical clearance of fifteen (15) feet. Where a parking lot contains more than twenty (20) car spaces, the applicant may provide up to 40% of his total parking in small car spaces, subject to the approval by the Planning and Zoning Commission. A small car space shall not be less than nine (9) feet in width and sixteen (16) feet in length. The small car spaces shall be laid out in a group and marked on site. Travel aisles between all parking spaces shall have a minimum width of twenty-four (24) feet. The applicant shall be encouraged to utilize the difference in area between each small car space and standard parking space for additional landscaping on the site.\(^1\) \(^2\)

**33.3.2** Each parking space shall be provided with adequate area for approach, turning and exit of an automobile having an overall length of up to twenty (20) feet without need to use any part of a public street right-of-way. Each loading space shall be provided with adequate area for approach, turning and exit of the vehicle for which it was designed without need to use any part of a public street right-of-way. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrians and vehicular traffic. No off-street loading space shall be designed or arranged in a manner that vehicles must use any part of a public street right-of-way to back into such space, nor shall it be designed in such a way to necessitate backing into a public street right-of-way.

**33.3.3** Parking areas shall be divided into areas containing not more than sixty (60) automobiles, by permanent barriers, landscaped strips or raised walks.

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\(^1\) Amendment effective March 2, 1984.  
\(^2\), \(^3\) Amendment effective June 8, 1990.
33.3.4 Any lighting used to illuminate any required off-street parking or loading shall be confined essentially to the property where it originates. The maximum height of such lighting shall be fourteen (14) feet in residential districts and twenty-five (25) feet in all other districts.

33.3.5 Except when in connection with those uses permitted under Paragraph 22, 24A and 24B, Section 30, Schedule A, there shall not be more than one commercial vehicle parked or stored on any lot in a residential zone. Such vehicle shall not exceed a rated capacity of two and one half tons.¹

33.3.6 Handicapped Parking. Parking shall be provided for the physically handicapped in accordance with Article 21 of the Basic Building Code of the State of Connecticut.²

33.3.7 Dead end parking bays shall be avoided, but where it is demonstrated to the satisfaction of the Commission that they are necessary shall be provided with a back around or backup area at least 9 feet in depth and 18 feet in width. Said area shall be striped to indicate that no parking is permitted therein.

33.4 Construction and Maintenance. Except as provided below for temporary parking, all off-street parking and loading areas shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from surface water flow. No such area shall have a slope of less than ½ percent or greater than 3 percent. Except as provided below for temporary parking, all parking areas for more than ten automobiles and access hereto shall be surfaced with asphalt, asphaltic concrete or portland cement concrete and shall be defined by portland cement concrete, granite or bituminous concrete (asphalt) curbs and all parking spaces shall be defined with lines.

Temporary parking may be surfaced with permeable paving blocks capable of supporting the weight of motor vehicles for which the temporary parking is intended. Except to the extent required by the Planning and Zoning Commission, temporary parking is not required to meet the requirements for design standards, Paragraph 33.3 or landscaping design standards, Paragraph 33.8.³

Parking lots proposed for more than twenty cars (20) shall include a maintenance plan describing how the lot and landscaping will be maintained including snow plowing and stockpiling, irrigation, and the cleaning and maintenance of the storm water management system.

33.5 Joint and Shared Use. Joint parking areas and loading spaces may be established by the owners of separate contiguous lots in order to provide the total number of off-street parking and loading required. In such case, the 10-foot requirement specified in Section 33.1 may be waived for the common property line. The interconnection of adjoining parking areas shall be encouraged where

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¹ Amendment effective August 28, 1975.
² Amendment effective March 2, 1984.
³ Amendment effective December 17, 1999.
said connections would result in improved circulation, increased parking spaces, decreased curb cuts, and/or signalized access. Shared parking shall also be permitted when:

a. the parking facilities provided on the site(s) are interconnected with adjacent facilities to create a functional parking arrangement,
b. appropriate access and parking easements are executed between the adjacent properties providing for joint access and parking in perpetuity, or the site is developed as a unified site plan in accordance with Section 32, Schedule B, 6 of these regulations, and
c. it has been demonstrated to the satisfaction of the Commission that the parking needs of the joint users on the site(s) occur at different hours of the day or that adequate parking will be available.

33.6 Delayed Construction of Parking Spaces.  

33.6.1 The Commission may allow the delayed construction of parking spaces if it determines that:

1) The particular use and intensity of use will probably not require all of the required parking spaces, and/or

2) The delayed construction will not cause substantial inconvenience to the patrons or impair the safety of the public.

33.6.2 The Commission may allow for the delayed construction of up to 50% of the parking spaces required by these regulations provided:

1) All required parking must be shown on the plans and be in conformance with these regulations.

2) The spaces for which delayed installation is desired and/or approved shall be so specified.

3) The applicant/owner/developer of the project must agree to install the required parking spaces at such time as the Commission determines that the installation is appropriate.

4) If the Commission determines that installation of all of the parking spaces is appropriate, then the applicant/owner/developer must complete the installation within 90 days of notification. Failure to install said spaces shall be considered a violation of the Zoning Regulations.

33.7 Large Parking Areas.  

In situations where more than 200 parking spaces are required for a single use or more than 300 parking spaces are required for a combination of uses on one property, then the total number of required parking spaces as specified by Section 33.1 of these regulations shall be reduced by 10%.

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4 Amendment effective June 26, 1981.
33.8 Landscaping Design Standards. The following standards are intended to enhance the appearance of the Town, to reduce air pollution and excessive heat produced by large expanses of paving. Landscaping plans should fulfill specific functions including, but not limited to creating shade around buildings and in parking areas, visual and auditory screening, and site beauty and enhancement:

33.8.1 Parking lots shall be designed to avoid creating large expanses of paving. Parking areas must be landscaped in the interior and perimeter areas of the site. End of row parking shall be protected from turning movements of other vehicles by the provision of landscaped areas.

33.8.2 Parking lots for more than twenty (20) cars shall contain interior landscaped areas equal to at least 10% of the gross parking lot area. One (1) shade tree not less than two (2) inches in caliper shall be planted within the interior landscaped areas for each five (5) parking spaces or fraction thereof. For parking lots over 100 parking spaces, the following standard shall apply: One (1) shade tree not less than two (2) inches in caliper shall be planted within the landscaped areas for each ten (10) parking spaces or fraction thereof. Trees shall be planted to increase shade coverage over paved surfaces and pedestrian areas and adjacent to structures to shield them from direct sun in the summer. Trees should be planted in groups wherever possible according to specific site conditions.

33.8.3 All landscaping, trees and planting material adjacent to parking areas, loading areas or driveways shall be properly protected by barrier, curbs, or other means from damage by vehicles and snow plowing.

33.8.4 Trees used in parking lots shall be selected from the preferred planting list prepared by the Town Beautification Committee or similar species. Existing native and non-native trees with significant aesthetic or scenic value should be preserved where said preservation does not impair the orderly development of the site.

33.8.5 The landscaped areas shall be designed and located to minimize unattractiveness and to reduce the dominance of parking lots as site features.

33.8.6 Landscaping elements shall not restrict vehicle sightline or block site lighting in a manner that creates unsafe lighting levels in vehicle and pedestrian spaces.

33.8.7 Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.

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2 Addition effective March 2, 1984.
33.8.8 Parking lots should be designed with landscape elements capable of storm water absorption, infiltration, and treatment including, but not limited to depressed island, elimination of curbing where appropriate, and similar design features.

33.8.9 Wherever possible, there shall be a spatial separation or landscape barrier between parking areas and buildings. Parking areas adjacent to residential uses shall be provided with screening of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night by the movement of vehicles.

Definitions:

Personal Services Businesses: Businesses providing nonmedical related services, including beauty and barber shops, clothing rental, dry cleaning stores, self-service laundries, psychic readers, shoe repair shops, tanning salons, health and exercise facilities, pet grooming establishments, and similar uses. These uses may also include accessory retail sales of products related to the services provided.

Finished Space: Gross floor area minus storage space, halls, lobbies, elevator shafts, mechanical and maintenance rooms, and lavatories.
Referral 2.4: Town of Cheshire

Subject: Proposed Zoning Regulation Amendments to Section 31- Prohibited Uses and Section 46 – Flood Plain Management Regulations.

Staff Recommendation: 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 eco-system of the Long Island Sound.

Background: The Town of Cheshire has submitted Zoning Regulation Amendments to Sections 31 and 46 of the Town’s Zoning Code. In Section 31 the Town has proposed to prohibit outdoor wood burning fireplaces. The definition of the use is “free-standing outdoor structure that houses a wood-burning furnace that contains a smoke stack and is used to provide heat or hot water…”

The amendments to Section 46 – Flood Plain Management Regulations will keep the Town in compliance with the National Flood Insurance Program. The DEP conducted a comprehensive review of the Flood Plain Management Regulation in Cheshire. The proposed amendments follow the comments DEP submitted from their review.

Communication: In researching this proposal, I spoke to the Planning Staff in Cheshire and notified the adjacent municipalities in the South Central Region (Meriden, Wallingford, and Hamden)
RPC Referral Submission Form
South Central CT Regional Planning Commission

1.) General Information:

Subject: see attached

Applicant Name: Planning and Zoning Commission

Property Address (if applicable):

Town/City: Cheshire, CT

☐ Referral is from a private individual
☒ Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: March 22, 2010

Date Sent: 2/19/10

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

☐ 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 S. Voelker

Telephone Number: (203) 271-6670

E-mail Address: wvoelker@cheshirect.org

Comments:

Questions: (203) 234-7555
South Central Regional Council of Governments | http://www.sercog.org
TOWN OF CHESHIRE
MEMORANDUM

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

Date: February 19, 2010

FROM: William S. Voelker, AICP, Town Planner

SUBJECT: Regional Referrals

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

<table>
<thead>
<tr>
<th>TYPE OF APPLICATION</th>
<th>SCHEDULED DATE OF PUBLIC HEARING IF APPLICABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment to Section 31, Prohibited Uses Planning and Zoning Commission Section 31.3 (new) Existing and Proposed Text Attached</td>
<td>Public Hearing March 22, 2010 – 7:30 p.m. Cheshire Town Hall</td>
</tr>
<tr>
<td>Section 46 Flood Plain Management Regulation Proposed - to follow the DEP Comprehensive Review</td>
<td>Public Hearing March 22, 2010 – 7:30 p.m. Cheshire Town Hall</td>
</tr>
</tbody>
</table>

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
Amendment to Section 31, Prohibited Uses

31.3 (new) Outdoor wood burning fireplaces. These are defined as a free-standing outdoor structure that houses a wood-burning furnace that contains a smoke stack and is used to provide heat or hot water to a building, structure, swimming pool or hot tub through liquid or other means. "Outdoor wood-burning furnace does not include a fire pit, wood-fired barbecue, or similar outdoor recreational uses.

PLANNING DEPARTMENT
TOWN OF CHESHIRE
84 SOUTH MAIN STREET
CHESHIRE, CT 06410
RE: Comprehensive Review of Cheshire’s Flood Plain Management Regulations (Section 46)

Dear Mr. Voelker:

On September 22, 2008, the Federal Emergency Management Agency (FEMA) presented your community with new preliminary Flood Insurance Rate Maps (FIRM). These maps are currently scheduled to become effective on September 29, 2010. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), Cheshire must adopt revised regulations for development in designated FEMA floodplains that meet or exceed the minimum federal standards of 44 CFR 60.3 and new state requirements prior to the effective date of the community’s new FIRM. FEMA will be issuing a Letter of Final Determination (LFD) to Cheshire (anticipated date of LFD is March 29, 2010) outlining these requirements and providing the exact new effective map date.

In order to assist the community in this map revision process, the CTDEP has reviewed your community’s existing floodplain management regulations for compliance with 44 CFR 60.3 and new state requirements. The review indicated that revisions to the community’s existing floodplain regulations are needed in order to maintain minimum compliance with the NFIP minimum standards and recently enacted state floodplain management requirements.

The following comments were generated as a result of the recent review and are presented in the order of your current regulations. Some revisions are recommended, others are required for compliance. Comments or words written in bold type indicate the definition, section, or wording is required for minimum compliance with FEMA regulations and recently adopted state floodplain management requirements. Text in italics is for explanation purposes.

Section 46.1 Area of Applicability.

Please replace the current section 46.1 with the bold text below since several changes have been made. The effective date of the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) are currently scheduled to become effective on September 29, 2010. The exact, final effective date of both the FIRM and FIS will be provided to Cheshire by FEMA in its Letter of Final Determination (LFD), which is anticipated to be issued on March 29, 2010. The effective map date provided in the LFD is the date that must be used in the update of this section if different from the September 29, 2010 anticipated date.

This regulation is applicable to the “Special Flood Hazard Areas” (SFHA), designated as Zone A and AE, as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated September 29, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated September 29, 2010, and other supporting data applicable to the Town of Cheshire, 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. The FIRM and FIS are on file in the Office of the Cheshire Town Clerk.

Section 46.3 Definitions.

Please add the following required definitions to Section 46.3.

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 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 July 16, 1981, the effective date of the floodplain management regulations adopted by a community.

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 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) — means the federal agency that administers the National Flood Insurance Program (NFIP).

Historic Structure — means 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 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

For the definition of "Market Value" below, Cheshire must choose one of the desired methods it will accept for this determination. Please choose accepted method and delete all others from definition.

Market Value - means the market value of the structure shall be determined by (an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; or the structure's Actual Cash Value) 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.

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, the effective date of the floodplain management regulation adopted by the community.

Violation – means a 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.

Please revise the following existing definitions in Section 46.3. The changes needed are in bold text.

Development – means 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.

Floodway – means the channel of a river or other watercourse and the adjacent 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 (FIRM), 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”.

Functionally Dependent Use or 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.

Mean Sea Level (MSL) – means, for purposes of the National Flood Insurance Program, 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.

New Construction – means structures for which the “start of construction” commenced on or after July 16, 1981, the effective date of this regulation (not the revision date), and includes any subsequent improvements to such structures.

Special Flood Hazard Area (SFHA) – means 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 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. The SFHA is also called the Area of Special Flood Hazard.

In the definition for “Start of Construction” below, please add the sentence in bold text below to the end of the existing definition.

Start of Construction – includes substantial improvement, and ... units or as 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.

**Water Surface Elevation** – means 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.

*Please remove the definition for “Flood Boundary and Floodway Map” since this map is no longer used by FEMA for the community.*

*Please remove the definition for “National Geodetic Vertical Datum (NGVD)” as this datum no longer used by FEMA in the flood maps and replace it with the definition for “North American Vertical Datum” listed below.*

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

*The definitions below for “Cost” and “Finished Living Space” are optional, and can be added at the discretion of the municipality. They are not required federal definitions. However, these definitions do help clarify other areas of the regulations that are federally required.*

**Cost** – means as related to substantial improvements, 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.

**Finished Living Space** – means, 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.

**46.4.2 Anchoring:**
*Please alter the current section to include the bold text below.*

All 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.
46.5.1 Encroachment:

*Please alter the current section to include the bold text below.*

There shall be no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments 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 will 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.

46.6 Manufactured Homes.

*Please revise the existing text in this section to include required language for manufactured homes and recreational vehicles. The town may consider changing the title of this section to include recreational vehicles.*

Manufactured homes shall be prohibited in special flood hazard areas, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot provided that it is elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation, and is anchored to an adequate foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

All recreational vehicles placed on sites within a special flood hazard area must be either: (i) on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, OR (ii) meet the elevation and anchoring requirements of a manufactured home. 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.

46.13.1 Permit Application Review:

*Please alter the current section to include the bold text below.*

a) Review all Flood Hazard Area Permit applications to determine that the requirements of this regulation have been satisfied and to determine whether the proposed development and building sites will be reasonably safe from flooding.

*New state requirements require language on Compensatory Storage and Equal Conveyance. The sections may be logically placed as 46.4.7 and 46.4.8. However, the municipality can choose to place this language in any logical location within the floodplain management section.*

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.

**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.

*The following four sections are optional to add into your current regulations but these changes are recommended by CTDEP to assist the community with clarification of frequently occurring issues. These might be easily added into Section 46.4 Standards, at the discretion of the community.*

**Aboveground 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.

**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, sunrooms, 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.

**Structures in Two Flood Zones** - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, 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.)

**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.

**Subdivision Regulations**

*Please revise Section 5.3.1 of the subdivision regulations as indicated below. Please remove reference “Flood Plain Zones A-A1, A7, A9, A10, A11, and A14” and replace with the bold text “special flood*
hazard area" since most of these zone designations are no longer used. Also remove the term "Flood Boundary and Floodway Maps" since these maps are no longer used by FEMA. The effective date of the Flood Insurance Rate Maps (FIRM) is currently scheduled to become effective on August 19, 2010. The exact, final effective date of both the FIRM and FIS will be provided to Cheshire by FEMA in its Letter of Final Determination (LFD), which is anticipated to be issued on February 19, 2010. The effective map date provided in the LFD is the date that must be used in the update of this section if different from the August 19, 2010 anticipated date.

5.3.1 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 special flood hazard area, as shown on the Flood Insurance Rate Maps (FIRM), dated August 19, 2010, on file with the Town Clerk, the Planning and Zoning Commission and the Building Official, it shall be reviewed to assume that:

Section 5.3.1(D) – Please rectify the difference in requirements stated in this section and Section 5.2A 4. of the subdivision regulations. The requirement in Section 5.3.1(D) is more restrictive and slightly different than that presented in section 5.2A 4., which is the minimum requirement required by FEMA.

Once these revisions are made to Cheshire's flood plain management regulations and subdivision regulations and the community formally adopts these revisions and the new effective FIRM and FIS, the municipality will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the Town in order to check that all required revisions have been made. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, or would like an electronic version of our model floodplain regulations from where the language for the above stated comments had been cited or a copy of our higher regulatory standards developed for use with the model floodplain regulations, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane Ifkovic
State NFIP Coordinator
Flood Management Program
Inland Water Resources Division

cc: Michael A. Milone, Town Manager, Town of Cheshire
    Matt Hall, Town Council Chairman, Town of Cheshire
    Denise Lavallee, FEMA, Region I
    File: Cheshire Community File: Ordinance/Regulations
SECTION 46 FLOOD PLAIN MANAGEMENT REGULATION

46 Intent. It is the intent of the regulation to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas of the Town of Cheshire by: the establishment of standards designed to

a) protect human life and public health;
b) minimize expenditure of money for costly flood control projects;
c) minimize the need for rescue and relief efforts associated with flooding;
d) insure that purchasers of property are notified of special flood hazards;
e) assume responsibility for their actions; and
f) to ensure continued eligibility of owners of property in Cheshire for participation in the National Flood Insurance Program pursuant to rules and regulations published in the Federal Register.

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 Flood Insurance Study (FIS) for New Haven County, Connecticut, dated September 29, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated September 29, 2010, and other supporting data applicable to the Town of Cheshire, 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 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.

46.2 Requirement. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, may be made within the “special flood hazard area” only in accordance with the requirements of this regulation.

46.2.1 Other Restrictions. This regulation is not intended to repeal, abrogate or impair any easements or other laws, regulations or ordinances, and whichever imposes the more stringent restrictions shall prevail.

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1 Revisions per DEP, approved October 23, 1995; effective October 27, 1995 at 12:01 a.m.
2 Amended on March 25, 2002, effective March 29, 2002 at 12:01 a.m.
46.2.2 Interpretation. In the interpretation and application of this regulation, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

46.2.3 Warning and Disclaimer. The degree of flood protection established by this regulation is considered reasonable for town wide studies. Larger floods may occur on rare occasions, and flood heights may increase as a result of man-made or natural causes. This regulation does not imply that land outside of “special flood hazard areas” will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Cheshire, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made hereunder.

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 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, shed, and gazebos.

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.

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, the effective date of the floodplain management regulations adopted by Cheshire.

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).

Federal Emergency Management Agency (FEMA) – means the federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space – means, 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.

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.

Flood Hazard Boundary Map (FHB M) – means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

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.


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.
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 wither 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.

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 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 46.9.1

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 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.

Trailer – includes “mobile home” and means any vehicle which is used, or is designed or intended to be used, for human habitation as sleeping or living quarters and which is or may be mounted on wheels or may be propelled either by its own power or by another power-driven vehicle to which it may be attached or by which it may be carried.

Mean Sea Level – means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

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1 Amended March 25, 2002, effective March 29, 2002 at 12:01 a.m.
National Geodetic Vertical Datum (NGVD)—as corrected in 1929—is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction—means structures for which the “start of construction” commenced on or after July 16, 1981, 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, the effective date of the floodplain management regulations adopted by Cheshire.

North American Vertical Datum (NAVD)—as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

Recreational Vehicle—means a vehicle which is

1) built on a single chassis,
2) 400 square feet or less when measured at the largest horizontal projections;
3) designed to be self-propelled or permanently towable by a light-duty truck; and
4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes for the purpose of this ordinance.

Start of Construction—includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufacture home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or 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 the excavation for a basement, footings, piers or foundations or the erection 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 as 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.
Special Flood Hazard Area – means the land in the floodplain within Cheshire subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined using the base flood elevations (BFEs) provided on the flood profiles in the Flood Insurance Study (FIS) for Cheshire. 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. The SFHA is also called the Area of Special Flood Hazard. (See Par. 46-1)

Structure – means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a (trailer) manufactured home.

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

Substantial Improvement – means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure, which is:

1) the appraised value of the structure prior to the start of the initial repair or improvement, or

2) in the case of damage, the value of the structure prior to the damage occurring.

For the 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:

1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living condition.

2) or: any alterations of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Trailer – includes “mobile home” and means any vehicle which is used, or is designed or intended to be used, for human habitation as sleeping or living quarters and which is or may be mounted on wheels or may be propelled either by its own power or by another power-driven vehicle to which it may be attached or by which it may be carried.

Variance – is a grant of relief from the requirements of this regulation, which permits construction in a manner otherwise prohibited by this regulation where specific enforcement would result in unnecessary hardship.
Violation – means a failure of a structure or other development to be fully compliant with Cheshire’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 presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation – means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

46.4 Standards.

46.4.1 General: In Special Flood Hazard Areas, all development shall conform to the standards hereinafter specified:

46.4.2 Anchoring: All new construction and 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.

46.4.3 Construction Material and Methods: All new construction and substantial improvements shall be constructed with materials resistant to flood damage and by using methods and practices that minimize flood damage.

46.4.4 Utilities: Water supply and sanitary systems shall conform to the following:

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

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

46.4.5 Facilities: Electrical, Heating, Ventilation, Plumbing, Air Conditioning Equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

46.4.6 Building Location and Floor Location: No new construction or substantial improvement of buildings and other structures for human occupancy shall be located in any Special Flood Hazard Area. Any new
construction or substantial improvement of buildings and other structures for other than human occupancy shall either have the lowest floor, including basement, elevated to or above the base flood elevation or shall, together with attendant utility and sanitary facilities, conform to the following:

a) be floodproofed so that, below the base flood elevation, the structure is watertight with wall substantially impermeable to the passage of water;

b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

c) be certified by a registered professional engineer or architect that the above standards are satisfied, which certifications shall be provided to the Building Inspector of the Town of Cheshire as set forth in Par. 46.13.3.

46.4.7 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 an including the 100-year 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 approved off-site if approved by the municipality.

46.4.8 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 (0.0 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.
46.4.9 Aboveground Storage Tanks: Above-ground storage tanks (oil, propane, etc.) which are located outside or inside 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.

46.4.10 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, sunrooms, 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.

46.4.11 Structures in Two Flood Zones: If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, 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.)

46.4.12 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.

46.5 Floodways: Located within areas of special flood hazard are areas designated as floodways on the community’s Flood Boundary and Floodway Map or as determined in Section 46.14.2. Floodways are extremely hazardous areas due to the velocity of floodwaters, which cause erosion and carry debris and potential projectiles. The following additional standards are applicable to development in relation to floodways:

46.5.1 Encroachment: There shall be no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other development unless certification with supporting technical data, by a registered professional engineer or architect is provided demonstrating, though hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that
encroachments will not result in any (0.0 feet) increase in flood levels during the occurrence of the base flood discharge. **Fences in the floodway must be aligned with the flow and be of an open design.**

**46.5.2** If the requirement of Sec. 46.5.1 is satisfied, all new construction and substantial improvements shall comply with all other applicable standards of this article.

**46.6 Manufactured Homes.** Manufactured homes shall be prohibited in special flood hazard areas, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot provided that it is elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation, and is anchored to an adequate foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

All recreational vehicles placed on sites within a special flood hazard area must be either: i) on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. Or ii) meet the elevation and anchoring requirements of a manufactured home. 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.

**46.7** In any portion of a watercourse which is altered or relocated, the flood carrying capacity shall be maintained.

**46.8** A structure already in compliance with the provisions of this regulation shall not be made non-compliant by any alteration, repair, reconstruction or improvement to the structure.

**46.9 Elevated Buildings:** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

A) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii) The bottom of all openings shall be no higher than one foot above grade; and,
iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

B) Electrical, plumbing and other utility connections are prohibited below the base flood elevation;

C) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

46.10 Standards for Streams without Established Base Elevations and/or Floodways.

46.10.1 Located within the areas of special flood hazard established in Section 46.1, where small streams exist but no base flood data has been provided, or where no floodways have been provided, the following provisions apply:

A) In AE zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development, or other development including fill, shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

B) The Building Official may request or accept floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or from any other source, the Town of Cheshire shall adopt a regulatory floodway. It shall be based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse. All developments must then meet the standards in subsections 46.4 to 46.9.

C) Where no base flood elevation (BFE) or floodway is available, the Building Official shall obtain, review and reasonably utilize any base flood elevation and/or floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial improvements, or other development in any area of potential, demonstrable or historical flooding within the community, meet the standards in Subsections 46.4 to 46.10, as appropriate.

46.11 Administration. The Building Official of the Town of Cheshire is hereby designated to administer and implement the provisions of this regulation. The
Building Official shall have the responsibility and authority to grant or deny permit applications for development in Special Flood Hazard Areas in accordance with the provisions of this regulation. The Town Council may appoint deputies to assist and act for the Building Official.

Flood Hazard Area Permit: Development, including new construction, substantial improvement and the placement of prefabricated buildings, may be made within Special Flood Hazards areas only after a Flood Hazard Area Permit therefore has been obtained. Application for a Flood Hazard Permit shall be made to the Building Official on forms furnished for that purpose by such Official and shall include at least

a) plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question,
b) existing or proposed structures, fill, storage of materials and drainage facilities, and
c) the location of the foregoing.

46.11.1 Application Stage:

1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

2) Elevation in relation to mean sea level to which any structure has been or will be floodproofed;

46.11.2 Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Sec. 46.4.6.

46.11.3 Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

46.11.4 Plans for any walls to be used to enclose space below the base flood elevation.

46.11.5 A statement as to whether there will be dry access to the structure during the 100-Year Storm Event. Where applicable, the following certifications by a registered engineer or architect are required, and must be provided to the Building Official. The design and methods of construction must be certified to be in accordance with accepted standards of practice, and with the provisions of Sec. 46.4.

46.12 Construction Stage: Upon completion of the application portion of construction, the applicant shall provide verification to the Building Official of the following as is applicable:
46.12.1 Lowest floor elevation – the elevation to be verified for:

1) a structure in a Numbered A Zone is the top of the lowest floor (including basement);

2) a structure which has been floodproofed is the elevation to which the floodproofing is effective. Deficiencies detected by the review of the above listed shall be corrected by the permit progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

46.13 Duties and Responsibilities of the Building Official: Duties and responsibilities of the Building Official in the administration of the Regulation shall include but not be limited to the following:

46.13.1 Permit Application Review:

a) Review all Flood Hazard Area Permit applications to determine that the requirements of this regulation have been satisfied and to determine whether the proposed development and building sites will be reasonable safe from flooding;

b) Review all such permit applications to determine that all other necessary permits have been received from those Federal, State or Town government agencies from which prior approval is required; and

c) Require that copies of such permits be provided and maintained on file with the development permit. Possibly including but not limited to: Water Division Dam Safety, Corps of Engineers 404.

46.13.2 Other Base Flood Date: When Base flood elevation data or floodway data have not been provided in accordance with Section 46.1, then the Building Official 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 standards of this Regulation.

46.13.3 Information To Be Obtained and Maintained:

a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

b) For all new and substantially improved floodproofed structures:

a) verify and record the actual elevation (in relation to mean sea level), to which the structure was floodproofed; and
ii) maintain the floodproofing certification required in Section 46.13.1 (3).

c) Maintain for public inspection all records pertaining to the provisions of this Regulation; and

d) Submit an annual report to the Federal Emergency Management Agency.

**46.13.4 Alteration of Watercourse:**

a) Notify adjacent towns and the Connecticut Department of Environmental Protection, Water Resources Unit, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and

b) Require that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

**46.14 Appeals and Variances**

**46.14.1 Appeal Board:** The Zoning Board of Appeals of the Town of Cheshire shall hear and decide appeals and requests for variances from the standards of this regulation. Such Board shall have the following duties:

To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Official in the enforcement and administration of this regulation.

To issue variances from the standards of this Regulation, under the general considerations set forth in Sec. 46.14.2 and the conditions for variance specified in Sec. 46.14.3; and

To issue variances for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places without regard to the considerations and conditions of Section 46.14.2.

Variance may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety and meet the requirements of Section 46.14.3.

**46.14.2 General Considerations:** In passing upon applications for variance, the Zoning Board of Appeals shall consider

a) the technical evaluations and studies that are the basis for this regulation;
b) the standards of this regulation; and

c) the following:
- the danger that materials may be swept onto other lands to the injury of others;
- the danger of life and property due to flooding or erosion damage;
- the susceptibility of the proposed development and its contents to flood damage, and the effect of such damage on the individual owner;
- the importance of the services provided to the community by the proposed development;
- the necessity of a waterfront location for the function of the development;
- the availability of alternative locations for the proposed development which are not subject to flooding or erosion damage;
- the compatibility of the proposed development with the existing and anticipated other development;
- the relationship of the proposed development to the Plan of Development for the Town and the flood plain management program for that area;
- the safety of access to the property; in times of flood for ordinary and emergency vehicles;
- the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical; and water systems, and streets and bridges.

46.14.3 Conditions for Variance. The following are applicable to the issuance of variances by the Zoning Board of Appeals:

No variances shall be issued within a floodway if any increase in flood levels during the base flood discharge will result.

Otherwise, variances may be issued for new construction and substantial improvements to be erected on a lot of one half (1/2) acre or less in area when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation, provided that the following criteria are met:

a) a showing of good and sufficient cause;

b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety,
extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other existing Town laws, ordinances and regulations.

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to accord relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building.

When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this regulation.

46.15 Effective Date and Filing. A variance issued under this regulation shall become effective at such time as is fixed by the Zoning Board of Appeals, provided a copy thereof shall be filed in the Office of the Cheshire Town Clerk and in the land records of the Town of Cheshire in the same manner as required for filing of variances from Zoning Regulations.

46.16 Notice and Records. The Town Planner shall notify the applicant for variance in writing that

a) the issuance of a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance; and

b) such construction below the base flood elevation increases risks to life and property.

The Town Planner’s Office shall maintain a record of such notice to applicants, shall maintain a record of all variance actions including the justification for their issuance, and shall report such variances issued in his/her annual report to the Federal Emergency Management Agency.

46.17 Appeal to Court. Any person or persons severally or jointly aggrieved by any decision of the Zoning Board of Appeals acting under this regulation, or any person owning land which abuts or is within a radius of 100 feet of any portion of the land involved in any decision of said Board, or any officer, board or commission of the Town of Cheshire, having jurisdiction or responsibility over the flood hazards of the Town, may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the same manner as provided under the provisions of Section 8-8 of the General Statutes of the State of Connecticut.

46.18 Severability. If upon interpretation and/or application, any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.
February 17, 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: Draft Plan of Conservation and Development

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, April 7, 2010, pertaining to the enclosed draft Plan of Conservation and Development for the Town of Bethany. Hearings will begin at 7:30 p.m.

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

If you have any questions, please feel free to contact me.

Very truly yours,

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

Enclosure
TOWN PLAN of CONSERVATION and DEVELOPMENT

for

BETHANY, CT

Adopted November 18, 1998
Effective 1, 1999

Revised January 2, 2010
Effective , 2010

REVISION REVIEW for 1/10

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Bethany
Planning and Zoning
Commission Members
2008 - 2009

Sharon Huxley, Chair
Melissa Spear, Vice Chair
John Ford IV, Member
Mary Shurtleff, Member
Patsy Winer, Member
Marc Adelberg, Alternate Member
Nellie Rabinowitz, Alternate Member
Donald Shea, Alternate Member
ACKNOWLEDGEMENTS

A very special note of recognition and appreciation:

The Planning and Zoning Commission would like to gratefully acknowledge the contributions made by all the previous Planning and Zoning Commission members, members of all other Boards and Commissions as well as all the people who helped create the previous Plans of Conservation and Development.

These include all the members of the Airport Study Committee, the members of the Housing Issues Committee, members of Economic and Fiscal Issues Committee and the members of the Rural Character Committee.

A special note of recognition goes to J.B. Gardner for his years of work on the Commission and for his valuable contributions to the planning and zoning process in Bethany.

Also to the members of the Bethany Conservation Commission who as of September 29, 2008 specifically assisted with various portions of the 2010 Plan are:

Kenneth W. Martin, Chairman
William L. Brinton
Audrey Eisenstadt
Bruce Loomis
Dwight Smith
Kristine Sullivan

And most of all to all the Town Residents, for whom this Plan is created and intended to benefit.
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INCORPORATION OF APPENDICES AND EXHIBITS

This Plan explicitly incorporates and includes appendices and exhibits. In case of inconsistency or conflict, the more recent information or data should be presumed valid. The Plan’s objectives, goals, policies and programs are solely those explicitly set forth in the maps and text in this Plan. They have been adopted following Commission deliberations based on the information and data in the exhibits and appendices, and on public comment and input received at numerous points in the POCD update process including the required public hearing process.

Foreword

AUTHORITY

Connecticut General Statute (§ 8-23) requires Planning Commissions to “prepare, adopt and amend a plan of conservation and development” (POCD) at least once every ten years that shall:

- be a statement of policies, goals and standards for the physical and economic development of the municipality;
- promote...the coordinated development of the municipality;
- recommend the most desirable use of land within the municipality for residential, recreational, commercial, industrial, conservation and other purposes;
- recommend the most desirable density of population;
- be designed to have compact, transit accessible, pedestrian-oriented mixed use development patterns and land reuse;
- make provision for the development of housing opportunities;
- promote housing choice and economic diversity in housing; and
- provide for a system of principal thoroughfares...sidewalks, multipurpose trails.

CGS (§ 8-23) also states that in drafting the plan the Commission shall consider:

- the need for affordable housing;
- the need for protection of existing and potential drinking water supplies;
- the use of cluster development and other development;
- the state plan of conservation and development;
- the regional plan of development;
- physical, social, economic and governmental conditions and trends;
- the needs of the municipality;
- the objectives of energy-efficient patterns of development; and
- the protection and preservation of agriculture.

Finally, CGS (§ 8-23) requires that the plan “note any inconsistencies with state-wide growth management principles”. These principles are intended to help moderate sprawl by promoting the redevelopment and revitalization of existing commercial centers, concentrating development around transportation nodes, conserving and restoring natural, historical and cultural resources and existing farmlands, and protecting environmental assets critical to the public health and safety.
Because the POCD is primarily a statement of recommendations intended to guide the physical layout of Bethany by proposing how its land area should be both conserved and developed, it focuses primarily on issues related to land use and its impacts. However, while this plan is required by statute to focus on land use issues, it fully recognizes the importance of the social, economic and cultural impacts it will have, and strives to protect the community characteristics that have been acknowledged as important to the Town's identity. During the planning process, this Commission was struck by some of the social and economic characteristics used to describe our community. These characteristics include:

- A high level of volunteerism which the town relies on to get its business done;
- A strong belief in self-sufficiency;
- A healthy diversity of interests, incomes, beliefs and opinions coupled with a steadfast tolerance of individual differences; and
- Strong support for a quality educational system.

In recognition of the significance of these community characteristics, the Commission has worked to engender them within the goals and policies set forth in this plan.

Finally, during the process of gathering input for this plan, the Planning and Zoning Commission received a very clear message: the 1999 Town Plan remains relevant and efforts to implement its recommendations should continue. Therefore, this revision of the POCD is intended to respect and support the values, policies, programs and goals of the previous Plan while adapting them to better reflect current physical, social, economic and governmental conditions and trends as well as the current state of land use, land use regulation and statutory law.

\footnote{In 1991 Bethany's Planning and Zoning Commission solicited input from Bethany's residents and nonresident land owners via questionnaire. Over 88% of the 34% of the town's population responding to the questionnaire indicated that the town should work to "protect scenic vistas and open space" and over 68% stated that "loss of rural character" was a problem which Bethany would need to address in the next five years.}
Introduction

WHY A TOWN PLAN?

Strictly from a legal standpoint, Municipalities are required to adopt a Town Plan of Conservation and Development (POCD) in accordance with the requirements of the Connecticut General Statutes § 8-23. The adopted plan must be reviewed every 10 years and, subject to a public hearing, may be amended as the Planning Commission finds necessary.

However, a good Town Plan does more than just fulfill a legal obligation. At its best, a Town Plan describes the wishes and desires of the community and lays out a vision for the future that shapes policies and programs and guides the town toward investments and activities in support of these aspirations. More specifically, a well drafted Town Plan forms the foundation for local land use decisions and serves as the basis for zoning and subdivision regulations which are tailored to guide development according to the goals of the plan.

Based on discussion, synthesis, and analysis of all the reports, information and public comment gathered during the multi-year process of updating this plan, the Planning and Zoning Commission drafted and adopted this 2010 Plan of Conservation and Development for the Town of Bethany. The Plan represents the Commission’s best effort at developing planning goals that define the Town’s vision of its future and that acknowledge the clear physical constraints on land use and development which exist in Bethany. The Commission recognizes that planning for the Town is an ongoing process and that this Plan will be subject to regular review. The overall responsibility to continually update this Plan is that of the Planning and Zoning Commission and is specifically contained in this Plan in Chapter 3.
Chapter 1

GUIDING PRINCIPLES

The policies and programs set forth in this Town Plan have been designed to support five guiding principles identified during the planning process. These are:

1. To maintain the unique rural character of Bethany which has been achieved over time and which should be preserved for the future.

2. To ensure orderly development that is in harmony with Bethany’s unique natural environment and which encourages the use of alternative energy sources and green building principles.

3. To encourage a pattern of land use which promotes a high quality of rural life for all the residents of Bethany and protects Bethany’s role as a source of pure drinking water and a recreational and environmental greenbelt for surrounding communities, as well as for its own residents.

4. To limit the development of land in Bethany to a form and intensity that does not exceed the land’s natural capacity for on-site water supply and sewage disposal, and is compatible with the Town’s rural character.

5. To promote an approach to land use that is consistent with the core principles of sustainable development.

Defining Sustainable Development

In 1987 the World Commission on Environment and Development formulated the following definition of sustainable development as they sought to address problems caused by conflicts between environment and development goals.

“Sustainable development is development which meets the needs of the present without compromising the ability of future generations to meet their own needs.”

In the extensive discussion and use of the concept since then, three core principals of sustainable development have emerged. These are:

- Economic: A sustainable system will provide the goods and services a community needs to thrive on a continuing basis.
- Environmental: A sustainable system will maintain a stable resource base; avoiding over-exploitation of renewable resource systems or destruction of environmental systems, and will deplete non-renewable resources only to the extent that investment is made in adequate substitutes. A sustainable system will value maintaining biodiversity, atmospheric stability, and other ecosystem functions not ordinarily classed as economic resources.
- Social: A sustainable system will seek to distribute community resources equitably, provide adequate social services to its members, and promote political accountability and participation.
DOMINANT VALUES

Rural Character

Bethany is the only town in New Haven County that contains a "Rural Community Center" as established in the CT Conservation and Development Policies Plan 2005-2010 (See State of Connecticut website at www.ct.gov at the Office of Policy and Management) and as is also shown on the South Central Region Council of Governments (SCRCOG) POCD map at www.scrcog.org.

The rural quality of Bethany makes it a unique resource in this heavily developed area of Connecticut and, as such, of value to the whole region. It is no surprise, then, that back in 1991, at the very beginning of the previous town planning process, Dodson Associates found that “Above all else, Bethany’s residents value its rural character.” The oft expressed desire to preserve Bethany’s rural character has continued to be a resounding theme played again and again as a result of public input throughout the entire process of updating the Town Plan in 2009 as well. The desire to protect Bethany’s rural character has influenced deliberations on almost every area of this Plan including housing, economic development, and infrastructure. It is at the heart of this Plan even as it addresses other seemingly unrelated issues.

While the desire to protect Bethany’s rural character has been a unifying theme in updating the Town Plan, the ways in which this goal is to be achieved have been a source of discussion. This Plan represents the best efforts of the Planning and Zoning Commission, based on extensive research of the issues and input from the community, to formulate an approach that will serve to protect and preserve those qualities which make Bethany a rural community, while simultaneously recognizing and addressing the contribution our community makes to meeting the needs of its residents and the region.
Sustainability

The world in which we live today has changed in significant ways since the last revision of this plan over 10 years ago. Globalization of the economy has moved many jobs out of state to areas where the cost of doing business is lower. The rising cost of necessities such as food, fuel, housing as well as taxes are making it increasingly difficult for some town residents to afford to live here. Environmental challenges such as global warming, the depletion and degradation of our limited natural resources, and substantial loss of habitat and species signal a need for new strategies to manage the environmental impacts of our actions. Taken together these are challenges to sustainable development. Bethany needs to be concerned with these matters because of the very real threat they present to the economic, social and environmental health of our community over the long term. While the challenges of sustainable development facing our community are often global in nature, many of the solutions for creating a sustainable future can be found in local decisions. These local decisions relate to choices about:

- how and where land is developed and conserved
- how people and goods move about our community
- how much and what type of energy is used by our community
- how quickly natural resources are consumed and what happens to the waste products that result
- how our children are taught to care for our environment
- how we work together to solve problems, both within the Town and with neighboring communities in the region

Sustainability is defined in many different ways but generally means: “the capacity to endure, including the responsible use of natural resources. It includes development which meets the needs of the present without compromising the ability of future generations to meet their own needs.” In order to ensure that our actions and their consequences are in the best long term interest of the present and future residents of Bethany and the region, we have attempted to evaluate the goals, policies, and regulations proposed in this plan from a sustainable perspective by considering potential impacts on local food security and availability, vehicle miles traveled, fuel use, ecosystem function, carbon emissions, and other key indicators of a sustainable community.

Defining Responsible Growth

"Responsible Growth is economic, social and environmental development that uses land and resources in ways that enhance the quality of life for Connecticut’s current and future generations. Responsible Growth supports a vibrant and resilient economy and preserves the natural resources upon which that quality of life depends. Responsible Growth maximizes previous investments in existing infrastructure while preserving distinctive landscapes, historic structures, landmarks and villages."

Report of the Responsible Growth Task Force to Governor M. Jodi
Responsible Growth

Responsible growth is achieved through the implementation of local goals, policies and programs that have been developed with due consideration given to their regional impacts. Responsible growth principles generally encourage development compatible with existing infrastructure that is of a character and scale found in the most desirable parts of the community. It also calls for development that will not impair a community's historic, cultural, or natural resource value within a regional context. In Bethany’s case responsible growth means planning for and encouraging development that is generally rural in character and small in scale, that will not impair Bethany’s regional role as a public water supply watershed, that will not spoil those attributes of Bethany that make it a regional recreational destination, and that does not require municipal sewer or public water lines, relying instead on the natural capacity of the land to absorb and treat all aspects of the proposed built environment.

It is in this context of “think regionally and act locally” that the Commission has examined all its land use and development goals, policies, programs and regulations to insure they are compatible with the principles of Responsible Growth.

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2 A copy of Substitute House Bill 6467 (PA 09-230) defining Smart Growth and its principles as adopted and signed by Governor Rell on July 8, 2009 is included as Appendix B. along with a description of Responsible Growth by the Governor’s Smart Growth Task Force.
Chapter 2

FINDINGS and RECOMMENDATIONS

The following goals, policies and programs\(^3\) provide a comprehensive framework that is intended to ensure that land use within Bethany conforms to our community’s guiding principles and is consistent with our community’s dominant values.

Section 1: Land Use

Bethany’s use of its land and water resources is a direct expression of its character. Optimum land use ... the most desirable use of a community’s land based resources ... is the foundation of this Town Plan and the guiding principle behind local land use ordinances such as zoning and subdivision regulations. That is why the Connecticut General Statutes (Section 8-23) in authorizing the preparation of a Town Plan of Conservation and Development, require that “... Such plan shall show the commission’s recommendation for the most desirable use of land within the municipality for residential, recreational, commercial, industrial and other purposes and for the most desirable density of population in the several parts of the municipality...”

In response to a very clear citizen mandate, clearly documented environmental constraints on development and a lack of developed infrastructure, the plan adopts preservation of rural character and protection of open space as key guiding principles. The basis for this Commission’s recommendations on land use in Bethany is an analysis of Bethany’s present development patterns with consideration given to the natural constraints imposed on the future use of Bethany’s land by its soils, slopes, wetlands and flood plains. This analysis has taken place within the context of the needs of the region and has taken into account the pervasive desire to preserve Bethany’s rural character, protect Bethany’s regional importance as a public water supply watershed, maintain its identity as a rural community providing environmental and recreational benefits to surrounding communities, and promote sustainable development.

Land Use Goals.

This plan recommends a set of policies and actions regarding land use that support the following goals:

1. To preserve and protect Bethany’s rural character and significance as a rural community providing environmental and recreational benefits to its residents and the residents of surrounding communities\(^4\).

2. To respect and preserve Bethany’s heritage.

3. To safeguard Bethany’s role in the region as a source of clean drinking water.

4. To ensure development is compatible with the principles of sustainability and responsible growth.

\(^{3}\) Goals express where we are going, policies indicate how we will get there, and programs lay out the specific tasks we intend to complete in order to implement the policies we have adopted to achieve our goals.

\(^{4}\) Bethany has been classified a Rural Community in both the State Conservation and Development Policies Plan 2005-2010 and in the South Central Regional Council of Governments Plan of Conservation and Development.
Consistency with State and Regional Plans of Conservation and Development

Bethany’s land use goals and policies are consistent with the State of Connecticut’s Conservation and Development Policies Plan 2005-2010 (C&D Plan) which has classified Bethany as a rural community and with the South Central Region Council of Governments (SCRCOG) POCD which designates Bethany as the only Rural Community Center in the SCRCOG region. The applicable policies as stated in the State C&D Plan are to encourage:

•...development in Rural Lands to be limited to those uses and densities that ensure indelible functions of water supply and waste disposal and that are consistent with a generally open and rural environment.

The State C&D Plan also states:

•“All water supply sources need to be continuously protected from intensive development and potentially deleterious land uses through programs to protect both water supply watersheds and water supply aquifers.”

The State C&D proposes to do this by regulating the density and type of land use in rural areas. The State’s strategy with respect to Rural Lands is to:

•“Avoid support of intensive development forms and intensities which exceed on-site carrying capacity for water supply and sewage disposal and therefore cannot function indefinitely on a permanent basis and are inconsistent with adjacent open rural character or conservation areas.”

In addition the State C&D Plan includes the following policies with respect to drinking water supply watersheds:

• Encourage land uses that are compatible with protection of water quality.
• Permit land use types and intensities that do not require sewer service.
• Minimize site disturbance through open space, conservation easements and use of cluster-style development to lessen impervious surfaces.
• “As a general guideline”, require minimum lot sizes of one dwelling unit per two acres of upland (non-wetland) area.

Land Use Policies

The following land use policies have been adopted in support of Bethany’s land use goals.

1. Development that is consistent with Bethany’s limited infrastructure and status as a rural community shall be encouraged.

2. The physical constraints posed by Bethany’s local geography, topography and soil types shall be clearly recognized and addressed through land use regulation.

3. The integrity of the public water supply watershed and aquifer recharge areas are of paramount importance and every effort shall be made to ensure allowed land uses do them no harm.
4. Bethany’s historically and archeologically significant structures and sites shall be protected and preserved.\(^5\)

5. The principles of sustainability shall be practiced by encouraging development that will reduce the use of non-renewable resources.

6. The impact of development on the aesthetics of Bethany’s natural and rural setting shall be minimized.

7. Safe emergency access for emergency service vehicles to all properties in Bethany shall be promoted, particularly in the B&I zone where the commercial nature of the use may dictate special attention to this concern.

\textit{Land Use Programs}

The follow Actions shall be taken in support of Bethany’s land use goals:

1. Strengthen Minimum Buildable Land Standards by adding maximum slope requirements.

2. Provided that the minimum buildable land standards and maximum density requirements are met, consider permitting and/or requiring variation in lot size, lot location, lot dimensions, driveway design and setbacks, when it can be demonstrated that the proposed change would protect and preserve steep slopes, ridge lines, significant ledge, waterways, vistas, stone walls, culturally and historically significant features, or other noteworthy natural features of the site, including important wildlife habitat, and would result in a more desirable development plan by lessening the development’s impact on the land.\(^6\)

3. Adopt regulations allowing for open space development in specified areas if it can be demonstrated through further study that applying such regulations as a means of preserving open space and other

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\(^5\) Preservation of areas of historical significance ranked third in response on the 1991 questionnaires.

\(^6\) Commission defines an historically significant site as any building, structure, object or site that is significant in natural, state, regional and/or local history, architecture, archaeology, or culture, or property used in connection therewith including sacred sites and archaeological sites.
important resources is a locally viable tool. Open space development should be considered desirable if it:

a. Leads to the preservation of significant areas of open space, and encourages open spaces to be linked,

b. Is appropriate to the site and/or preserves specific important resources,

c. Does not exceed underlying density provided for in standard zoning,

d. Does not compromise public health and safety standards,

e. Does not surpass the carrying capacity of the land, and

f. Demonstrates clear advantages over a standard type sprawl development.

4. Develop and apply strict land use and environmental standards that serve to minimize the disturbance of Bethany’s landscapes while providing the flexibility necessary to allow development to conform to the unique needs of each site.

5. Explore adopting land use regulations that allow for the creation of small scale, walkable, mixed use neighborhoods containing dwellings and small retail conveniences that are appropriately located, compatible in scale to surrounding development, and in keeping with the Town’s rural character.

6. Provide for a limited degree of flexibility in land use regulation, supported by strict environmental standards, when it can be demonstrated that specific modifications will allow a development to better realize Bethany’s land use policies and goals.

7. Investigate and adopt feasible alternatives to traditional subdivision design that encourage development more compatible with Bethany’s land use goals.

8. Streamline and standardize the land use application process. Consider establishing a number of application processes that can be accessed and possibly completed using the Town website.

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7 In this context, this is taken to mean that Open Space Developments maintain the underlying density established by standard zoning. However, Open Space Development may allow development to be clustered or grouped in exchange for and as a means of preserving the remaining undeveloped land as permanently protected open space.
9. Adopt regulations that allow for the installation of distributed sources of renewable energy such as solar and wind generation, in a form and configuration that are compatible with Bethany’s land use goals and policies, including:

   a. Solar energy
   b. Geothermal heating and cooling
   c. Wind energy
   d. Fuel cells
   e. Methane
   f. Hydrogen
   g. Others as they may become available

Section 2: Open Space

The essence of Bethany’s rural character is the amount of land that remains undeveloped. Approximately 7,708 acres or 58.5\% of Bethany’s total land base is either protected open space or privately held undeveloped land (Chart 1). According to the report prepared by the Committee on the protection of Bethany’s Rural Character, it is this extent of open land which contributes in large part to Bethany’s highly valued “rural character.”

While protection of the soil, water and air quality is basic to the Town’s needs, Bethany’s Open Space Plan\(^8\) states that Bethany’s open space has more than local significance. Bethany’s undeveloped land base contributes to the protection and provision of the region’s water supply as well as providing opportunities for hiking, fishing and other recreational pursuits to residents of the region and the state.

\(^8\) Appendix C
Open Space Goals

1. To preserve, protect and improve the quality of life in town, and to protect Bethany’s role as a regional resource for water and outdoor recreation by ensuring that a significant base of undeveloped land is maintained.

2. To create a protected base of land that includes a variety of landforms and land types that are representative of Bethany’s natural and historic landscapes and will serve a variety of interests within the community. Key values to be protected include:
a. **Agriculture Heritage:** Bethany's remaining farmland and meadows reflect the Town's agricultural heritage and should be protected.

b. **Sceenic Landscapes:** The scenic vistas and rural roadside landscapes that characterize Bethany should be preserved. This includes preserving stone walls in subdivisions and along roadsides, as well as protecting the ridgetops and hilltops that define Bethany's topography.
c. **Historic and Archeological Sites of Importance**: Many areas of archaeological and historical interest lie within the boundaries of Bethany. The Open Space Plan encourages protection of these treasures and should provide support for the efforts of local groups and citizens who work to identify and preserve them.

![Historic Site Images]

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d. **Wildlife Habitat**: Many natural areas remaining in town are refuges for wildlife. Protecting these areas and linking them into wildlife corridors will assure that native species continue to thrive.

![Wildlife Habitat Image]

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e. **Recreation**: As Bethany's population continues to grow, there will be a need for added recreational facilities, both passive and active. Ideally a balance between development and open space, active and passive recreation, human needs and environmental protection should be maintained.

![Recreation Image]
Open Space Policies

1. Undeveloped lands identified in the 2008 Open Space Plan (Appendix A) shall be converted to permanently protected status in sufficient amount to sustain the over-riding value of rural character identified in this Plan, and to accomplish the open space goals established by this plan.

2. The various types of open space protected and preserved as part of this Plan shall be in a proportion which is roughly representative of Bethany’s diverse landscape.

3. Open space shall be protected to create greenways and encompass a viable trail system that allows for town wide passive recreation.

4. Existing trails in town shall be extended and connected, including creating connections with the trail systems of neighboring towns.

5. Greenbelts and wildlife corridors shall be created and expanded by linking existing open space parcels.

6. The exceptional scenic qualities of Bethany shall be preserved by protecting ridgelines, roadsides, vistas and stone walls.

7. Areas of archaeological and historic significance shall be protected.

8. Farmland shall be protected and local agricultural enterprise supported as a characteristic of Bethany’s rural character.

9. Water quality shall be protected by preserving watersheds.

10. When appropriate, the negotiating, finance and legal skills of a not-for-profit conservation group such as the Trust for Public land shall be used when negotiating a land purchase.

11. The use of Low Impact Design techniques shall be required in order to minimize the environmental footprint of new development.
Open Space Programs

1. When feasible convert land identified in the Open Space Plan to protected status in conjunction with
development or subdivision proposals, or when it is offered for sale either publicly or privately.

2. Encourage the installation of underground utilities where feasible.

3. Encourage owners of property identified in the Open Space Plan to advise the town when their property
becomes available for sale and give the town the option of first refusal, with adequate notice, to purchase
the property for conservation purposes.

4. Work collaboratively with the Regional Water Authority

5. to pro-actively pursue protection of property within their watershed in Bethany.

6. Recommend substantial annual contributions be made to the Land Acquisition Fund.

7. Recommend adoption of a right-to-farm ordinance.

8. Incorporate Low Impact Design standards into planning and zoning regulations to prevent the
concentration of storm-water drainage and encourage natural infiltration whenever possible.

9. Strengthen and enhance the existing open space set aside provision of Bethany’s subdivision regulations by:

   a. Modifying the subdivision regulations to establish the authority of the Planning and Zoning
      Commission to designate the location and size of open space set aside in compliance with the
      subdivision regulations and any applicable state statutes; and

   b. Modifying the open space set aside provision of the subdivision regulations to include
      “preservation of rural character”, ‘protection of scenic vistas’ and ‘creation of greenways” as
      additional objectives for the set aside of open space in compliance with Bethany’s subdivision
      regulations.

10. Strengthen Bethany’s land use regulations to protect of the natural and scenic qualities of Bethany’s land
    base by:

    a. Adopting land use regulations that will protect ridgelines;

    b. Modifying the buildable land standards of the zoning regulations to remove slopes greater than
       20% from buildable land;

    c. Permitting housing to be clustered on suitable sites, allowing a significant portion of the site to
       remain as open space; and

    d. Requiring subdividers to provide appropriate environmental site assessments as part of a
       subdivision application.

    e. Cooperating with neighboring towns in preserving greenways.

11. Implement a land conservation program that:

    a. Identifies and pursues acquisition of parcels of land that can be added to protected open space
       and/or is intended to meet present and future recreational needs of the town.

    b. Seeks out private, state and federal grants for funding the acquisition of open space.

    c. Encourages land owners to place conservation easements on their land so as to permanently reduce
       the density of residential development allowable on their property and preserve open space, while
       allowing this land to remain on the tax rolls.
12. Work with utility companies to ensure sensitive tree trimming.

13. Adopt a policy that requires the town to retain a right of way whenever a town road is discontinued that allows construction and maintenance of a bridle path, pedestrian trail and/or bicycle path.

14. Recommend to the legislative body of the Town of Bethany the adoption of a proper ordinance allowing parcels of land be preserved under PA 490 as open space pursuant to § 12-107e (a) of the Connecticut General Statutes with the understanding that if such designation is approved by the legislative body, these parcels may, upon application by the owner, be classified as open space land for purposes of property taxation as provided for in § 12-107e.

15. Design trail easements to protect natural resources as much as possible, with a minimum width of 25 to 50 feet.

16. Call for the use of natural materials such as stone and timber for bridges, guide rails and other engineering structures whenever possible.

17. Implement a program to educate residents regarding the use of pesticides, herbicides and other chemicals so as to minimize their application and their impact on groundwater and drinking water supply watersheds.

18. Actively pursue expanding Bethany’s network of trails, focusing in particular on creating north-south and east-west corridors and on connecting the town-owned airport property to other existing open space.

Section 3: Roads and Transportation

Because Bethany has relatively little retail, commercial and industrial development within its borders, residents are for the most part required to travel to neighboring communities to shop and work. At the same time very little public transportation is locally available. Therefore, Bethany residents rely heavily on their cars and Bethany’s system of roads to get in and out of and around town. Consequently, the number of vehicle miles routinely traveled by Bethany residents to meet their daily obligations is significant.

Changes to Bethany’s road specifications in 1988 and the adoption of a scenic road ordinance in 1997 reflect a growing concern for retaining the rural character of Bethany’s roads. The report of the Committee for the Protection of Bethany’s Rural Character noted that the strongest visual statement made by a town is often made via its roads:

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9 The round trip distance from the center of town to the nearest grocery store is 12 miles.
“Roads and the landscapes they run through relay a great deal of information about a town’s history as well as its present priorities... Roads impart character to a town. The paths they take, the trees that shade them, their width, their bridges and guardrails, their shoulders and curbs, are all details which contribute significantly to a town’s character.

It is the country flavor of Bethany’s roads that invites us to use them as more than just automobile routes. We enjoy them as we walk, greet our neighbors, jog, bike and ride horseback. Bethany’s roads are an important component of its rural character, and are worthy of and need our protection.”

Bethany’s roads are valued precisely because they maintain rural aesthetics and manage to serve a variety of interests and purposes. In order to preserve this value, it is critical to maintain and protect a road system that respects Bethany’s rural quality while balancing the needs of motorists with those of pedestrians, cyclists and horseback riders and with the health and safety of the community as a whole.

*Road and Transportation Goals*

1. To regulate the design and construction of new roads so that they lie lightly upon the land, conforming to the guiding principles laid out in this Plan and, in particular, conforming with and enhancing the Plan’s central value of rural quality.

2. To preserve and protect the aesthetic quality of Bethany’s roads by maintaining existing roads and designing new roads with priority given to those elements including stone walls, that enhance their scenic qualities and that invite and encourage multiple uses.

3. To keep Bethany’s roads safe for all citizens whether they use them for driving, riding bicycles or horses, or walking, and to assure Bethany’s roads continue to meet the needs of Emergency Services to quickly and safely serve all of Bethany’s residents.

4. To avoid unnecessary concentrations of storm-water drainage and runoff and the use of the town road drainage system for storm-water drainage for land development wherever possible.

5. To reduce the dependency of Bethany residents on the automobile to access services not available locally.
Roads and Transportation Policies

1. The design and engineering of new roads and rebuilding and maintenance of existing roads shall be guided by the principles and techniques of Low Impact Development (LID)\textsuperscript{10}, including:
   a. Apply Low Impact Design techniques to the design of new roads.
   b. Preserving the historic use of swales and other types of sheet flow drainage in existing road systems wherever possible.

2. Traveled portions of new roads and bridges should be kept to a maximum width of 22 feet and, if consistent with public safety, older roads and bridges shall be maintained at their historic width.

3. The visual integrity of Bethany's existing system of historic roads, including its gravel roads, shall be protected by minimizing the areas of disturbance along side of these roads to the greatest extent possible given the possible need to install and maintain necessary utility lines.

4. The use of underground utilities shall be encouraged as a means of decreasing visual clutter and allowing tree canopies to overgrow roads.

5. Light pollution along Bethany's roads and in its neighborhoods shall be minimized by discouraging the unnecessary placement of streetlights.

6. Historic stone walls along roadways shall be preserved and/or reconstructed as these opportunities occur.

7. Local transportation options that reduce the automobile dependency of Bethany residents shall be developed.

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Defining LID

Low Impact Development (LID) is an innovative storm-water management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Techniques are based on the premise that storm-water management should not be seen as storm-water disposal. Instead of conveying and managing/treating storm-water in large, costly, end-of-pipe facilities located at the bottom of drainage areas, LID addresses storm-water through small, cost-effective landscape features located at the lot level.

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\textsuperscript{10} Soft drainage, more currently referred to as low impact development (LID) relies on grassy swales, rain gardens, reduced impervious areas and similar devices rather than conventional curbing and storm drains to mitigate increases in runoff caused by increased impervious surfaces, including roads.
c. Encourage the use of unpaved passable shoulders, and encourage the use of low impact development drainage systems in the design of new roads.

d. Encourage the design of roadways that accommodate the needs of pedestrians, cyclists, and equestrians as well as automobiles.

e. Require that historic dry stacked stone walls destroyed during the construction of roads or installation of utilities be rebuilt.

4. Investigate and adopt, if appropriate, regulations that contain standards for the construction and maintenance of gravel roads.

5. Consider adopting revisions to Bethany’s land use regulations that encourage or possibly require through roads in lieu of cul-de-sacs where desirable.

6. Develop standards for the placement of street lamps and limit their use to those situations where street lighting is necessary for the public health, safety and welfare.

7. Adopt regulations, or recommend a lighting ordinance, to mitigate the nuisance effect of excessive residential and business lighting, especially light trespass.

8. Find ways to expand existing transit service or create similar services to serve Bethany residents.

9. Adopt regulations or encourage the adoption of standards which minimize the coverage of new roads for subdivisions so as to reduce the overall impervious surface coverage.

Section 4: Housing

As of 2007 there were 1,975 residential dwelling units (including apartments) in Bethany. (There are 1,887 dwelling unit structures in Bethany with 90% of these owned and 8% rentals, and 1% vacant.) These are comprised mostly of single family and scattered multi-family dwellings on individual lots. Bethany’s relatively low population density of approximately 255 persons per square mile is in sharp contrast to the densities of all surrounding towns and the overall density of the South Central Region. Low population density factors heavily into Bethany’s rural quality and is a manifestation both of geography - distance from urban centers - and of the land itself. An analysis of land constraints indicates that the majority of land in Bethany has one or more severe limitations for development. Wetlands, steep slopes, and soils with poor septic capability are found throughout the town.

Bethany’s geographic location in the regional watershed with public drinking water supply reservoirs serving several urban centers also limits its residential growth potential. About three-fourths of its land area recharges these reservoirs and is recognized in the State Plan of Conservation and Development as land to be conserved and protected for public drinking water supply purposes. Moreover, Bethany is without either public water
supply\textsuperscript{11} or sewer service itself by reason of its distance from a supply source and its topography. The absence of sewer services is a significant development constraint and is an important consideration in the fulfillment of Bethany’s role as a primary source of pure drinking water for the region.

Given these very real constraints, Bethany must nonetheless remain sensitive to local and regional housing issues and work to address unmet housing needs as they become evident. In developing this Plan, a significant amount of time was dedicated to considering the need for affordable housing as set forth in CGS § 8-23 as well as other sections of the Connecticut General Statutes pertaining to housing. This Plan recognizes that the viability, stability and integrity of the community depends upon maintaining a diverse supply of housing that meets the needs of residents at a variety of income levels. In particular, the Town must pay close attention to the housing needs of its seniors so that a variety of housing options are available for them as well. In response to this need, the Planning and Zoning Commission in 2007 adopted zoning regulations that encourage the development of affordable housing for elderly citizens.

\textit{Housing Goals}

1. To promote and maintain a supply of housing alternatives that allow for economic diversity among Bethany residents.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{image}
\caption{A photograph of a housing area in Bethany.}
\end{figure}

2. To provide for the development of new housing without compromising Bethany’s water resources and rural character.

\textsuperscript{11} With the exception of approximately five dwellings near the town’s southern border which have public water.
3. To provide appropriate housing for senior residents of Bethany.

4. To ensure that Bethany’s land use regulations permit and encourage a variety of housing styles and sizes and provide for flexibility in the layout of residential lots.

5. To encourage the development of housing that is in keeping with the principles of sustainable development.

Housing Policies

1. Bethany’s land use regulations shall seek to strike a balance between the need to accommodate economic diversity among its residents and the vulnerable nature of the community’s rural character and natural environment.

2. Diversity in Bethany’s supply of housing shall be encouraged.

3. Initiatives and activities that reduce Bethany’s dependency on non-renewable sources of energy and are in keeping with Bethany’s dominant values shall be supported and encouraged.

4. Initiatives and activities in keeping with Bethany’s dominant values that decrease the overall environmental impact of residential development shall be supported and encouraged.

5. The development of housing incorporating principles of sustainable development shall be encouraged.

Housing Programs

1. Facilitate active collaboration between appropriate boards and commissions and local civic groups working to assess the need for and define the most appropriate approach to providing housing for Bethany’s senior residents. Based on the results of this collaboration, modify Bethany’s ordinances and regulations accordingly to allow for such development to occur.\footnote{It should be noted that a small portion of the rear of the Airport property has been proposed for development of 12 units of needed elderly housing. This project is in the planning stages at this time. The ultimate acceptability of this project will depend on its ability to conform to local and state regulations with regard to well and septic availability.}

2. A modest variation in residential density shall be permitted in association with the construction of smaller than average houses provided that the impact on the carrying capacity of the land is no greater than would be created by larger houses at a lower density.

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3. Incentives for buildings to conform to sustainability standards such as those put forth by LEED\textsuperscript{13}, Green Globe or other similar organizations shall be provided, including standards that pertain to the siting and location of these structures. All aspects of sustainability should be considered whenever possible.

4. An informal “guide toward achieving sustainability” shall be developed and distributed to applicants and residents that will provide information on sustainable design, sustainable development and sustainable communities.

\textit{Section 5: Economic and Fiscal Development}

Municipal economic development efforts are generally geared toward creating a productive commercial tax base that contributes to the fiscal well being of the community. However, the impact of commercial development on the community is complicated and multidimensional, extending far beyond the fiscal and economic impact. New development creates new tax revenues. However, it also requires infrastructure and municipal services and therefore creates costs. New commercial development may provide access to desirable goods and services and it may provide employment opportunities for residents. It may also, however, create impacts counter to the town’s primary goal to remain rural and has the potential to negatively affect the contribution Bethany’s undeveloped land base makes toward protecting the region’s water supply and environmental quality. In light of this, it is important to assess both costs and benefits when attempting to identify the amounts and kinds of development which are desirable here in Bethany.

While new development would contribute to its tax base, Bethany’s limited infrastructure would require significant expansion to meet the growing demand for services, particularly if Bethany were to attract any major commercial ventures. In addition, a number of local studies of the fiscal impacts of residential development have shown that in the long run, the cost of providing services to a growing community are very likely to exceed any additional tax revenues generated, leading to a net loss in revenue to the Town.

Environmental considerations and the desire to preserve rural character are also important factors which need to be considered when formulating Bethany’s development policies. The ability of Bethany’s undeveloped land base to support commercial development has been shown to be extremely limited as a result of the lack of existing infrastructure and the high cost of providing and maintaining that infrastructure. At the same time, while residential development may require less infrastructure, its demand for services, in particular education, generally exceed the tax revenues it can generate to pay for them. In the final analysis, Bethany’s fiscal health is inextricably linked to serving the goal of supporting a high quality of education.

Given the existing environmental and infrastructure constraints, commercial or industrial development on a scale that could generate tax revenues to subsidize residential growth is unlikely, and therefore the added costs

\textsuperscript{13} Leadership in Energy and Environmental Design (LEED) is a Green Building Rating System developed by the U.S. Green Building Council.
of residential development will accrue to the residential taxpayers whose tax burden will continue to increase as new residential development continues to affect Bethany’s fiscal position.

Finally, policies guiding land use and development must take into account the visual impact of development on Bethany’s rural character. Most would agree that conventional “strip” development is generally not in keeping with Bethany’s historic look and feel, yet without a design strategy in place to promote development consistent with the traditions that contribute to rural character, this type of development is likely to prevail.

**Development Goals**

1. To encourage development that is consistent with Bethany’s role in the region as a public drinking water supply watershed and its significance as a rural community providing environmental and recreational benefits to surrounding communities. This goal is consistent with the State Conservation and Development Policies Plan which has classified Bethany as a rural community.

2. To provide for development that will enhance the fiscal well-being of our community.

3. To ensure that new and redevelopment creates a visual impact that is consistent with and contributes to Bethany’s rural character.

4. To advance development that is energy and water efficient and consistent with the goals of sustainable development.

**Development Policies**

1. Bethany’s environmental quality and recreational value shall be protected by limiting growth to low density, low impact development with strict controls on uses that may generate hazardous wastes or otherwise compromise the quality of surface and groundwater resources.

2. Certain limits on future development shall be acceptable based on the natural “safe carrying capacity” of the land for water supply and waste water renovation.
3. An economically prudent approach to future growth shall be adopted by supporting a development scenario that emphasizes controlled, responsible growth and places a priority on infrastructure avoidance. Smart growth practices that further this policy include:

   a. Preserving rural landscapes and existing agricultural activities and lands.

   b. Encouraging new development to occur in a village pattern rather than typical spread out subdivision.

   c. Discouraging expansion of conventional commercial development into areas which are not already properly zoned for such development.

   d. Espousing development consistent with Bethany’s rural character in lieu of a traditional commercial highway strip.

   e. Creating a mixed use zone and development guidelines and standards for village type developments where such development is appropriate.

   f. Reinforcing the existing rural centers to make them more economically viable.

   g. Recommending the Town strongly promote a broad recycling program for residents. A town wide ordinance is recommended for this program.

4. While emphasizing controlled and responsible new development, programs that foster growth, stability, and prosperity among existing commercial and industrial enterprises shall be supported, especially those that attract stable, attractive, environmentally appropriate business establishments that will prosper and add to the quality of our community.

Rural In Design
Design guidelines intended to preserve traditional development patterns and protect against the encroachment of conventional strip development on community character have been adopted by a number of rural municipalities. These standards primarily affect what development will be allowed from the streetscape addressing aspects of development surfaces:

- The size, height, scale, and placement of buildings and associated parking on the site.
- The preservation of historic structures.
- The retention, siting, lighting, and landscaping of.
- Signage.

The look and feel of the commercial look can also be influenced by allowing for mixed use developments in certain areas, by encouraging pedestrian access and traffic calming, and by including the "streetscape" as an integral part of the overall design process.
Development Programs

1. Strengthen site development standards for the existing B/I zone.
   a. Consider using CGS 8-2j to establish Village Districts in acceptable areas of town where small scale mixed use development would be appropriate\textsuperscript{14}.
   b. Consider whether maximum bulk or maximum footprint regulations would benefit the rural character of the town going forward. Consider implementing such a regulation if it is found to be compatible with encouragement of rural character.

2. Establish an Architectural Review Committee to review proposed commercial structures and site plans so as to encourage size and scale which are compatible with the rural character of Bethany.

3. Adopt architectural and streetscape standards that reflect and encourage commercial development of a size and scale which is in keeping with this Plan.

\textsuperscript{14} Appendix D
4. Adopt revisions to Bethany’s land use regulations that encourage development of existing lots on existing roads.

5. Adopt land use regulations that put into effect appropriate protective standards to ensure minimal adverse environmental impact from commercial and industrial development.

6. Perform an analysis of the capacity limits of existing municipal structures and services and the nature and cost of incremental services, including education and recreation as well as municipal and general government functions in order to fully identify and quantify the impacts of potential development on government services and Bethany’s tax base.

7. Adopt policies and regulations that encourage the establishment, preservation and operation of existing and proposed agricultural land and operations as well as the establishment of new low-impact agriculturally related businesses. Examples: farmers markets, wineries, boutique farms and organic/natural/free-range/grass fed meat, etc.

8. Adopt policies and regulations that encourage energy and water efficient commercial development.
9. Encourage waste reduction and recycling by implementing a pay-as-you throw program.

10. Adopt policies and regulations for sustainable, natural storm-water drainage so as to minimize runoff and maximize on-site drainage of storm-water, as opposed to simply discharging it into a storm-water drainage system, which would carry it off-site. These techniques are collectively referred to as low impact development (LID) techniques.

Section 6. Recreation

With the exception of a clearly expressed desire to protect, preserve and enhance Bethany’s extensive system of trails, very little information exists with regard to the demand for either recreational facilities or programs among Bethany residents. In the Town Plan questionnaire which was previously distributed in 1991, there was some support demonstrated for expanding recreational opportunities and facilities.

Also in 1992, a joint report to the Airport Study Committee by the Bethany Athletic Association and the Bethany Park and Recreation Commission expressed a desire for additional playing fields for baseball and soccer as well as a running track. Neither the desire nor need for additional recreational facilities or programs appear to be based on any type of formal needs assessment.

Recreation Goal

1. To meet the recreational needs of the community by assuring that residents have access to a diversity of adequate recreational facilities and programs in Bethany.
Recreation Policies

1. Preserve and enhance Bethany’s system of equestrian and hiking trails as a community asset.
2. Consider diversity of ways to recreate when developing recreational assets.

Recreation Programs

1. An extensive system of interconnected public trails traversing Bethany’s undeveloped lands shall be developed and maintained working with both public and private landowners.
2. A Recreational Needs Assessment shall be performed to identify current and anticipated needs for recreational facilities, including specific types of dispersed facilities such as playgrounds, and prepare a facilities plan that meets those needs.
3. Veterans’ Memorial Park shall be further developed and improved to best serve the recreational needs of the town. (See Section 7 for further discussion).
Section 7: Municipal Facilities

In July of 1992, with the concurrence of the Board of Selectmen, the Planning and Zoning Commission formed an advisory committee to prepare a set of recommendations regarding the use of the 126 acre municipal property known as the Airport property. In gathering information for their report, the Airport Study Committee solicited input from the Board of Selectmen, the Bethany Highway Department, the Recycling and Solid Waste Committee, and the Bethany Volunteer Fire Department, all providers of municipal services and occupants of municipal facilities. As a result of the information gathered from these groups, with regard to municipal facilities and uses, the Airport Study Committee Report states that “the area generally north of the proposed Munson Road extension has been designated for municipal buildings and uses such as a new fire house, highway department garage, recycle center, etc.”

Subsequent to the publication of the Airport Study Committee’s Report in August of 1993 a new town garage and recycling center were constructed on the area of the Airport property identified by the Airport Study Committee for municipal use.

In addition to the recently completed town garage and recycling center, Bethany has also completed the following municipal improvements and additions since adoption of the last town plan in 1998:

a. A large construction and renovation project at the Bethany Community School which updated the existing school facilities and added additional classroom and instructional areas. This facility currently accommodates Bethany’s elementary school age population.

b. Some renovations to Bethany Town Hall have been completed. Others still need to be accomplished to bring it up to desirable standards for municipal facilities.
c. Veterans’ Memorial Park, a 55 acre recreational property for use by the Town, was acquired and extensive site work completed. The facility is actively used by a variety of groups and residents of the town. It provides residents with a clubhouse, a large pond suitable for swimming, an area for playing fields and a trail network, tennis courts and a playground. Grant funds have been awarded and planning is underway for construction of a new pavilion.

d. A new firehouse has been constructed on a portion of the Airport property. This new facility should serve the town for its intended purpose for the foreseeable future.
e. The existing riding ring at the Airport property has been upgraded.

f. A study done by the Yale Urban design Workshop has been completed regarding the reconstruction and reuse of the hangar on the Airport property. A proposal to renovate the hangar based on this study has passed 8-24 review. The ultimate decision on the use of this facility will depend on available funding and public support.

g. A Recreational Facilities Review has been completed by (Yale).
h. A site plan has been developed by (Yale) for the Airport Property which is being reviewed, discussed and decided upon by all the appropriate committees, boards and commissions.

Goals for Municipal Facilities

1. To anticipate the need for municipal facilities within a time frame that allows for adequate planning
2. To take a responsible fiscal approach to municipal investments.

Municipal Facilities Policies

1. Investments in new municipal facilities shall be made according to a comprehensive long range municipal facilities investment plan that has been endorsed by the Board of Selectman.
2. Grants shall be sought for municipal improvements and facilities whenever possible so as to minimize the burden on Bethany’s taxpayers.
3. The necessary maintenance and repairs of municipal facilities shall be performed in a timely fashion in order to maximize their useful life and avoid the problems and decay that result from poor upkeep.
Municipal Facilities Programs

1. Perform a Needs Assessment for municipal facilities as the basis for a long range approach to meeting the town’s future needs, matching the Town’s projected long term growth with its need for municipal facilities and allowing for proper fiscal and land use planning.

2. Complete the development of the Veterans’ Memorial Park property in a well planned, well executed and timely fashion.

3. Remove the lot-lines from the Airport Property and rezone the property for recreational or municipal use.
CHAPTER 3

IMPLEMENTATION

The Planning and Zoning Commission will undertake, recommend or encourage the following steps toward the implementation of this plan:

**Implementation Plan**

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Item</th>
<th>Actions and Timing</th>
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| Planning and Zoning Commission:        | 1. The Commission will conscientiously devote its planning activities to drafting new zoning and subdivision regulations to bring those regulations into conformance with the goals, policies and recommendations made in this plan. It will adopt such revisions to the regulations only after public hearing, as appropriate.  
2. Once Bethany land use regulations have been brought into conformity with the recommendations made in this plan the commission will devote its planning activities to gathering additional information to aid in the planning process. As it becomes available, this additional information will be used to evaluate and revise this plan so that it remains up to date and pertinent. The priority in this process will be to refine those sections where additional information is needed to complete a proper analysis. | 1. Work program for 2009-2010  
2. Ongoing but to be initiated in 2010. |
| Board of Selectmen:                     | The Commission will work closely with other boards and commissions as needed to implement those provisions of the plan which are not within the jurisdiction of the Planning and Zoning Commission such as the Board of Selectmen on matters such as:  
• Ordinances  
• Appointments  
• Town Road Regulations and Standards  
• Development applications affecting town road drainage or use. | Ongoing or on a per application basis |
| Inland Wetlands and Watercourses Agency (IWWA): | The Commission will work closely with the IWWA to implement those provisions of the plan which are not the jurisdiction of the Planning and Zoning Commission including:  
1. Improving and streamlining coordination on common environmental issues  
2. Aligning Commission and IWWA regulations and goals. | Ongoing or on a per application basis |
| Conservation Commission (CC):           | The Commission will work closely with the CC as needed to implement those provisions of the plan which are not within the jurisdiction of the Planning and Zoning Commission, including:  
1. Implementing the Open Space Plan.  
2. Coordinating on applications so as to meet common goals.  
3. Sharing research on areas of common interest. | Ongoing |
| Town Departments/Staff:                 | Perform application review and processing in a fair and efficient manner. | Ongoing |
| Land Trust | 1. Encourage efforts at land preservation so as to assist in accomplishing the goals of the POCD.  
2. Encourage education and outreach regarding land conservation and preservation efforts. | On an application as well as an ongoing basis. |

CHAPTER 4: REVISION POLICY

While State statute 8-23 calls for review of the Town Plan of Conservation and Development every 10 years, this Town Plan will be reviewed and amended as necessary.

APPENDICES

[The Commission should discuss and decide the elements to be included in this section.]

Appendix A

A Brief History of the Bethany’s Town Plan of Conservation and Development

Stage One

In 1990, the Bethany Planning and Zoning Commission began the process of revising Bethany’s existing Town Plan of Development, which had been prepared in 1961. In revising the 1961 plan, the Commission’s foremost objective was to ensure that the revised plan would reflect the views and desires of Bethany residents, in addition to meeting statutory requirements for Plans of Conservation and Development.

To this end, in addition to gathering data about the Town’s physical characteristics, the Commission invested significant time, money and effort in the process of gathering public input in an attempt to define a common vision for Bethany. This process, which included a series of public meetings and a town-wide survey, resulted in a Stage one Report which outlined four primary areas of concern expressed by the residents of Bethany: Rural Character, Economic Development, Housing and the disposition of the Airport Property.

Stage Two

Based upon the findings of the Stage One Report, the Planning and Zoning Commission established the following four committees to analyze existing information (including the questionnaire results), gather additional information, and make recommendations to the Commission for policies to be included in the revised Town Plan:

1. The Committee for the Protection of Bethany’s Rural Character.
2. The Airport Study Committee
3. The Committee for the Study of Housing Issues

4. The Committee for the Study of the Economic and Fiscal Issues

Convened in July of 1992, each Committee was chaired by a member of the Planning and Zoning Commission, and composed of other Planning and Zoning Commission members, other municipal officials and employees, and representatives of interested civic groups. Each Committee issued a report summarizing their findings and conclusions. These reports informed the content of the revised Town Plan adopted in November of 1998 by the Commission.

Stage Three

In 2006 the Commission began the process of revising the 1998 Town Plan of Conservation and Development as is required by State Statute every 10 years. As in 1998, in addition to meeting statutory requirements for Plans of Conservation and Development, ensuring that the revised plan would reflect the current views and desires of Bethany residents was a primary concern in 2006. To this end the Commission held multiple meetings to discuss the most current POCD update and solicited input and comments from all other Town Boards and Commissions as well as Town officials. A constant theme heard by the Commission as it gathered input for the 2006 revision process was the importance of continuing to implement the goals, policies and programs contained in the 1998 Plan. In reviewing the work of the four committees convened in 1990, the Commission agreed with the consensus that the basic conclusions and recommendations of these Committees, as incorporated into the 1998 plan, remain valid.

Concurrent with the work of the Planning and Zoning Commission, the Bethany Conservation Commission prepared a draft of Bethany’s 2008 Open Space Plan which was also considered by the Planning and Zoning Commission during the revision process.

Adoption of the 2009 Plan of Conservation and Development

Based on discussion, synthesis, and analysis of all of the reports and public comment described above, the Planning and Zoning Commission has drafted and hereby adopts this 2009 Plan of Conservation and Development for the Town of Bethany. In addition, the final (draft of the) Conservation Commission’s Open Space Plan is hereby made part of this POCD and the recommendations set forth in the 2008 Open Space Plan have been included and referenced in Section 2 of Chapter 2 of this Plan. This revision of the POCD is intended to respect and support the goals, policies and programs of the previous Plan while refining them so as to better reflect the current state of land use, land use regulation and statutory law. The Plan represents the Commission’s best effort to develop planning goals that define the Town’s vision of its future in light of the clear physical constraints on land use and development which exist in Bethany. The Commission recognizes that planning for the Town is an ongoing process and that this Plan will be subject to regular review. The overall responsibility to continually update this Plan is that of the Planning and Zoning Commission. The revision process to be followed is clearly outlined in Chapter 3 of this plan.
Appendix B

Substitute House Bill No. 6467

Public Act No. 09-230

AN ACT CONCERNING SMART GROWTH AND THE STATE PLAN OF CONSERVATION AND DEVELOPMENT POLICIES PLAN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (Effective from passage) As used in this section and section 2 of this act:

(1) "Smart growth" means economic, social and environmental development that (A) promotes, through financial and other incentives, economic competitiveness in the state while preserving natural resources, and (B) utilizes a collaborative approach to planning, decision-making and evaluation between and among all levels of government and the communities and the constituents they serve; and

(2) "Principles of smart growth" means standards and objectives that support and encourage smart growth when used to guide actions and decisions, including, but not limited to, standards and criteria for (A) integrated planning or investment that coordinates tax, transportation, housing, environmental and economic development policies at the state, regional and local level, (B) the reduction of reliance on the property tax by municipalities by creating efficiencies and coordination of services on the regional level while reducing interlocal competition for grand list growth, (C) the redevelopment of existing infrastructure and resources, including, but not limited to brownfields and historic places, (D) transportation choices that provide alternatives to automobiles, including rail, public transit, bikeways and walking, while reducing energy consumption, (E) the development or preservation of housing affordable to households of varying income in locations proximate to transportation or employment centers or locations compatible with smart growth, (F) concentrated, mixed-use, mixed income development proximate to transit nodes and civic, employment or cultural centers, and (G) the conservation and protection of natural resources by (i) preserving open space, water resources, farmland, environmentally sensitive areas and historic properties, and (ii) furthering energy efficiency.

Sec. 2. (Effective from passage) The Continuing Legislative Committee on State Planning and Development, established pursuant to section 4-60d of the general statutes, shall study the state plan of conservation and development, including, but not limited to, the process for adopting such state plan, the incorporation into such plan of the principles of smart growth as defined in section 1 of this act, the application of such plan and principles of smart growth to actions undertaken by state agencies, and the integration of such plan with municipal and
regional plans of conservation and development. In conducting such study, the committee shall consult with stakeholders, including, but not limited to, municipalities, regional planning organizations, state agencies and the public. On or before February 1, 2010, the committee shall submit a report of its findings and recommendations to the General Assembly in accordance with the provisions of section 11-4a of the general statutes.

Sec. 3. Section 16a-27 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The secretary, after consultation with all appropriate state, regional and local agencies and other appropriate persons, shall, prior to March 1, [2009] 2011, complete a revision of the existing plan and enlarge it to include, but not be limited to, policies relating to transportation, energy and air. Any revision made after May 15, 1991, shall identify the major transportation proposals, including proposals for mass transit, contained in the master transportation plan prepared pursuant to section 13b-15. Any revision made after July 1, 1995, shall take into consideration the conservation and development of greenways that have been designated by municipalities and shall recommend that state agencies coordinate their efforts to support the development of a state-wide greenways system. The Commissioner of Environmental Protection shall identify state-owned land for inclusion in the plan as potential components of a state greenways system.

(b) Any revision made after August 20, 2003, shall take into account (1) economic and community development needs and patterns of commerce, and (2) linkages of affordable housing objectives and land use objectives with transportation systems.

(c) Any revision made after March 1, 2006, shall (1) take into consideration risks associated with natural hazards, including, but not limited to, flooding, high winds and wildfires; (2) identify the potential impacts of natural hazards on infrastructure and property; and (3) make recommendations for the siting of future infrastructure and property development to minimize the use of areas prone to natural hazards, including, but not limited to, flooding, high winds and wildfires.

(d) Any revision made after July 1, 2005, shall describe the progress towards achievement of the goals and objectives established in the previously adopted state plan of conservation and development and shall identify (1) areas where it is prudent and feasible (A) to have compact, transit accessible, pedestrian-oriented mixed-use development patterns and land reuse, and (B) to promote such development patterns and land reuse, (2) priority funding areas designated under section 16a-35c, and (3) corridor management areas on either side of a limited access highway or a rail line. In designating corridor management areas, the secretary shall make recommendations that (A) promote land use and transportation options to reduce the growth of traffic congestion; (B) connect infrastructure and other development decisions; (C) promote development that minimizes the cost of new infrastructure facilities and maximizes the use of existing infrastructure facilities; and (D) increase intermunicipal and regional cooperation.
(e) Any revision made after October 1, 2008, shall (1) for each policy recommended (A) assign a priority; (B) estimate funding for implementation and identify potential funding sources; (C) identify each entity responsible for implementation; and (D) establish a schedule for implementation; and (2) for each growth management principle, determine three benchmarks to measure progress in implementation of the principles, one of which shall be a financial benchmark.

(f) Thereafter on or before March first in each revision year the secretary shall complete a revision of the plan of conservation and development.

Sec. 4. Section 16a-28 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The secretary shall present a draft of the revised plan of conservation and development for preliminary review to the continuing legislative committee on state planning and development prior to September first in [2008] 2010 and prior to September first in each prerevision year thereafter.

(b) After December first in [1985] 2010 and after December first in each prerevision year thereafter the secretary shall proceed with such further revisions of the draft of the revised plan of conservation and development as he deems appropriate. The secretary shall, by whatever means he deems advisable, publish said plan and disseminate it to the public on or before March first in revision years. The secretary shall post the plan on the Internet web site of the state.

(c) [Within] Not later than five months [of] after publication of said revised plan the secretary shall hold public hearings, in cooperation with regional planning agencies, to solicit comments on said plan.

Sec. 5. Section 16a-29 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The secretary shall consider the comments received at the public hearings and shall make any necessary or desirable revisions to said plan and within three months of completion of the public hearings submit the plan to the continuing legislative committee on state planning and development, for its approval, revision or disapproval, in whole or in part. Notwithstanding the provisions of this section, the secretary shall submit the state Conservation and Development Policies Plan, [2004-2009] 2012-2017, to said committee on or before December 1, [2004] 2011.

Sec. 6. Section 16a-32a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):
The Office of Policy and Management shall amend the state plan of conservation and development adopted pursuant to this chapter to include therein a goal for reducing carbon dioxide emissions within this state. Said office, in consultation with the Department of Environmental Protection, shall submit a report to the General Assembly on or before the thirtieth day following May 22, 1995, on or before May 1, 1996, and annually thereafter, which details the net amount of carbon dioxide emitted annually within this state. Subsequent to the May 1, 2000, submittal, said report shall be submitted every three years with the first such report due May 1, 2003] consistent with the recommendations of the Connecticut Climate Change Action Plan prepared in accordance with section 22a-200a.

Sec. 7. Subsection (b) of section 8-23 of the general statutes, as amended by section 3 of public act 07-239, section 4 of public act 07-5 of the June special session and section 17 of public act 08-182, is repealed and the following is substituted in lieu thereof (Effective July 1, 2010):

(b) [Until the plan is amended in accordance with this subsection the municipality] On and after the first day of July following the adoption of the state Conservation and Development Policies Plan 2012-2017, in accordance with section 16a-30, a municipality that fails to comply with the requirements of subsection (a) of this section shall be ineligible for discretionary state funding unless such prohibition is expressly waived by the secretary.

Approved July 8, 2009
A Discussion of Responsible Growth

Responsible growth is economic, social, and environmental development that uses land and resources in ways that enhance the long-term quality of life for Connecticut’s current and future generations. Responsible growth supports a vibrant and resilient economy and preserves the natural resources upon both of which that quality of life depends. Responsible growth maximizes previous investments in existing infrastructure while preserving distinctive landscapes, historic structures, landmarks, and villages.

Responsible growth requires leadership and governance of the highest caliber to prioritize public decisions in a manner that maximizes the long-term benefits to the state’s residents and communities. It demands a collaborative approach to analysis, decision-making, and evaluation between and among all levels of government to ensure consistency with integrated local, regional, and state-wide vision, plans, and strategies.

- **Focus on Redevelopment**
  - Redevelop First -- Encourage reuse and rehabilitation of existing infrastructure rather than the construction of new infrastructure in undeveloped areas.
  - Revitalize Connecticut’s central cities to take advantage of existing infrastructure and their locations as centers of economic and cultural importance.
  - Give preference to redevelopment of brownfields, preservation, and reuse of historic structures and rehabilitation of existing housing and schools.

- **Be Fair**
  - Encourage interlocal cooperation.
  - Promote equitable sharing of the benefits and burdens of development and diminish the competition for revenue that biases land use decisions.
  - Provide technical and strategic support for inclusive community planning to ensure social, economic, and environmental justice.
  - Make regulatory and permitting processes for development clear, transparent, cost-effective, and oriented to encourage responsible growth and regional equity.

- **Expand Housing Opportunities**
  - Support the rehabilitation and construction of housing to meet the needs of all people regardless of abilities, income levels, and household types.
  - Coordinate the provision of housing with the location of jobs, transit, and services.
  - Promote a range of attainable housing choices that provides housing for people who work in the area and that leads to diverse communities.

- **Concentrate Development**
  - Support development that is compact, conserves land, integrates uses, and fosters a sense of place.
  - Revitalize and protect existing village centers.
  - Create walkable districts in or adjacent to existing centers, making full use of existing buildings and infrastructure, and mixing commercial, civic, cultural, educational and recreational activities with open space and housing for diverse communities.

- **Provide Transportation Choice**
Concentrate development around transportation nodes and along major transportation corridors.

Increase access to transportation alternatives, in all communities, including public transit (with flexible schedules), bicycling, and walking.

Invest strategically in transportation infrastructure that decreases annual lane miles while increasing transit passenger miles traveled, and increases rail freight while decreasing road freight.

- **Conserve Natural Resources**
  - Reduce waste of water, energy, greenhouse gases, and materials, and increase our supply of renewable energy.
  - Expand land conservation efforts in appropriate areas.
  - Protect water resources.
  - Protect and restore biodiversity, environmentally sensitive lands, natural resources, food security, wildlife habitats, and cultural and historic landscapes.
  - Increase the quantity, quality, and accessibility of open space.
  - Lead by example and support conservation strategies, clean power, and innovative industries.
  - Construct and promote buildings and infrastructure that use land, energy, water, and materials efficiently.

- **Plan Regionally**
  - Support the development and implementation of local and regional plans that have broad public support and are consistent with statewide plans and with these principles.
  - Encourage development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit.
  - Consider the long-term costs and benefits to the commonweal of the state.

- **Increase Job Opportunities in Appropriate Locations**
  - Attract new and support the growth of existing businesses with meaningful, well-paying jobs in appropriate locations, preferably near housing, infrastructure, water, and transportation options.
  - Expand access to educational and entrepreneurial opportunities.
  - Strengthen sustainable production of goods and services.
  - Support economic development in industry clusters consistent with statewide, regional, and local plans.
Appendix C

Final
OPEN SPACE PLAN
2010

BETHANY, CONNECTICUT
Bethany Conservation Commission

Kenneth W. Martin, Chairman

William L. Brinton
Audrey Eisenstadt
Brian Eitzer
Bruce Loomis

Bethany, Connecticut
2010

Overleaf:

View of Sperry Road Open Space Property donated by Dr. and Mrs. Niederman
Acknowledgments

Relative to this update, thanks go to former Commission members for their contributions to this document: Marian Ash, Kimberly McClure Brinton, Constance Royster, Kristine Sullivan, and Judith Tierney. Extra special thanks goes to Kristine Sullivan, who devoted countless hours consolidating the work of various authors into a unified document and entering the final editing.

At hearings on the plan and through their attendance at Commission meetings, many residents of Bethany expressed their hopes for the future of our town and, in specific ways, contributed to the pages that follow.
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1. Inventory of Open Space Land in Bethany
2. Open Space Priorities

Maps (separate documents):

1. Land Use
2. Open Space (current and proposed)
3. Ownership Type
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I. Introduction

Open space is the woodlands, fields, streams and ponds that still abound in Bethany and provide the distinctive rural character we cherish. Who among us does not derive special enjoyment from the sight of trees and open fields as we drive into Bethany, leaving behind the dense development of urban and suburban areas? Who among us is not delighted to know that our forests and meadows provide a habitat for animals and birds with greater diversity than can be found in more densely developed urban and suburban areas? Whether we use open space as hikers, horseback riders, baseball players, swimmers, or simply because we find our souls refreshed by looking at scenic views and listening to the stillness of a summer night, we know that the open space around us plays an important part in our lives and the lives of our children throughout every season of the year. This is one of the reasons we choose to live in Bethany.

Bethany remains at a crossroads. The open space over which we have some control is fast disappearing, as increasing development puts ever-growing pressure on our land. If we are to preserve the special quality of life Bethany offers both for ourselves and generations to come, we must agree on a plan that strikes a balance between development and preservation. In planning for the future, we should try to direct development to those areas in Bethany suitable for growth, while at the same time avoiding those areas identified as being in the public interest to preserve. The property rights of landowners must be carefully balanced with the needs of the community, now and in the future. Good planning helps avoid land use conflicts.

The importance of open space in our lives is reason enough to work to preserve it, but we should also take into consideration the known fact that developed land is more costly to taxpayers than open space. A town spends more on education and other services than a new residence with children generates in taxes. Furthermore, the attractiveness of a town with abundant parks, trails, recreation areas, scenic views, stone walls, brooks, farmland, wetlands, greenways and greenbelts is likely to be reflected in higher sale prices for homes and undeveloped land.

It is our hope that this Open Space Plan is one that all of Bethany’s citizens will support and assist in implementing so that the rural qualities of Bethany that are so essential to its character and charm, can be retained
II. Goals of the Open Space Plan

"A town is saved, not more by the righteous men in it than by the woods and swamps that surround it. A township where one primitive forest waves above while another rots below—such a town is fitted to raise not only corn and potatoes, but poets and philosophers for the coming ages."—Henry David Thoreau, *Walking*

The general goal of Bethany's Open Space Plan is to preserve, protect and improve the quality of life in town, by ensuring that a base of undeveloped land be maintained. Included in the plan are environmental, recreational, historical, cultural and aesthetic components. It is important to preserve a variety of landforms to represent the natural state of this area and to serve the various interests within the community.

Protection of water, air and soil quality is basic to the Town's needs. The Town's Inland Wetlands Commission enforces regulations for the protection of water quality. Saving certain lands as open space will further protect water resources. Protecting ridges and steep slopes assists in guarding against erosion. Saving woodlands enhances air quality.

Bethany's first modern residents were farmers. A major goal of the Open Space Plan is to protect the remaining farmland and meadows that reflect the Town's agricultural heritage. Stone walls, which also serve as reminders of those bygone days, should be preserved in subdivisions and along the roadsides. Implementation of these goals will also serve to protect the scenic vistas and rural roadscapes that characterize Bethany.

Many areas of archaeological and historical interest lie within the boundaries of Bethany. This Open Space Plan encourages protection of these treasures and should provide support for the efforts of local groups and citizens who work to identify and preserve them.

Many natural areas remaining in town are refuges for wildlife. Protecting these areas and linking them into wildlife corridors will assure that native species continue to thrive. There already has been a dramatic return of wild turkeys, coyotes, turkey vultures and bluebirds. Steps have been taken to preserve threatened plant species as well.

Veterans Memorial Park provides the town with recreational space that is accessible to the public. As Bethany's population continues to grow, there will be a need for added recreational facilities, both passive and active. Bethany's trails should be linked together to provide a comprehensive trail system. Ideally a balance between development and open space, active and passive recreation, human needs and environmental protection, should be maintained.
The specific goals of the Open Space Plan are:

1. Identify parcels of land that can be added to protected open space;

2. Provide links between existing trails in town and trail systems in neighboring towns;

3. Link existing open space parcels, thereby creating greenbelts and wildlife corridors;

4. Protect ridgelines, roadscapes and scenic vistas;

5. Acquire property for present and future recreational needs;

6. Protect areas of archaeological and historical significance;

7. Preserve farmland as a characteristic of Bethany; and

8. Protect water quality by preserving watersheds.
III. Bethany's Open Space

To the casual observer, Bethany appears to have vast tracts of protected land that can be enjoyed by all. However, currently undeveloped land and protected open space are not always the same thing.

Undeveloped land in town can be broken into four separate classes.

Category 1. - Properties that are protected in perpetuity from development, contain natural or recreational resources and are open to the public. This category of land includes properties owned by the Bethany Land Trust, Nature Conservancy and state that are perpetually protected and have provisions for public access.

- The Bethany Land Trust owns 14 parcels in outright fee ownership and has accepted 13 conservation easements; bring the total acreage under its protection to about 420 acres. The largest tracts are as follows:
  1. The Ida Carrington Lowell Property consists of a rectangular 27-acre block of land north of Cedar Road. There is a loop trail on the property. This land, which is usually accessed from Cedar Road, also has an easement running east to Pole Hill Road, directly across from the town's Pole Hill Park.
  2. Mendell's Folly consists of 57 acres in Bethany, with the rest of the 125-acre parcel across the town line in Beacon Falls. The property has a mixture of wooded hillsides and wetlands, which are divided by a brook. There is a network of hiking trails on the property.
  3. Several parcels in Bethany Farms that total approximately 72 acres. A series of trails and easements connect those parcels.
  4. Development rights to a 110-acre piece of land located on Bethway, Carrington, Schilf and Old Mill roads. Angelica Harter and Patricia Winer generously donated the easement, known as the Spykman Preserve, to the trust in memory of their parents. The Preserve abuts land owned by the South Central Connecticut Regional Water Authority (SCCRWA). The extensive trail system on the Spykman Preserve compliments the trail system on the adjoining SCCRWA lands.

- The Nature Conservancy owns a 10-acre piece of land, called Quiddity, which is located off the northern side of Cheshire Road between Routes 63 and 69.

- The State of Connecticut has several parcels in town.
  1. The Naugatuck State Forest is the largest and most significant state property, with most of its 535 acres located off of Beacon Road. A small non-contiguous piece is located off Cheshire Road. The state forest includes Beacon Cap and extensive hiking trails. The park extends into the neighboring towns of Naugatuck and Beacon Falls to the north and west, and Cheshire and Hamden in the east.
  2. West Rock Ridge State Park extends into Bethany with thirty-eight acres off Brooks Road. The majority of the Park is located in Hamden and New Haven.
  3. The Hotel or Ley's Pond parcel is another state piece. While it is only about 2 acres, it is historically significant. Located between Litchfield Turnpike and Amity Road, just north of their intersection, the property has the remains of an old dam and pond that were associated with the Bethany Hotel, which was destroyed in a fire.
**Category II** - Properties which are unlikely to be developed for residential or commercial purposes, contain natural or recreational resources and/or are open to the public. This category of land includes land owned by public and quasi-public institutions such as the town and cemeteries where future residential or commercial development is unlikely and public access is allowed.

- The Town of Bethany owns over 500 acres of land the largest of which are:
  1. The Airport Property – Amity Road (Route 63) and Fairwood Road (140 ± acres)
  2. Veterans Memorial Park – Beacon Road (Route 42) (165 ± acres)
  3. Gordon V. Carrington Town Center – Peck Road (55 acres)
  4. Pole Hill Park – Pole Hill Road (37 acres)
  5. Hopp Brook Tract – Bear Hill and Miller Roads (nearly 17 acres)

- The other town pieces are smaller and consist mostly of subdivision set-asides and cemeteries.

- Pole Hill Park, the Hopp Brook Tract and the various subdivision set-asides are predominately natural areas.

- Other town properties are mixed uses that include natural open space areas. The Hoppe/Cofrancesco Memorial Park on Amity Road (Route 63) and Munson Road is an active recreational area. The Airport Property is currently used for passive recreation, organized sporting events, horse shows and carnivals. The Airport Property also has municipal uses, such as the town garage, recycling center and Bethany Volunteer Fire Department Headquarters. The Gordon V. Carrington Town Center includes buildings for the Community School and Town Hall, parking lots, and areas for active and passive recreation.

- The western portion of Veterans Memorial Park provides a variety of recreational uses: a lake for swimming, fishing, beaver accommodations and boating, a picnic area, a clubhouse, hiking trails, children’s playground, tennis courts, basketball court, and soccer fields. The eastern portion, which is approximately 90 acres in area, is adjacent to a privately owned natural area and includes numerous ridges and ravines and extensive system of wetlands. This land is permanently protected by a state held easement. It is still largely wooded, with stone walls, trails and the occasional beautiful, long-range view of Beacon Cap. Hockanum Brook, which rises from the east, flows into the park’s lake.

- The Betkoski property off Beacon Road, consisting of 12 landlocked acres surrounded by the Naugatuck State Forest, was acquired in 1998 by the town in exchange for forgiveness of unpaid taxes. It should be sold to the state, for inclusion in the Naugatuck State Forest.

**Category III** - Properties which are unlikely to be developed for residential or commercial purposes, contain natural or recreational resources but are not open to the public or open to the public only on a restricted or permitted basis. This category of land includes land owned by water companies, Yale University, and the Josef Albers Foundation.

The largest open space landholders in Bethany are the two water companies. The South Central Connecticut Regional Water Authority (SCCRWA) (which in January 2008 acquired ownership of Birmingham Utilities (formerly Ansonia-Derby Water Company)), and the Connecticut Water Company together own approximately 4,000 acres in town. This land provides a core for Bethany’s open space and rural atmosphere. In many ways, the water company properties have protected Bethany from
intensive development and preserved its natural character.

There are however, some drawbacks to water utility ownership. One main problem is that the public is allowed access to only a small portion of the land, due to regulatory policies imposed by the State Health Department to protect the public drinking water supply. The Connecticut Water Company does not allow any public access. SCCRWA allows access only on designated trails if one purchases a hiking permit.

A second concern about water utility land is that it is often, but erroneously, believed to be permanently protected. This is not the case. Water companies are allowed to dispose of surplus non-public watershed land, with state approval. An example of this occurred when the former Ansonia-Derby Water Company sold all of its Class III or non-public watershed land. Currently there is very little water company land in Bethany that is Class III land. However, if regulations change, or a new technology is introduced that makes much of the land unnecessary for water protection, additional land might be able to be sold. While the water company lands are a valuable asset to the town, it must be remembered that the primary purpose of that land is water protection, not preservation of open space. The 475-acre parcel on the western side of town formerly owned by Birmingham Utilities and now owned by the SCCRWA is part of a “reserve” water supply system – but holds the potential for becoming a more active water supply system in the future.

The SCCRWA has purchased a number of properties since 1998 including some originally recommended on the Open Space Plan. The Commission is pleased that the following properties have been preserved:

- The Hinman property, containing about 50 natural acres of trees, ravines, and rock outcrops, is located on Amity Road near the center of town. The majority of this property is interior from Amity Road. Its acquisition linked land holdings of the SCCRWA to its north and south, and provides a vital wildlife corridor through this portion of town, and also enhances the protection of the forested landscape along one of the town’s main arteries.
- Fifty acres of the Hein property, adjacent to the Hinman property, is a rolling land dotted with rocky outcrops and ledges and crossed by streams that flow into a large pond. It is a haven for songbirds, wild flowers, and other wildlife. It complements the Hinman property’s value of providing a vital wildlife corridor through this portion of town and protecting the forested landscape of this portion of town.
- The 16-acre Brinsmade property on Hatfield Hill Road slopes steeply down towards the West River.
- The 19-acre Berry property on Sargent Drive is part of the headwaters of the Sargent River.
- Sanford Brook flows toward Lake Bethany through a series of small parcels along Wooding Hill Rd. The SCCRWA has been active in acquiring various easements along this brook to preserve and protect it. While no recreational or direct visual benefits are provided to the townspeople because of the acquisition of these easements, they do assist in providing protection of the habitat and wildlife corridors in and adjacent to the brook.
- The 17-acre Saxton property off Hilldale Road.
- The 30-acre Camp property off Hilldale Road and Litchfield Turnpike.
- Santa Barbara Company (62 acre parcel off Gaylord Mountain Road), purchased by the South Central Connecticut Regional Water Authority. Sanford Brook flows through the land on its way to Lake Bethany. It is part of the West River Public Water Supply Watershed.
Yale University owns the following properties in Bethany:

- The largest and most important, which can be considered Category III open space land, is known as the Bethany Bog. It is about 62 acres in area and is not open to the public.
- A 12.5-acre research farm on Old Amity Road.
- A 9.5-acre parcel on Hilldale Road home to an observatory.

Neither of the latter two properties are protected from future sale by Yale University.

The Josef Albers Foundation owns 74 acres on Beacon Road and Amity Road. Mostly undeveloped, this property contains an attractive pond which can be seen from Beacon Road. This tract is also located near, but does not adjoin, the Naugatuck State Forest.

Note: Appendix 1, entitled "Inventory of Open Space Land in Bethany," lists Categories I, II, and III land in Bethany. This inventory of Bethany's present open space land is meant to assist in determining future land and/or conservation easement acquisitions.
Category IV - Properties, often large, which are currently undeveloped and contain significant agricultural, natural or recreational resources but are privately owned and therefore not protected from residential or commercial development. There may or may not be public access to these parcels. This is the land available for preservation as open space.

Note: Appendix 2, entitled “Open Space Priorities” identifies Category IV open space lands and is also meant to assist in determining future land and/or conservation easement acquisitions.
IV. The Plan

Bethany residents are fortunate to have undeveloped land that can still be saved. The opportunity to preserve open space should be seized before it is too late. It is unrealistic to preserve all of the undeveloped land now existing in Bethany, so choices must be made.

In making its recommendations, the Commission constantly reviews its compiled inventory of open space in Bethany and examines the characteristics of the unprotected areas still undeveloped.

Since the first adopted Open Space Plan was presented by the Conservation Commission to the Board of Selectmen and the Planning and Zoning Commission in 1998, properties recommended for permanent protection have continued to be preserved, including:

1. Monument Stables (94 acres off Beacon Road - Route 42), purchased by the town and now included in Veterans Memorial Park.
2. Brinsmade (15 acres off Old Fairwood Road), purchased by the town and added to the airport property, already owned by the town.
3. Sandell/Woodward (18 acres off Fairwood Road), development rights of a portion of the farm purchased by the town.
4. Egger (27 acres off Beacon Road – Route 42), was purchased by the state and is now part of the Naugatuck State Forest north of Beacon Road.
5. Arpine (20 acres off Brooks Road), acquired by the state and is now part of West Rock Ridge State Park.
6. Brinsmade (17 acres off Hatfield Hill Road), purchased by the South Central Regional Water Authority, lies adjacent to the West River.
7. Multiple parcels along Sanford Brook between Wooding Hill Road and Carrington Road, (totaling 29 acres), purchased by the South Central Regional Water Authority.
8. Niederman (2 parcels with a total of 8 acres between Sperry Road and Litchfield Turnpike), 1 parcel donated to the Bethany Land Trust; the other conservation restrictions donated to the Bethany Land Trust. Both properties are hay meadows with open field habitat and sweeping views of West Rock Ridge.
9. Santa Barbara Company (62 acre parcel off Gaylord Mountain Road), purchased by the South Central Connecticut Regional Water Authority. Sanford Brook flows through the land on its way to Lake Bethany. It is part of the West River Public Water Supply Watershed.

The following properties, while not specifically recommended for permanent protection by the Open Space Plan, have been preserved as open space:

1. Geiss (10 acres off Fairwood Road), purchased by the town and now included in Veterans Memorial Park.
2. Berry (19 acres off Sargent Drive), purchased by the South Central Regional Water Authority, lies adjacent to the Sargent River.
3. Fugal (5 acres off Beacon Road - Route 42), purchased by the town and now included in Veterans Memorial Park.
4. Saxton (17 acres off Hilldale Road), purchased by the South Central Connecticut Regional Water Authority, part of the West River Public Water Supply Watershed.
5. Camp (30 acres off Hilldale Road and Litchfield Turnpike), purchased by the South Central Connecticut Regional Water Authority, part of the West River Public Water Supply Watershed.

6. Grieger (8 acre parcel off the end of the Virginia Rail Drive cul-de-sac), in-holding purchased by Birmingham Utilities (now South Central Connecticut Regional Water Authority) for Hopp Brook Diversion water supply watershed.

The following significant properties have been lost to development:

1. Earley (Poplar Swamp Road)
2. Lee (Bethway Road)
3. Beletsky (Amity Road)
4. Yimoyines/Treffers (Hilltop Road)
5. Bethany Farms (majority)
6. Harp (Judd Hill Rd. off Amity Road)
7. Niederman (Corner of Tuttle and Carrington Roads)

Properties Recommended for Future Preservation.

One of the most important tasks for an open space plan is to identify important properties that should be preserved in the future to accomplish the goals of the plan. Most of these properties should be preserved by the town, hopefully with financial assistance from state and/or federal funds dedicated to open space preservation. This plan also identifies properties related to water companies, state parks, and state forests that are not recommended for town acquisition but would seem logical for the appropriate water company or the state, respectively, to acquire, thus adding to Bethany’s protected open space. A new category, Conservation Watch, has been added for existing open space properties that are partially protected, but could possibly be converted to other uses in the future.

Because no one can predict now which of these properties will in fact become available for preservation, it should be understood that substitutions may have to be made as the future unfolds.
Descriptions of Open Space Priorities

Agricultural (Development Rights)

1. **Carrington** - Known as Cherry Tree Farm, this former dairy farm and farm supply store consists of two pieces of land—160 acres on Bethmour Road and 47 acres on Atwater Road. Beef cattle now graze in the pasture on Bethmour Road, prompting many passersby to stop briefly to photograph the view. Atwater Road, popular with neighbors walking their dogs and families out for a stroll, crests at a glacial drumlin (a rounded hill) where the hay fields stretch up toward the horizon. This crest is, in different seasons, home to flocks of American goldfinches, turkey vultures, quail, pheasant and bluebirds. The Naugatuck Trail winds along unpaved Atwater Road and turns into the forest toward Bethany Farms, where the trail continues. With its agricultural features, trails, views and location in a densely populated area of town, it deserves preservation.

2. **Manger** - Sweeping views of the open landscape, barns and farmhouse of the Manger farm on Bethmour Road provide a pastoral southwest entrance to Bethany. These 17 acres just north of the Bethany-Woodbridge town line were once part of a larger, grand scenic vista covering both sides of Bethmour Road and are often noted as one of the townspeople's favorite views. Today the Manger farm is the last remnant of this view, reminding all who pass of Bethany's past. For this reason, this property deserves preservation.

3. **Woodward** - The Woodward property (called Clover Nook Farm) is located on Fairwood Road and is the most visible working farm in Bethany, selling corn, pumpkins and other vegetables, as well as plants and hay, during the spring, summer and fall. Beef cattle and pigs are also raised. The land is centrally located in town, and the property on the east side of Fairwood Road abuts town land. This important farm has possible educational opportunities, as it is near the Community School. The town has preserved about 20 acres of the farm by purchasing development rights. The Conservation Commission recommends acquiring development rights to 70 additional acres of the farm. The preservation of the Woodward farm would greatly enhance the rural character of Bethany and remind us all of past years when Bethany was primarily an agricultural community.

4. **Kriz** – Kriz pasture land is located off Bear Hill and Miller Roads provides a scenic vista at this gateway entrance to Bethany. The preservation of this pasture land would greatly enhance the rural character of Bethany and remind us all of past years when Bethany was primarily an agricultural community.

5. **Funk** – this pasture land is located between Peck, Amity, and Dayton Roads, in the center of town, virtually across the street from the town hall. The southwestern portion is adjacent to the Amity Junior High School. The western border of the property would be an ideal trail link between the junior high school and the town hall/community school complex.

6. **Hirschoff** – this pasture land is located on Sperry Road, which is a designated rural road. The preservation of a portion of this parcel, which is adjacent to the recently preserved Niederman properties, would expand the hay fields that provide open field habitat and sweeping views of West Rock Ridge.
1. **Simon (formerly Sewall)** - It is generally agreed that this is one of the most beautiful natural properties in Bethany. It consists of about 50 acres of land on Downs Road, just north of the intersection of Downs and Brooks Roads. It features lovely views of Lake Watrous and includes a portion of the West River, which passes through the property. Also on the tract is a 19th-century sawmill with accompanying stone-faced dam and millpond. There are numerous trails already existing on the property and a scenic ravine north of the mill along the West River. The views on this property, its existing trails and its importance to our watershed make it especially worthy of preservation. The entire property is surrounded by land owned by the South Central Connecticut Regional Water Authority (SCCRWA), and the hope is that the water company will join the town in protecting water quality in its watershed. This property could also be considered in the Water Company category based on its proximity to Lake Watrous.

2. **Simpson** - Also off Beacon Road, the 39 acres owned by Karin Simpson are between Veterans' Memorial Park and the Bethany Land Trust’s Mendell’s Folly. Hockanum Brook flows through the property with a steep ravine leading down to the brook on both sides. The property includes frontage on Old Northrop Road and has been selected for preservation because it would provide a linking trail and greenbelt between the town and land trust lands.

3. **L.W.W.I. Broadcasting** - The steep ridge top (called Mad Mare Mountain) owned by L.W.W.I. Broadcasting is the location of the Channel 8 television tower and a section of the Quinipiack Trail. The tower and support wires are not on the Bethany portion of the property, but the wires are close to the town line. About 40 acres in size, the property includes frontage along Downs Road. There are spectacular views from many spots on the property—east to Sleeping Giant and the Hanging Hills of Meriden, south over West Rock Ridge and Lake Watrous and west over Lake Bethany and Bethany's steep wooded hills. The Quinipiack Trail runs along the ridges on its way from North Haven to Prospect. This historic trail is almost 23 miles long and is the oldest trail in the Connecticut Blue Trail system. It is central to a vast trail network (including the Farmington Canal Greenway), which links Beacon Falls, Bethany, Woodbridge, New Haven, Hamden, North Haven, Cheshire and Prospect and is therefore important to preserve. This property is significant to the South Central Connecticut Regional Water Authority.

4. **Grobe** - The Grobe property, located off Beacon Road, consists of 25 acres directly adjacent to Mendell's Folly. It was originally part of the Mendell tract but was retained by the owners when Mendell's Folly was donated to the land trust in 1971. The property also abuts the Karin Simpson property, so it would help form a sizable greenbelt in the northern part of town. The only access to the land is a right-of-way over Old Northrop Road, which is included in the proposed trail system.

5. **Stahl** – This wooded parcel with a lake and a brook is located in the southwestern portion of Bethany, which is more heavily developed that the other quadrants in town. Thus it is important to preserve additional open space there, particularly land that is contiguous to both existing and proposed open space. Although the address is Round Hill Road, only a very small portion of the approximately 55 acres is located along that road. A substantial portion of this natural area borders existing natural open space in the Bethany Farms subdivision and the proposed Carrington agricultural open space described above. Together, these parcels would provide a
wide variety of wildlife habitats, opportunities for recreational trails, and important links in the proposed town-wide trail system.

Recreation

1. **Church of the Assumption** - The Church of the Assumption property is 25 acres of fields and woods bounded by Luke Hill and Bethmour roads. The land is mostly level and the majority of it is cleared for fields. The tract is directly across Luke Hill Road from the Amity Middle School. The topography and the location next to the middle school make this an appropriate site for the town's future recreational needs.

2. **DaSilva/Gambardella** - A total of approximately 10 acres adjacent to the town’s airport property. It would be a natural addition to already existing recreational facilities.

3. **Bioagricultural Enterprises, LLC (formerly Musto)** - This property, located on Peck Road with additional frontage on Bethmour Road, contains about 29 acres. The land is relatively flat and partially cleared and could lend itself to future recreational uses, especially because it is centrally located between the Amity Middle School and the town property at Peck Pond. This property is an alternative to Church of Assumption property, should that property not be available.

State Park or State Forest Related

1. **Francois** - On Brooks Road, this property consists of 14 acres that runs straight up to West Rock Ridge. The rear portion would compliment the West Rock Ridge State Park.

2. **Van Epps (formerly Raymond)** - On the Beacon Falls/Bethany line, this 27-acre property on the north side of Beacon Road is next to the Naugatuck State Forest and across from the Bethany Land Trust's Mendell's Folly. It would be a natural addition by the state for inclusion in the State Forest.

South Central Connecticut Regional Water Authority (SCCRWA) Related

1. **Halter Estates** - Meyers Road, east of the ridge that slopes towards Lake Chamberlain. The southeast quadrant contains wetlands that drain into the SCCRWA’s reservoir - Lake Chamberlain.

2. **von Beren/Prentice** - The von Beren and Prentice properties on Wooding Hill Road, comprising about 116 acres, are surrounded on three sides by SCCRWA land. On the eastern side of the property, approximately 60 acres slopes towards Shepherd Brook which feeds into the SCCRWA’s reservoir - Lake Bethany. Those 60 acres seem appropriate for acquisition by SCCRWA.
Conservation Watch

Non-public Recreation Areas.

1. **Arrowhead Grove** - Approximately 15 acres of mixed forest & fields fronting Amity Road. This property abuts the Naugatuck State Forest and is traversed by a stream. It is a private park, primarily used for group picnics.

2. **Three Saints Park** - A 25-acre park located on Miller Rd. It is owned and operated by the Three Saints Russian Orthodox Church. It contains a pavilion and a pond. There is a proposed trail on the southern boundary of the property between Miller & Bear Hill Roads.

3. **Woodhaven Country Club** - a 70 acre, 9 hole private golf course on Miller Rd.

Water Company Reserve Lands.

1. **South Central Connecticut Regional Water Authority (SCCRWA)** – SCCRWA (formerly land of Birmingham Utilities/ Ansonia-Derby Water Authority) owns about 475 acres off Schaffer, Pole Hill and Falls Roads. The sloping property contains trails, including a permitted trail, an old growth forest and the old northern section of Bear Hill Road, which runs north-south between Hinman and Falls Roads on the Bethany-Beacon Falls town line. This land is part of the Hopp Brook watershed. While the parcel is not currently part of SCCRWA’s active water supply watershed, it is part of SCCRWA’s reserve system. The property is also adjacent to town land (the Hopp Brook Tract) and a Bethany Land Trust parcel (the Ida Carrington Lowell Property). If SCCRWA decides to sell this land (and is permitted to do so), the town should acquire it because of its trails, its location in the densely developed western part of town and its role as part of a greenbelt.
V. Trail Systems

Walking, according to Ralph Waldo Emerson, "is one of the secrets of dodging old age," and "has the best value as gymnastics for the mind." Walking requires no training and little equipment and is generally agreed to be one of the most beneficial forms of exercise. Leisurely walking gives one the chance to observe and appreciate natural features of the landscape and to learn about the natural history of the area. Bethany citizens are very fortunate to have many trails throughout the town that give opportunities for walking as well as other passive recreational activities. With the increasing pressures of living in the 21st century, it becomes even more of a necessity and more pleasurable to be able to relax and "take a hike."

Bethany has several types of trails, including hiking trails, horse trails and multi-use trails. Some of the trails are owned by the Town of Bethany or the Bethany Land Trust. Trails on South Central Connecticut Regional Water Authority land are open only to those who purchase the required permits. There are also private trails that are open with the permission of the owners. A goal of the Open Space Plan is to build these separate trails into a comprehensive trail system. Trails and greenways add to the rural character of the town and provide safe and relaxing recreation. Trails are relatively inexpensive to obtain and maintain.

The town may secure space for trails in a number of ways: accepting donations of land; obtaining easements from individual landowners; requiring open space set-asides in subdivisions; or purchasing land outright. Property owners who allow free trail access are protected from liability by state statute. The trail system has been designed to provide north-south and east-west greenways through the town. The locations of proposed trails that are shown on the Open Space Plan are subject to change depending on the availability of land and/or easements.

It is also important to connect Bethany's trails with those in neighboring towns whenever possible. Several inter-municipal trail systems already exist and include the following:

- The Naugatuck Trail which connects to Woodbridge and New Haven in the south and to Beacon Falls and Naugatuck in the north
- The Quinnipiac Trail which leads north to Cheshire and Prospect and east to Hamden
- The Sanford Feeder Trail which gives access to the Regicides Trail leading to Woodbridge, Hamden and New Haven
- Mendell's Folly trails which connect into Beacon Falls.

The type of trail appropriate for in a given area will depend on the terrain of the land itself. In some areas, multi-purpose trails exist or are planned for pedestrians and horseback riders. Trails may be limited in use according to the season or suitability. Protection of the environment and control of erosion should be stressed. This plan recommends that an area of at least 50 feet in width should be set aside in order to preserve natural features, to allow space for the trail to meander, and to provide enjoyment and privacy.

Some of the trail system takes advantage of Bethany's rural roads. Use of these roads serves as connections between trails, provides diversity and interest, and helps to vary distance and time of walks by providing multiple access points to the system.

Bethany Volunteer Fire Department firefighters benefit from the existence and expansion of
trails as a means of providing a quick and safer access to brush fires, and for use in search and rescue efforts.

Bethany has many dedicated groups and individuals who act as advocates for trails and who work together to oversee their maintenance and improvement. The Bethany Land Trust, Bethany Wanderers hiking organization, Bethany Horsemen, Boy and Girl Scout Troops and others help to maintain trails and keep them safe.

Trails provide significant opportunities for recreation and education, as well as help preserve the town’s natural landscape. Trails and greenways provide links between open space parcels, corridors for wildlife, and recreational opportunities. To enable townspeople to enjoy the benefits of fresh air and exercise in natural surroundings, it becomes increasingly important to build and maintain a trail network.

Since the original Open Space Plan was adopted in 1998, several recommended easements have been obtained, and additional trails have been constructed:

1. A connection between Russell Road and Luke Hill Road will form an important north-south link.

2. Easements on both sides of Falls Road near the Beacon Falls town line which, when combined with the proposed Woodward link will connect the unimproved section of Bear Hill Road to the trust-owned Mendell’s Folly tract.

3. A trail system has been constructed in the Bethany Farms subdivision that connects several open space parcels and links with trail systems to the south in Woodbridge.

4. Trails now connect Sperry Road, the unimproved section of Carrington Road and Hilldale Road.

5. The Delano and Rodell trail system has been developed and connects Amity Road and Falls Road to the Bethany Community School property through two Land Trust parcels.

6. Two trails now provide multiple accesses from Lebanon and Fairwood Roads to Bethany’s Veterans Memorial Park.


*Goals for Additional Trails*

This plan proposes that the Town or Bethany Land Trust acquire trail easements on the following properties:

- **South Central Connecticut Regional Water Authority** - A trail easement across the South Central Connecticut Regional Water Authority land from Amity Road, north of Luke Hill Road to Meyers Rd.

- **Carrington** – An easement where a trail now crosses the Carrington property as part of the
Naugatuck Trail system connecting trails in Bethany Farms to the unimproved section of Atwater Road.

- **Cavaliere** – An easement to establish a trail on the Cavaliere property to connect Pole Hill Road and the 37-acre town property there to the 27-acre Ida Carrington Lowell Property owned by the Bethany Land Trust. This trail would most likely follow the southern property line near Cedar Road.

- **Funk or former Musto property** - The proposed trail would utilize these properties, running northerly from Luke Hill Road to Peck Road, to form an important connection between Amity Junior High School and the Town Hall/Bethany Community School land.

- **Schuchman** - A north-south trail is proposed on the western edge of the Schuchman property. This trail would connect Schaffer Road to the Ida Carrington Lowell Property owned by the Bethany Land Trust.

- **Woodward (James)** - This property off Northrop Road is the site of a proposed north-south trail. The probable route would be along the Beacon Falls/Bethany town line between the Watch Hill subdivision and Mendell's Folly that is owned by the Bethany Land Trust. This proposed easement, together with the easements described above, would complete the connection between the unimproved section of Bear Hill Road and Mendell's Folly.
VI. Implementing the Plan

The Town of Bethany continues to preserve its available open space through gifts from landowners, donations of open space required by subdivision or resubdivision approvals or "in fee simple" purchase of land. The following provides examples of those methods of land preservation.

A. Gifts.
Landowners who are interested in preserving their land for future generations may achieve substantial estate, income and property tax savings by donating land to the Bethany Land Trust or to the town. Donations of conservation easements and development easements are eligible for similar estate, income, and property tax savings if the value of the property is reduced. Conservation easements or donated development rights are used to limit or prohibit development in perpetuity and/or to protect trails and natural areas.

1. Donation of Land by Landowner: Examples are the 27-acre Ida Carrington Lowell property and the 125-acre Mendell property, which were given to the Bethany Land Trust in 1968 and 1971, respectively.

2. Donation of Development Rights, Conservation Easements, or Trail Easements by Landowner: An example is the 110-acre Spykman Preserve, where the development rights and easements were donated to the Bethany Land Trust in 1995.

B. Forms of Subdivision/Resubdivision Open Space

1. Dedication of Land: As provided for by the Connecticut General Statutes, the Planning and Zoning Commission may require up to a 20% set-aside of open space in any new subdivisions or resubdivisions of land. The open space may be dedicated to the town, to the state, to a land trust or known conservation organization, or to an association of homeowners. An example of an open space set-aside is the 72 acres dedicated to the Bethany Land Trust in the Bethany Farms subdivision.

2. Dedication of Conservation Easements: Open space in a subdivision or resubdivision can also be provided in the form of conservation easements. These easements can be used to preserve land or scenic views. An example is the scenic easement given to the Bethany Land Trust that encompasses the pasture on the southeast corner of Bethway and Sperry Roads.

3. Preservation of Trail Systems: Open space in a subdivision or resubdivision can also be provided in the form of trail easements or donations of trail systems in fee simple. An example is the Cedar Meadows Trail Easement between Sperry Road and the unimproved section of Carrington Road.

C. Purchase Options.
The town has been active in establishing and funding a land acquisition fund. While this fund may not be sufficient in and of itself to purchase a very large property, it has been used to purchase moderate sized properties. In addition, it does provide available funds to initiate the purchase process, e.g. to fund surveys, appraisals, etc.

Purchase options utilized by the Town of Bethany to protect its open space permanently include:

1. Purchase of the Land by Use of Town Funds. This method assures public access. An example is the purchase of the Monument Stables and Bethany West properties on Beacon Road, which were combined to make Veterans Memorial Park.

2. Purchase of Development Rights or Conservation Easements. This method is less
expensive than outright purchase and allows the property to remain on the tax rolls. The owner retains all rights except the right to develop. This is an affordable way to preserve farmland and the scenic rural character of Bethany. An example is the purchase of the development rights of a portion of Cloverbrook Farm on Fairwood Road.

3. **Purchase of the Land and Leaseback to the Owner with Restrictions.** This method can be used to preserve farmland.

D. **Town Funding Options for Purchase of Land.**

1. **Land Acquisition Fund:** This fund was established to set aside money to be used toward future purchases of open space. It also can be used for easements and costs associated with the purchase of land options, surveying and appraisals. Bethany established a Land Acquisition Fund in 1974 with $10,000. Money was not added on a regular basis between 1975 and 1997. From 1998 to 2003, based on action at a town referendum, $100,000 a year was added to the fund. Since 2004 the town has continued to contribute to the fund on a steady basis. The Bethany Conservation Commission has remained staunch in its advocacy that substantial annual contributions be made to the Land Acquisition Fund.

2. **Borrowing Money to Purchase Open Space:** There are basically two ways the town can do this - issue bonds or borrow from a bank. The advantage of bonding is that the town pays a lower interest rate on the loan, since the bonds are tax-exempt for investors. The argument can also be made that future taxpayers share the cost with today's taxpayers. The disadvantage is that floating a bond has substantial costs associated with it and takes several months to arrange. The town could go to a bank to borrow more quickly, but the interest would be higher because such a loan is not tax-exempt.

3. **Fees in Lieu of Open Space Set-asides:** A regulation permitting a fee to be collected in lieu of an open space set-aside in a subdivision has been adopted recently by the Planning and Zoning Commission. Under this regulation the Planning and Zoning Commission may allow a subdivider to pay a fee if the Commission finds that land from an open space set-aside would not be desirable or appropriate.

4. **Back Taxes:** Properties with significant open space value and substantial back taxes owed can be acquired by the town in agreement with the owners.

5. **Regional, State and Federal Programs Are Available to Protect Open Space.**

6. **Intervention by Not-for-Profit Agencies:** Not-for-profit agencies, such as the Trust for Public Land (TPL) and the American Farmland Trust can enter the real estate market more quickly than can government. TPL can "provide interim protective ownership for land of scenic, recreational or cultural significance by intervening in the private real estate market and staying off development until a long-term steward and permanent funding can be arranged to protect the property."
VII. Recommendations

In addition to the detailed Open Space Plan and trail system outlined in sections IV and V of this document, the Conservation Commission recommends that appropriate town entities take the following actions:

1. Make substantial annual contributions to the Land Acquisition Fund.

2. Continue to pursue private, state and federal grants for funding the acquisition of open space.

3. Investigate the feasibility of clustered housing on suitable sites, which would permit houses to be grouped on a portion of the site, and the remaining undeveloped land dedicated as permanently protected open space. The density on the entire site would be unchanged from the existing zoning regulations.

4. Encourage the building of underground utilities to decrease visual clutter and to allow tree canopies to grow over roads, greatly enhancing their attractiveness and rural character.

5. Work with utility companies to ensure sensitive tree trimming.

6. Adopt zoning regulations to protect ridgelines.

7. Include steep slopes in the buildable land standards, as recommended in the Department of Environmental Protection guidelines for buildable land standards within a public water supply watershed.

8. Require a sub-divider to provide an environmental site assessment, performed at the appropriate time of year for plant and wildlife identification.

9. Require a subdivider to provide an assessment of significant natural, cultural, historic and archaeological features of the property to be subdivided. These features should be protected to the greatest extent possible when designing the subdivision.

10. Design trail easements to protect natural resources as much as possible, with a width between 25 and 50 feet.

11. Dedicate as permanently protected open space the majority of the wooded portions of the Airport Property, the Pole Hill Road property and other town-owned natural areas.

12. Cooperate with neighboring towns in preserving greenways.

13. When a town road is discontinued, reserve the right to construct and maintain a bridle path, pedestrian walk and/or bicycle path.

14. Use natural materials such as stone and timber for bridges, guardrails and other engineering structures.
15. Avoid installing curbing on roads wherever possible.

16. Encourage owners of property identified in the Open Space Plan to advise the town when their property becomes available for sale and to give the town the option of first refusal, with adequate notice, to purchase at fair market value.

17. In order to protect Bethany's water supply and public watershed land, educate residents in the minimal use of pesticides and herbicides, cleaning agents and chemicals to melt ice.

18. When appropriate, use the negotiating, finance and legal skills of a not-for-profit conservation group such as the Trust for Public Land when negotiating a land purchase.
## Appendix 1: Inventory of Existing Open Space land in Bethany

### Town of Bethany - land

<table>
<thead>
<tr>
<th>Location</th>
<th>Street Number</th>
<th>Property</th>
<th>Acres</th>
<th>Category</th>
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<tr>
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**TOTAL - Town land**

479.6
Appendix 1: Inventory of Existing Open Space land in Bethany

**Town of Bethany - conservation & trail easements**

<table>
<thead>
<tr>
<th>Location</th>
<th>Street Number</th>
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<th>Acres</th>
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<td>II</td>
</tr>
<tr>
<td>Carriage Drive</td>
<td>n/a</td>
<td>Meadow easement &amp; trail (subdivision set-aside)</td>
<td>0.0</td>
<td>II</td>
</tr>
<tr>
<td>Fairwood Road</td>
<td>51</td>
<td>Clover Nook Farm easement</td>
<td>17.9</td>
<td>II</td>
</tr>
<tr>
<td>Judd Hill Road</td>
<td>23, 35, 49</td>
<td>Bethany Bog easement (subdivision set-aside)</td>
<td>4.2</td>
<td>II</td>
</tr>
<tr>
<td>Luke Hill Road</td>
<td>114</td>
<td>Wetmore trail easement (subdivision set-aside)</td>
<td>0.0</td>
<td>II</td>
</tr>
</tbody>
</table>

**TOTAL - Town conservation easements**  
22.9

**GRAND TOTAL - Town land & easements**  
502.5
# Appendix 1: Inventory of Existing Open Space land in Bethany

## Bethany Land Trust - land

<table>
<thead>
<tr>
<th>Location</th>
<th>Street Number</th>
<th>Property</th>
<th>Acres</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amity Road</td>
<td>533</td>
<td>Edna L. Delano Nature Sanctuary</td>
<td>2.6</td>
<td></td>
</tr>
<tr>
<td>Amity Road</td>
<td>1030</td>
<td>Kleeman/Egger Property</td>
<td>2.4</td>
<td></td>
</tr>
<tr>
<td>Anthony Court</td>
<td>11</td>
<td>Donnelly Property</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>Beacon Road</td>
<td>337</td>
<td>Mendell's Folly</td>
<td>57.0</td>
<td></td>
</tr>
<tr>
<td>Bethany Farms subdivision</td>
<td>n/a</td>
<td>Bethany Farms (10 parcels)</td>
<td>71.9</td>
<td></td>
</tr>
<tr>
<td>Carrington (Rt. 69) &amp; Cheshire (Rt. 42) roads</td>
<td>n/a</td>
<td>Podgwaite Preserve</td>
<td>8.0</td>
<td></td>
</tr>
<tr>
<td>Carrington Road</td>
<td>191</td>
<td>Hein Property</td>
<td>6.7</td>
<td></td>
</tr>
<tr>
<td>Cedar Road</td>
<td>55</td>
<td>Ida Carrington Lowell Land</td>
<td>27.0</td>
<td></td>
</tr>
<tr>
<td>Downs Road</td>
<td>152</td>
<td>Hall Property</td>
<td>8.1</td>
<td></td>
</tr>
<tr>
<td>Falls Road</td>
<td>15</td>
<td>Rodeil's Roost for Robins</td>
<td>3.4</td>
<td></td>
</tr>
<tr>
<td>Grant Road</td>
<td>81</td>
<td>Raymond Strong Memorial Site</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Litchfield Turnpike</td>
<td>658</td>
<td>Hershman's Hollow</td>
<td>2.2</td>
<td></td>
</tr>
<tr>
<td>Luke Hill &amp; Amity Roads</td>
<td>n/a</td>
<td>Beletzky Property</td>
<td>12.0</td>
<td></td>
</tr>
<tr>
<td>Sperry Road</td>
<td>74</td>
<td>Shaw Property</td>
<td>10.0</td>
<td></td>
</tr>
<tr>
<td>Sperry Road</td>
<td>385</td>
<td>Welch's Way</td>
<td>0.8</td>
<td></td>
</tr>
<tr>
<td>Sperry Road</td>
<td>406</td>
<td>Niederman Property</td>
<td>3.3</td>
<td></td>
</tr>
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</table>

**TOTAL - Trust land**  
217.5

## Bethany Land Trust - conservation & trail easements

<table>
<thead>
<tr>
<th>Location</th>
<th>Street Number</th>
<th>Property</th>
<th>Acres</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bethany Farms subdivision</td>
<td>n/a</td>
<td>Bethany Farms (6 easements)</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Carriage Drive</td>
<td>n/a</td>
<td>Clements Trail Easement</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Carrington Road</td>
<td>139</td>
<td>Hein Trail Easements</td>
<td>4.0</td>
<td></td>
</tr>
<tr>
<td>Carrington Road</td>
<td>156 &amp; 162</td>
<td>Cedar Meadows Trail &amp; Scenic Easements</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>Dayton Road to Luke Hill Road</td>
<td>21 &amp; 25</td>
<td>Old Dayton Road Trail Easement</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>Litchfield Turnpike</td>
<td>892</td>
<td>Kyc (formerly Liuzzi) Trail Easement</td>
<td>0.6</td>
<td></td>
</tr>
<tr>
<td>Pine Brook Crossing</td>
<td>25</td>
<td>Amber Fields Scenic Easement</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Russell Road</td>
<td>140</td>
<td>Podoloff Trail Easement</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Schiff, Old Mill &amp; Bethway roads</td>
<td>n/a</td>
<td>Spykman Preserve Easements (multiple parcels)</td>
<td>110.1</td>
<td></td>
</tr>
<tr>
<td>Sperry Road (also Carrington Road)</td>
<td>357 &amp; 375</td>
<td>Hunt Welch Conservation Easements</td>
<td>21.9</td>
<td></td>
</tr>
<tr>
<td>Sperry Road</td>
<td>430</td>
<td>Niederman Conservation Easement</td>
<td>4.5</td>
<td></td>
</tr>
<tr>
<td>Split Rock Drive</td>
<td>21</td>
<td>Split Rock Trail Easement</td>
<td>0.8</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL - Trust conservation easements**  
150.4

**GRAND TOTAL - Trust land & easements**  
367.9

Page 3 of 4

2/12/2010

Appendix 1 OS Inventory
Appendix 1: Inventory of Existing Open Space land in Bethany

State of Connecticut

<table>
<thead>
<tr>
<th>Location</th>
<th>Street Number</th>
<th>Property</th>
<th>Acres</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amity Road</td>
<td>n/a</td>
<td>Hotel/Ley's Pond</td>
<td>1.8</td>
<td>II</td>
</tr>
<tr>
<td>Beacon Road</td>
<td>n/a</td>
<td>Naugatuck State Forest</td>
<td>538.7</td>
<td>I</td>
</tr>
<tr>
<td>Brooks Road</td>
<td>152, 166</td>
<td>West Rock Ridge State Park</td>
<td>38.9</td>
<td>I</td>
</tr>
</tbody>
</table>

TOTAL - State land 579.4

Institutions

<table>
<thead>
<tr>
<th>Location</th>
<th>Street Number</th>
<th>Property</th>
<th>Acres</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beacon Road</td>
<td>88</td>
<td>Albers Foundation Property</td>
<td>71.4</td>
<td>III</td>
</tr>
<tr>
<td>Cheshire Road</td>
<td>47 &amp; 55</td>
<td>Quiddity (Nature Conservancy)</td>
<td>11.7</td>
<td>I</td>
</tr>
<tr>
<td>Fairwood Road (also 103 Beacon Road)</td>
<td>381</td>
<td>Bethany Bog (Yale University)</td>
<td>62.4</td>
<td>III</td>
</tr>
<tr>
<td>Hilldale Road</td>
<td>101</td>
<td>Observatory (Yale University)</td>
<td>9.5</td>
<td>III</td>
</tr>
<tr>
<td>Luke Hill Road</td>
<td>190</td>
<td>Junior High School (Amity Board of Education)</td>
<td>28.7</td>
<td>II</td>
</tr>
<tr>
<td>Old Amity Road</td>
<td>48</td>
<td>Research Farm (Yale University)</td>
<td>12.5</td>
<td>III</td>
</tr>
<tr>
<td>Round Hill Road</td>
<td>20</td>
<td>Russell Farm (Bethany Historical Society)</td>
<td>3.1</td>
<td>II</td>
</tr>
</tbody>
</table>

TOTAL - Institution land 199.3

Water Utilities

<table>
<thead>
<tr>
<th>Location</th>
<th>Street Number</th>
<th>Property</th>
<th>Acres</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern &amp; Southwestern Bethany</td>
<td>n/a</td>
<td>South Central Conn. Regional Water Authority</td>
<td>3,868.0</td>
<td>III</td>
</tr>
<tr>
<td>Northern Bethany</td>
<td>n/a</td>
<td>Connecticut Water Company</td>
<td>348.7</td>
<td>III</td>
</tr>
</tbody>
</table>

TOTAL - Water Utility land 4,216.7

Total Open Space Land & Easements in the Town of Bethany 5,865.8
### Attributes

<table>
<thead>
<tr>
<th>Code</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>AJ</td>
<td>Adjacent to existing Category I, II, or III open space (trust, town, water utility, etc)</td>
</tr>
<tr>
<td>ET</td>
<td>Existing trail on the property</td>
</tr>
<tr>
<td>TS</td>
<td>Part of the proposed Trail System (includes both present and proposed trails)</td>
</tr>
<tr>
<td>BG</td>
<td>Unusual biological and/or geological features on the property (rare plants, rock outcrops, rare or endangered animals, notable trees, etc.)</td>
</tr>
<tr>
<td>RE</td>
<td>Recreation area that currently provides active recreation, such as the Woodhaven Country Club</td>
</tr>
<tr>
<td>HA</td>
<td>Historical and/or archaeological site of significance on the property (for example, the mill on the Simon property)</td>
</tr>
<tr>
<td>AG</td>
<td>Agriculture - land that is actively cultivated, hayed, or pastured</td>
</tr>
<tr>
<td>SP</td>
<td>Significant streams, rivers, lakes or ponds located on the property</td>
</tr>
<tr>
<td>GR</td>
<td>Greenway - part of a large corridor of open or undeveloped land.</td>
</tr>
<tr>
<td>PW</td>
<td>Properties lies with the watershed of a public drinking water system</td>
</tr>
</tbody>
</table>
Appendix D

Village Districts

The Village District Act CGS Section 8-2j, was passed by the Connecticut General Assembly in 1998 in order to provide a tool for municipalities to protect and preserve community character. It is also a tool that helps protect and even enhance historic development patterns. More recently the Act has been used to promote appropriately scaled mixed use developments which may include components of more walkable and sustainable communities. These types of development also support the broader concepts of smart growth, responsible growth as well as sustainable development.

The law allows towns to designate "village districts" with specific goals to protect distinctive character, particular landscapes and historic structures. In addition, it allows for the adoption of certain architectural standards that are in line with the established and adopted goals and standards aimed at creating, protecting and enhancing the desired character of the particular village district.

In order to help establish the village districts, the law "encourages the conversion and preservation of existing buildings and sites in a manner that maintains the historic, natural and community character of the district." In addition, the law also provides "that proposed buildings or modifications to existing buildings be harmoniously related to their surroundings, to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed building or modification." The scale, proportion, massing, size and roof treatments should be compatible with the area and the "removal or disruption of historic, traditional or significant structures or architectural elements should be minimized." In addition to design, the arrangement and orientation of any proposed new construction would, in accordance with the statute, be reviewed by the Commission's village district consultant.

In keeping with the intent of CGS Section 8-2(j), in Bethany Village Districts would be designed to be rural in nature, allowing for a mix of land uses but not for the creation of commercial strip development which would adversely impact Bethany’s rural character. The regulations governing the Village Districts would govern new construction, substantial reconstruction and rehabilitation of properties within the districts and those in view from the public roadways. Possible locations to be considered for the establishment of a Village District include but are not necessarily limited to:

1) The area along Amity Road running from Fairwood Road to Almar Drive and centered on the Airport property.

2) The area along Amity Road from Falls Road to Peck Road.

3) The area along Amity Road from Old Amity Road to north of Village Lane.

4) An area centered on the intersection of Amity Road and Cheshire Road OR

5) An area centered on the intersection of Carrington Road and Cheshire Road.
Village District Establishment:

If the Commission were to recommend the establishment of Village Districts in Bethany, the following implementation steps would be required:

1. The Village District areas to be established would be identified and shown on a land use map.

2. An informational and educational program for the residents of Bethany would be undertaken to outline and explain the purposes of the village district establishment and its long term role in preserving the rural character of Bethany.

3. An inventory would be conducted of the structures, landscapes and settings of each proposed village district and any issues or problems which might prevent the creation of a village district in each area would be identified, such as traffic patterns or existing nonconforming uses.

4. Design standards would be established for buildings and public spaces which may be unique to each area but are generally common to all. These standards may apply to landscaping, street details and other public areas.

5. Specific amendments to the Bethany Zoning Regulations and map would be drafted which will enable the actual establishment of the village districts as proper overlay districts.

6. The Village District zoning regulations would be established under CGS Section 8-2 as an overlay zone in the Bethany Zoning Regulations. A public hearing would be conducted prior to adoption of Village District zoning regulations as required by state statute.

7. Upon adoption of Village District zoning regulations, progress of the village district areas and the effect of the Village District zoning regulations would be monitored and the regulations modified as needed to ensure the stated and adopted goals are being properly achieved.
Appendix E

[Maps to be a part of the POCD]

Bethany Zoning Map

Land Use Map

Existing Developed Land Map

Open Space Map

Ownership By Type

Large Residential Lots