AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, April 10, 2011 RPC Meeting, 5:15pm @ SCRCOG

Page: 1

1. Administration

1.1. Minutes of the March 10, 2011 RPC Meeting

Page: 3

2. Statutory Referrals – March Action Items


Page: 9


Page: 12


Page: 19

2.4. RWA: Proposed Application in accordance with Special Act 77-98, as amended for the disposition of 60.35 acres of unimproved Class III lands located within North Branford. Submitted by: RWA. Received: February 23, 2011. Public Hearing: May 5, 2011

Page: 19

2.5. Town of North Haven: Application for Small Cities Community Development Block Grant for ADA improvements to the Town Hall.

Page: 19

3. Other Business
DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, March 10, 2011 Meeting

Present: Peggy Rubens-Duhl, Brian Cummings, Christopher Traugh, Charles Andres, Sharon Huxley, David Anderson, Bill Lake, Fran Lescovich, Peter Goletz, Eugene Livshits

1 Administration

1.1 Minutes of the February 10, 2011 RPC meeting. Motion to accept the minutes as presented: Brian Cummings. Second: Christopher Traugh. Vote: Unanimous. Abstain: David Anderson, Sharon Huxley, Fran Lescovich, Peter Goletz

2 Statutory Referrals

2.1 Town of Stratford: Proposed Zoning Regulation Amendments to Section 3.18 pertaining to fences

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.

2.2 Town of Stratford: Proposed Zoning Regulation Amendments to Sections 3.3 and 1.24.2 pertaining to Rear Lot Regulations

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: Christopher Traugh. Second: David Anderson. Vote: Unanimous.

2.3 Town of Bethany: Proposed Zoning Regulation Amendments to Aquifer Protection Area Regulations

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...

Referral 2.4 – Town of East Haven was received after the Agenda Packets have been mailed out. The public hearing for the referral is prior to the April RPC Meeting and it meets the statutory requirements to be reviewed during the March RPC Meeting. Motion to add referral 2.4 to the Agenda: Sharon Huxley. Second: Brian Cummings.

2.4 Town of East Haven: Proposed Zoning Change Amendments to rezone a R-3 District to a Planned Elderly Facilities District

By resolution, the RPC has determined that the proposed Zoning Change Amendment in conjunction with the development plans for the parcel 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: Christopher Traugh. Second: Fran Lescovich: Unanimous. Abstain: David Anderson

3 Other Business

Motion to Adjourn: David Anderson. Second: Brian Cummings. Vote: Unanimous.
Referral 2.1: Town of Berlin

Subject: Proposed Zoning Regulation Amendments to Section XI (H) (3) pertaining to Child Day Centers

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

Background: A private applicant in the Town of Berlin has proposed a Zoning Regulation Amendment pertaining to the outdoor play space for a child day care center. The existing regulation has a requirement for one square foot of outdoor space for one square foot of gross building area. The amendment would have a requirement of access to a minimum of seventy-five (75) square feet per child of outdoor space for the number of children using the space at any one time. The proposed amendment is the standard identified in the State of Connecticut Department of Health requirements under the Child Day Care Licensing Program.

Communication: In researching this proposal, I spoke to the Planning Staff for Berlin and notified the adjacent municipalities in the South Central Region.
RPC Referral Submission Form
South Central CT Regional Planning Commission

1.) General Information:

Subject: Text Amendment / Berlin Zoning Regulations

Applicant Name: ________________________________

Property Address (if applicable): ________________________________

Town/City: Berlin

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

Public Hearing Date: April 28, 2011

Date Sent: March 14, 2011

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: Helyn Riggins, AICP
Telephone Number: 860.828.7060
E-mail Address: hriggins@town.berlin.ct.us

OFFICE OF THE TOWN PLANNER
Town of Berlin
240 Kensington Road
Berlin, CT 06037

Questions: (203) 234-7555
South Central Regional Council of Governments | http://www.scrccog.org

certified mail (return receipt requested): 7010 1060 0000 0609 5984
March 8, 2011

Berlin Planning & Zoning Commission
ATTENTION: Ms. Hellyn Riggins, Town Planner
Berlin Town Hall, 240 Kensington Road
Berlin, CT 06037

Re: Application to Amend Zoning Regulations

Dear Commission Members:

I represent High Road Professional Center, LLC which intends to submit an application for special permit and site plan approval for a child daycare center on its property located at 9 High Road.

By this letter, my client hereby applies for an amendment to Section XI(H)(3) of the Berlin Zoning Regulations. That section requires that a child daycare center has one square foot of outdoor space for each square foot of gross building area. This standard is inconsistent with the standards of the Connecticut Department of Health. The proposed amendment would simply substitute the state's outdoor space standard for the town's standard.

Thank you for your cooperation.

Yours very truly,

Lewis K. Wise

LKW:pgl

Application Fee Paid
$ 280. - 3/18/11

RECEIVED
MAR 18 2011
SOUTH CENTRAL REG. COUNCIL OF GOVERNMENT
PROPOSED AMENDMENT TO SECTION XI(H)(3)
OF THE BERLING ZONING REGULATIONS

The first sentence of Section XI(H)(3) of the Berlin Zoning Regulations is hereby deleted
and replaced by the following:

There shall be access to a minimum of seventy-five (75) square feet per
child of outdoor space for the number of children using the space at any
one time.
APPENDIX B—ZONING

G. Nursery schools. Nursery schools, where permitted, shall be subject to special permit and site plan approvals by the commission in accordance with sections XII and XIII and the following conditions:

1. The lot shall be at least one acre in area, and not less than the minimum lot area for the district in which located.

2. The lot shall contain at least 200 square feet of outdoor play space per child, with a minimum play space of 1,000 square feet. The play space shall be located in side or rear yards but not nearer than 50 feet to any lot line and no nearer than 60 feet to any adjacent residential structure. The outdoor play area shall be suitably fenced and screened to protect the school children and to avoid any nuisance to adjoining properties.

3. The area used for nursery school purposes inside any building shall be on the first floor only and shall not be less than 35 square feet for each child in the school, exclusive of space in cloakrooms, lavatories, storage rooms and hallways. No basement area shall be used for child care or instruction purposes. There shall be at least one toilet and one wash basin available for each 15 children.

4. One off-street parking space shall be provided for each teacher and other staff members, plus one space for every five pupils. All parking and loading facilities shall be subject to the provisions of section IX.B.

5. There shall be no more than one pupil for each 1,500 square feet of lot area and a total of not more than 50 pupils. Any nursery school that is to be operated for more than 50 pupils shall be subject to special permit approval in accordance with section XII.

H. Child day care centers. Child day care centers, where permitted, shall be subject to site plan and special permit approvals by the commission in accordance with sections XII and XIII and the following conditions:

1. There shall be a minimum of 35 square feet of indoor usable space per child as defined by state statutes and regulations. Usable space shall be exclusive of coat rooms, storage areas and hallways.

2. All indoor space used by children shall be on the first floor level.

3. Outdoor play space shall be provided at one square foot of outdoor space for each one square foot of gross building area. All outdoor play space shall be enclosed by a wall or fence, a minimum of five feet in height, located in the rear or side yards.

4. One toilet and one sink with hot and cold water shall be provided for every 25 children above five years of age, and one toilet and one sink shall be provided for every 18 children under five years of age.

5. There shall be provided a commercial dishwasher with a sanitizer.

6. All indoor space shall be air-conditioned.

7. The building shall have at least one entrance/exit for the handicapped.
§ XI  

er BERLIN MUNICIPAL CODE

8. The facility shall be served by public water and sanitary sewer services.

9. Evidence shall be provided to the ZBA that the applicant is seeking the approval for license from the state prior to the issuance of a special permit.

10. Child day care centers shall not be permitted in the B-15 district.

I. Parochial and private schools and colleges. Parochial and private schools and colleges, where permitted, shall be subject to site plan and special permit approvals by the commission in accordance with sections XII and XIII and the following conditions:

1. A school or college shall offer a comprehensive curriculum of study, similar to that offered by public schools or colleges. Accessory uses customary to schools or colleges shall also be permitted.

2. The site for any parochial or private elementary school shall have an area of at least five acres, plus one acre for each 100 pupils or major portion thereof, in excess of 200 pupils. Such site shall have a frontage of at least 200 feet on a suitably improved public street.

3. The site of a parochial or private junior or senior high school shall have an area of at least ten acres, plus two acres for each 100 pupils, or major portion thereof, in excess of 260 pupils. Such site shall have a frontage of at least 400 feet on any suitably improved public street. No private or parochial junior or high school shall be used for more than 1,500 students.

4. The site for any parochial or private college shall have an area of at least 20 acres.

5. All buildings shall be located at least 200 feet from street lines and at least 100 feet from all other property lines. Grandstands, gymnasiums, central heating plants and similar buildings shall be set back at least 200 feet from all property lines. The distance between buildings shall be equal to at least twice the height of the taller building. Total building coverage shall be limited to 20 percent.

6. Dormitories and single-family dwellings shall be permitted as accessory buildings, provided that the minimum area of the site shall be increased by at least 1,000 square feet for each dormitory bed and by at least the minimum lot area of the applicable zoning district for each single-family dwelling. Use of such dormitories and dwellings shall be limited exclusively to students, guests, teachers or other members of the staff of the school or college, and such dormitory or dwelling shall not subsequently be sold or rented as a private residence, or for any other use, unless the building and any required lot surrounding it shall meet all regulations of the district in which it is located.

7. All parking and loading facilities shall be provided in compliance with section IX.B.

8. The school or college site shall contain suitably designed and improved outdoor playground or playfield areas of a size as recommended by the standards of the state board of education. Playgrounds or playfields shall be located no closer than 50 feet to any property line. The commission may require suitable fencing, landscaping and

CDB:128
Referral 2.2: Town of Berlin

Subject: Proposed Zoning Regulation Amendments to Section XI.AA.2.A.6 pertaining to Adult Housing

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

Background: The Town of Berlin has submitted proposed a Zoning Regulation Amendment to a Section pertaining to Adult Housing. The purpose of the regulation has not been altered as a dwelling unit within the Development cannot be occupied by a person under the age of eighteen (18). The amended subsection is “In no event shall any dwelling unit within the development be occupied by a person under the age of 18 years”.

Communication: In researching this proposal, I spoke to the Planning Staff for Berlin 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: March 14, 2011
   Subject: Text Amendment to Berlin Zoning Regulations
   Applicant Name: ____________________________
   Property Address (if applicable): ____________________________
   Town/City: Berlin
   Referral is from a private individual: [ ]
   Referral is from the Town/City Planning Department or the P & Z Commission: [ ]
   Public Hearing Date: April 28, 2011

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: Helynn Riggins, AICP
   Telephone Number: 860.828.7060
   E-mail Address: hriggins@town.berlin.ct.us

Comments: ____________________________

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

OFFICE OF THE TOWN PLANNER
Town of Berlin
240 Kensington Road
Berlin, CT 06037

Questions: (203) 234-7555
South Central Regional Council of Governments | http://www.scrco.org

Certified mail (return receipt requested): 7010 1060 0000 0404 5984
Amendment to Berlin Zoning Regulations...
Adult Housing
Section XI. AA. 2. A. 6

Currently reads:
6. In no event shall an adult dwelling unit be occupied by a person under the age of 18 years.

Amend to read:
6. In no event shall any dwelling unit within the development be occupied by a person under the age of 18 years.
Referral 2.3: Town of Woodbridge

Subject: Proposed Zoning Regulations Amendments pertaining to Minimum Lot Size and Outdoor Eating Areas in the Business, Industrial (B-1), General Business and Development 1 Districts

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

Background: The Town of Woodbridge has submitted proposed Zoning Regulation Amendments to the definition of Minimum Lot Size, definitions pertaining to outdoor eating areas and a new section: Seasonal Outdoor Dining Areas.

The definition of Lot, Minimum Size Of has been amended to add slope in excess of 25% as an excluded item in determining the compliance with the minimum lot area. This requirement was in the originally adopted definition in 2001 and was inadvertently left out when the Zoning Regulations were recodified in 2009. The following definitions are proposed to be added Outdoor Eating Area, Restaurant, Restaurant, Drive-In, Restaurant, Fast food, Retail Food Establishment and Seasonal Outdoor Dining Area. The definitions can be reviewed in your Agenda Packet.

The new section – Seasonal Outdoor Dining Areas would be permitted in the Business and Industrial, General Business and Development 1 Zoning Districts. The Business Industrial and General Business Districts are within 500 feet of the City of New Haven. The dining area would only be permitted for restaurant, fast food restaurant or retail food establishments. The dining areas are to be contiguous with the establishment with which they are associated, and they are permitted in setback areas if they do not interfere with sidewalks, walkways or emergency egress. The seasonal dining areas cannot obstruct or impair vehicular or pedestrian traffic and cannot reduce or impinge upon required off-street parking or loading spaces. In addition to the required parking for the indoor seating areas an additional space would be required for every four outdoor dining spaces. Outside audio systems additional signage from the outdoor area are not permitted.

Communication: In researching this proposal, I spoke to the Planning Staff for Woodbridge and notified the adjacent municipalities in the South Central Region.
March 22, 2011

South Central Regional Council of Governments
Attn: Carl Amento
127 Washington Avenue
North Haven, CT 06473-1715

Re: Zoning Regulation Revisions

Dear Mr. Amento,

Pursuant to Section 8.3b of the Connecticut General Statutes, this letter is to serve as notification that the Woodbridge Town Plan and Zoning Commission will hold a public hearing in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, on Tuesday, May 3, 2011 with respect to the following changes to the Zoning Regulations proposed by the Town Plan and Zoning Commission:

1. Amendment to the definition of “Lot Minimum Size of”. When the Zoning Regulations were recodified in December of 2009, the definition of “Lot Minimum Size of” provided was incorrect in that it only listed 6 items instead of the seven items that were listed when the definition of “Lot Minimum Size of” was originally adopted with an effective on November 9, 2001. The missing item which is not listed in the current Zoning Regulations is what was the original item # 5 which states: “Any area having a slope in excess of 25%”.

The proposed amendment to the definition for “Lot, Minimum Size of”, will insert as a new item # 5, the text: Any area having a slope in excess of 25%”. The insertion of the new item # 5 will also result in the re-enumeration of the existing items 5 and 6 to respectively be numbers 6 and 7.

2. Adopt regulations regarding Outdoor Eating Areas for Restaurants in the Business and Industrial (BI), General Business and Development 1 Districts in the Town of Woodbridge. The new regulations would include definitions for Outdoor Eating Area; Restaurant; Restaurant Drive-In; Restaurant; Fast Food; Retail Food Establishment and Seasonal Outdoor Dining Area; and the addition of a new Section 3.9.11 entitled Seasonal Outdoor Dining Areas.

For your reference, a copy of the proposed regulation revisions is enclosed with this letter.

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

Very truly yours,

Kristine Sullivan, Staff

CERTIFIED MAIL 7008 1830 0000 4652 2499
PROPOSED AMENDMENTS TO THE ZONING REGULATIONS OF THE TOWN OF WOODBRIDGE

THE FOLLOWING ARE PROPOSED AMENDMENTS WHICH WILL BE THE SUBJECT OF A PUBLIC HEARING BY THE TOWN PLAN AND ZONING COMMISSION AT THE REGULAR MEETING OF THAT COMMISSION TO BE HELD ON TUESDAY, MAY 3, 2011

THE MEETING WILL BE IN THE CENTRAL MEETING ROOM OF THE TOWN HALL

11 MEETINGHOUSE LANE, WOODBRIDGE

THE MEETING WILL BEGIN AT 7:30 P.M. WITH PUBLIC HEARINGS AS THE FIRST ORDER OF BUSINESS ON THE AGENDA

1. The first amendment proposed by the Town Plan and Zoning Commission is an Amendment to Correct the Definition of “Lot Minimum Size of”. When the Zoning Regulations were recodified in December of 2009, the definition of “Lot Minimum Size of” provided was incorrect in that it only listed 6 items instead of the seven items that were listed when the definition of “Lot Minimum Size of” was originally adopted with an effective date of November 9, 2001. The missing item which is not listed in the current definition of “Lot Minimum Size of” is what was the original item # 5 which states: “Any area having a slope in excess of 25%”.

Existing text for “Lot Minimum Size of”:

LOT, MINIMUM SIZE OF. Minimum lot area, shape and frontage requirements are to be as stated in the respective zoning district regulations. In determining compliance with the minimum lot area, shape (including square on the lot provided for on the lot in a Residence A District), slope and frontage requirements, the following areas shall be excluded:

1. Land subject to prior public utility easements.

2. Any part of an easement for ingress and egress.

3. Any right-of-way.

4. All wetlands as defined in the Connecticut General Statutes and the Woodbridge Inland Wetlands Regulations.

5. The area remaining after the exclusion shall be contiguous and with respect to the Residence A District shall be able to accommodate the size of the square on the lot that is specified for that zoning district.

6. The foregoing provisions shall not apply to lawfully conforming or legally nonconforming lots in existence prior to the effective date of this amendment.

Effective on November 9, 2001
Below is the proposed amended definition for “Lot, Minimum Size of”, which inserts as a new item # 5, the text of the original 5th item listed for the definition of “Lot, Minimum Size of” adopted with an effective of November 9, 2001. The inserted text is shown in bold, underlined italics. With the insertion of the new item # 5 the existing items 5 and 6 are re-enumerated to be 6 and 7.

**LOT, MINIMUM SIZE OF.** Minimum lot area, shape and frontage requirements are to be as stated in the respective zoning district regulations. In determining compliance with the minimum lot area, shape (including square on the lot provided for on the lot in a Residence A District), slope and frontage requirements, the following areas shall be excluded:

1. Land subject to prior public utility easements.
2. Any part of an easement for ingress and egress.
3. Any right-of-way.
4. All wetlands as defined in the Connecticut General Statutes and the Woodbridge Inland Wetlands Regulations.
5. **Any area having a slope in excess of 25%**
6. The area remaining after the exclusion shall be contiguous and with respect to the Residence A District shall be able to accommodate the size of the square on the lot that is specified for that zoning district.
7. The foregoing provisions shall not apply to lawfully conforming or legally nonconforming lots in existence prior to the effective date of this amendment.

2. The second Zoning Amendment proposed by the Town Plan and Zoning Commission is the adoption of regulations regarding Outdoor Eating Areas for Restaurants in the Business and Industrial (BI), General Business and Development 1 Districts in the Town of Woodbridge. As follows, the new regulations would include definitions for **Outdoor Eating Area; Restaurant; Restaurant; Drive-In; Restaurant, Fast Food; Retail Food Establishment** and **Seasonal Outdoor Dining Area**; and the addition of a new Section 3.9.11 entitled **Seasonal Outdoor Dining Areas**.

**Addition to Section 1.4 Definitions of the following definitions:**

**Outdoor Eating Area.** An outdoor area located on the same property as a Restaurant, Fast Food Restaurant or Retail Food Establishment that allows for tables & chairs for outdoor table service or self service dining subject to a zoning permit and the requirements found in Section 3.9.11

**Restaurant:** A place having an adequate kitchen and dining room, the primary business of which is the service of hot meals to patrons seated at tables or counters. Meals are served by waiters or waitresses and consumed at the table or counter where they are ordered. A Restaurant may have a

Zoning Regulation Revisions For Public Hearing on May 3, 2011
Page 2 of 5
Restaurant Permit to allow the retail sales of alcoholic liquor to be consumed on the premises, as granted by the Department of Liquor Control (See Restaurant, Fast Food; Restaurant, Drive-in).

Restaurant, Drive-In: A place that delivers prepared food and/or non-alcoholic beverages to patrons in motor vehicles, regardless of whether it also serves said items to patrons who are not in motor vehicles, for consumption in or out of motor vehicles, on or off the premises.

Restaurant, Fast Food: A place whose primary business is the quick sale of (1) frozen desserts, (2) food, already prepared, or prepared and cooked quickly, or cooked or heated in a microwave oven, or (3) non-alcoholic beverages for consumption on or off the premises. Generally, service is cafeteria style in disposable plates or containers, and food and beverages are not consumed at the point where they are ordered or paid for.

Retail Food Establishment. Any business where food or beverages are sold to the public for either on premises or off premises consumption. Such establishments shall not be considered Restaurants or Fast Food Restaurants. No additional parking will be required provided that they have indoor seating for 10 or less patrons. For outdoor seating see Section 3.9.11.

Seasonal Outdoor Dining Area: An outdoor area located on the same property as a Restaurant, Fast Food Restaurant or Retail Food Establishment that allows for tables & chairs for outdoor table service or self-service dining subject to an approval by the Commission and requirements found in Section 3.9.11.

3.9.11 Seasonal Outdoor Dining Areas. The Town of Woodbridge wishes to promote commerce in the General Business and Business and Industrial Districts and recognizes that outdoor dining is an amenity that promotes pedestrian traffic and highlights the Woodbridge Gateway. The following procedures and guidelines have been established in order to obtain permits for proposed Seasonal Outdoor Dining Areas.

(a) Seasonal Outdoor Dining Areas as approved by the Commission, are only allowed in the General Business, Business and Industrial and Development I Districts only for Restaurant, Fast Food Restaurant and Retail Food Establishments.

(b) Seasonal Outdoor Dining Areas shall be contiguous with the establishment with which they are associated and may be allowed on porches or decks.

(c) Seasonal Outdoor Dining Areas, dining seating and tables are permitted in front, side and rear setback areas provided that they do not block or interfere with sidewalks, walkways or emergency egress as determined by the Fire Marshall.

(d) Seasonal Outdoor Dining Areas shall close no later than 11:00 p.m.
(e) Seasonal Outdoor Dining Areas that have a clear line of sight to a Residential District (not blocked by a building) might be reviewed by the Architectural Review Board.

(f) Seasonal Outdoor Dining Areas shall not:

- obstruct or impair vehicular or pedestrian traffic
- impinge on required front yard landscape areas and vegetative buffers that were planted as of the effective date of this regulation.
- reduce or impinge upon required off-street parking or loading spaces

(g) Any non-vegetative shading devices for use with Seasonal Outdoor Dining Areas shall be of a nonpermanent type (umbrellas, retractable awnings, temporary fabric roof structures, etc.) provided that they are safely anchored. A temporary fabric roof structure may have rigid supports and fabric or soft (non-rigid) sides. Such areas may be heated. These areas may not be considered in the future as permanent building additions.

(h) Seasonal Outdoor Dining Areas may not be used all year round. When not in use all structures and furniture shall be removed from the area. When in use, tables and chairs associated with Seasonal Outdoor Dining Areas shall not be considered as outdoor storage and display.

(i) In addition to required parking for indoor seating, one additional parking space for every four outdoor dining seats shall be provided.

(j) Any Seasonal Outdoor Dining Area cannot exceed 4 tables/16 seats unless there are waitpersons to serve patrons. Where all food service is conducted by waitpersons, the outdoor dining area cannot exceed 50% of the floor area of the indoor dining area; and cannot exceed 50% of the number of tables/seats within the indoor dining area.

(k) Litter emanating from the Seasonal Outdoor Dining Area, and from whatever area to which it may flow, shall be collected by the permittee as often during the course of day or night as may be required to keep the area clear of litter and debris as if the Seasonal Outdoor Dining Area did not exist.

(l) No outside audio systems are permitted.

(m) There shall be no additional signage for the Seasonal Outdoor Dining Area.
(n) Aside from individual table lighting, such as candles, there shall be no additional exterior lighting installed.

(o) Failure to adhere to the foregoing standards may result in the revocation of the permit until such time that the violation has been corrected.

3.9.11.1

Seasonal Outdoor Permit Process Applicants may apply to the Town Plan and Zoning Commission for an outdoor dining permit, as follows:

(a) The applicant must provide the following information on a site plan of development prepared in accordance with Section 9.1 of the Zoning Regulations. The Commission may require a public hearing on the application.

- Location of Buildings
- Number of parking spaces required for the entire restaurant, plus location of required parking.
- Location of proposed outdoor dining, including surface upon which tables will be placed.
- Number of tables/seats identified
- Written description of outdoor dining area amenities; for example, “15 wrought iron tables, 30 wrought iron chairs, an umbrella over each table, new awnings”, etc.

(b) All Seasonal Outdoor Dining Area applications shall be accompanied by a signoff from the Quinnipiac Valley Health District, Police Department and Fire Marshal, as applicable prior to the issuance of a zoning permit.
Referral 2.4: RWA

Subject: Proposed Application in accordance with Special Act 77-98, as amended for the disposition of 60.35 acres of unimproved Class III land located within North Branford

Staff Recommendation: The proposed application for the disposition of 60.35 acres of land in North Branford does 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 Regional Water authority has a submitted application for the disposition of 60.35 acres of unimproved Class III lands located in within North Branford, CT. The land is not on the watershed or aquifer of a source supply for drinking water. The minimum purchase price for the three sites is $2,115,000. The location of the 60.35 acres is east and west of Beech Street and north of Pomp's Lane. A land use plan amendment has been incorporated with the application to ensure consistency with RWA Land Use Plan.

The 60.35 acres are compromised of three sites; Site A -17.2 acres, Site B- 23.7 acres, and Site C -19.5 acres. The 1996 RWA Land Use Plan outlines the following use of the subject land: forest management, agriculture, recreation area parking and other land development. Site A west of Beech Street has a preliminary design which proposed 10 buildings lots and 2.7 acres of open space. Site B on the east side of Beech Street has a preliminary design of 9 building lots and two areas of open space encompassing 7.1 acres. Site C would have 10 building lots and 6.2 acres of open space. The preliminary concept designs of the amount of building lots, which can be supported is based on upon a site feasibility analysis. The three sites are not needed for water supply purposes and the reason the RWA Land Use Plan Amendment is needed because the 1996 Plan does not address the disposition of these lands. The Town of North Branford would have the first priority to acquire the land and the DEP would have the second priority.

The parcels are within an R-80 Zoning District in North Branford. The application does describe certain in consistencies of the North Branford Plan of Conservation and Development and the 1996 RWA Land Use Plan. RWA is interested in the disposition of the land to meet the following objectives 1. generate income which will be used to for
capital improvements to its remaining properties, acquisition of real property or any interest or right therein, retirement of debt or any combination of such purposes; 2. benefit RWA ratepayers by minimizing future water rate increases; protect any outstanding natural areas and preserve important ecological functions. The preliminary conceptual designs were completed in order to appraise the land. The disposition of the land does not alter the zoning in the municipality and all regulatory approvals would need to made prior to development.

The Regional Plan of Conservation and Development identifies the property as single family - 80,000 s.f and over. The parcels are not within 500 feet of another municipality in the South Central Region. Specific information pertaining to potential impacts of the disposition of land and alternatives to the disposition of land can be reviewed in the Agenda Packet.

**Communication:** In researching this proposal, I notified the adjacent municipalities in the South Central Region.
Via Express Mail

February 18, 2011

Mr. Carl Amento, Executive Director
South Central Regional Council of Governments
127 Washington Ave., 4th Floor West
North Haven, CT 06473

Dear Mr. Amento:

In accordance with the provisions of Special Act 77-98, as amended, the Representative Policy Board of the South Central Connecticut Regional Water District is considering an application submitted to it by the South Central Connecticut Regional Water Authority ("RWA") for disposition of 60.35 acres of unimproved Class III lands located within North Branford, Connecticut for the highest and best use conforming to any and all approvals that may be granted by the regulatory agencies of the Town of North Branford. The land to be sold is not on the watershed or aquifer of a source supply for public drinking water. The total purchase price for all three sites comprising the 60.35 acres shall not be less than $2,115,000 as established by two independent appraisers. The subject land is located to the east and west of Beech Street and north of Pomp's Lane in North Branford. To assure consistency with the RWA Land Use Plan, a request for approval of a Land Use Plan Amendment has been incorporated into this application. Please see the enclosed copy of the application for additional information.

A public hearing has been scheduled for this application on Thursday, May 5, 2011 at 7:00 p.m. at the North Branford Community Center, 1599 Foxon Road, North Branford, Connecticut.

Comments may be received in writing in advance of the public hearing and should be sent to: Chairperson, Representative Policy Board, South Central Connecticut Regional Water District, 90 Sargent Drive, New Haven, CT 06511. Comments submitted via facsimile should be sent to (203) 562-0808; comments submitted electronically should be sent to eyoder@rwater.com.

Very truly yours,

David J. Borowy
Chairperson

Enclosure

cc Thomas V. Chaplik, Vice President – Water Quality & Outreach, Regional Water Authority
January 13, 2011

Members of the Representative Policy Board
South Central Connecticut Regional Water District
90 Sargent Drive
New Haven, CT 06511-5966

Subject: Beech Street and Pombs Lane, North Branford, CT

Ladies and Gentlemen:

The South Central Connecticut Regional Water Authority requests that the Representative Policy Board (RPB) accept the following enclosed document as complete:

Proposed Disposition of Class III Lands and Amendment of the Land Use Plan
Portions of NB-4 and all of NB-4A, Beech Street and Pombs Lane, North Branford, CT

Based on our conclusion that the proposed actions are consistent with and advances the policies and goals of the South Central Connecticut Regional Water Authority, are in the public interest and will have no significant adverse impact on the environment, we are further requesting that the RPB approve this disposition and amendment following a public hearing.

Any questions regarding this application may be directed to Dianne Tompkins, Senior Land Use Manager and/or Tom Chaplik, Vice President-Water Quality and Outreach.

Sincerely,

SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY

Anthony DiSalvo, Chair
Joseph A. Cermola
C. Anthony Edge
Richard G. Bell
R. Douglas Marsh

Enclosures
Proposed Disposition of Class III Lands
and
Land Use Plan Amendment

Portions of NB-4 and all of NB4-A
Beech Street and Poms Lane, North Branford, CT

Application to the Representative Policy Board (RPB)
South Central Connecticut Regional Water Authority

December, 2010

1. AUTHORIZATION SOUGHT

The South Central Connecticut Regional Water Authority (RWA) proposes the disposition of 60.35 acres of unimproved Class III lands (hereinafter referred to as "subject land") located within North Branford, Connecticut for the highest and best use conforming to any and all approvals that may be granted by the regulatory agencies of the Town of North Branford. The total purchase price for all three sites sold collectively or each site sold individually shall not be less than $2,115,000 for the unimproved subject land as established by two independent appraisers. The minimum purchase price for each site is as follows:

Site A  17.2 +/- acres  $603,000
Site B  23.7 +/- acres  $829,500
Site C  19.5 +/- acres  $682,500

The appraisers determined the “as is” market value to be between $2,115,000 and $2,350,000 based on the site feasibility analysis prepared by Bennett & Smilas Engineering, Inc.

The subject land, part of NB-4 and all of NB-4A, is located to the east and west of Beech Street and north of Poms Lane in North Branford. The Authority’s 1996 Land Use Plan approved by the RPB, April 18, 1996, outlines the use of the subject land for forest management, agriculture, recreation area parking, and other land development. To assure consistency with the RWA 1996 Land Use Plan, a request for approval of a Land Use Plan Amendment has been incorporated into this application.
The site feasibility analysis divides the subject land into three discrete parcels known as Site A, Site B, and Site C. Sites A and C are part of Land Unit NB-4 and Site B is Land Unit NB-4A. Site A lies to the west of Beech Street and contains 17.2 ± acres. A preliminary design proposes 10 building lots and an area of open space that is 2.7 ± acres in size. Site B is on the east side of Beech Street and contains 23.7 ± acres. Nine building lots are proposed and two areas of open space, 3.2 ± acres and 3.9 ± acres, are planned for Site B. Site C lies to the north of Pomps Lane and comprises 19.5 ± acres. A total of 10 lots are proposed on Site C as well as an open space area of 6.2 ± acres. It should be noted that the design plan is a conceptual plan indicating the number of proposed building lots that the subject land can support based upon a site feasibility analysis.

The Authority’s Land Use Plan approved by the RPB, April 18, 1996, designates the subject land as NRU, RU, and DU, Natural Resource Conservation and Development Use, Recreation and Education Use, and Other Land Development Use, respectively. Specific uses for the subject land include forest management, agriculture, recreation area parking, and estate residential development. The following uses are identified according to the map entitled “North Branford System Map 1, Gaillard-Menunketuc Division” of the 1996 Land Use Plan.

Parcel A:
The northern portion of Parcel A is designated RU-31A for Special Event parking. The southerly part of the subject land is labeled NRU-33, proposed Agriculture. The remainder of Parcel A is for Forest Management.

Parcel B:
The northeast portion of Parcel B is designated DU-31 or Estate Residential Development. The remainder of Parcel B is Forest Management.

Parcel C:
All of Parcel C is designated NRU-34 for Agriculture

The 1996 Land Use Plan does not address the disposition of these Class III Lands; therefore the proposed disposition and possible ultimate development will require a Land Use Plan Amendment. Sites A, B, and C are not needed for water supply purposes;
therefore, the RWA proposes to dispose of the subject land in a manner that will meet the following objectives:

1. To generate income to be used as stated in the Authority’s enabling legislation Connecticut Special Act 77-98 as amended, Section 18 (h) as follows: “the authority shall use the proceeds of any sale or transfer under this section solely for capital improvements to its remaining properties, acquisition of real property or any interest or right therein, retirement of debt or any combination of such purposes.”

2. To benefit RWA ratepayers by minimizing future water rate increases consistent with the Authority’s enabling legislation Connecticut Special Act 77-98 as amended, Section 18 (h).

3. To protect any outstanding natural areas and preserve important ecological functions.

Although the disposition of the subject land achieves many of the RWA objectives, it varies from the concept of the RWA continuing to hold the land. It also varies from the specific land use designations DU-31, NRU-33, and NRU-34. Therefore, although the disposition of the subject land as proposed in this application meets the intent of the 1996 Land Use Plan, it calls for a Land Use Plan Amendment. RWA has incorporated such an amendment in this application, for which it is seeking RPB approval.

2. NEED FOR PROPOSED ACTION

The subject land is situated entirely on Class III land. Class III is a State Department of Public Health (DPH) designation for land owned by a water utility that is not now or in the future on the watershed or aquifer of a source supply for public drinking water. The cost of maintaining the subject land includes boundary inspections, forestry management, and security as well as payment in lieu of taxes (PILOT). Although these costs are currently minimal, totaling approximately $415 per year, they nonetheless represent a diversion of resources that could be utilized elsewhere for the maintenance and security of the water system. Furthermore, should the Proposed Action be approved, the RWA will receive significant funds from the sale of the subject land.
These funds will be utilized consistent with the Authority's enabiling legislation
Connecticut Special Act 77-98 as amended, Section 18 (h).

3. ANALYSIS OF ALTERNATIVES

This application considers two alternatives to the Proposed Action: 1) No Action
and 2) Sale of the subject land to the Town of North Branford or the State of Connecticut.

No Action

An alternative to the proposed disposition is the continued ownership of the subject
land by the RWA. Under this scenario, the ratepayers would lose the benefits of the
subject land sale and the RWA would continue to be responsible for maintenance costs
and general management issues related to the subject land together with some exposure to
liability. Such expenses and exposure to liability may be expected to increase with time.
PILOT payments would also continue. Because the RWA currently manages the subject
land for woodcutting, it is expected that modest revenue will continue to be generated by
this program. It is unlikely that physical changes to the subject land will occur under the
continued ownership of the parcel by the RWA other than selective thinning of trees by
woodcutters.

Sale to the Town of North Branford or to the State of Connecticut

A second alternative is the proposed disposition to the Town of North Branford or to
the State of Connecticut. Subsection (f) of Section 18 of the Connecticut Special Act 77-
98 as amended gives the legislative body of the city or town in which the land is located
and the State Department of Environmental Protection (DEP) rights to purchase with the
city or town's rights taking priority over DEP's rights. The RWA has established fair
market value for the subject land, thus either the State or Town would likely perform
independent appraisals. In the event of sale to either entity, the RWA would receive the
revenue from the subject land sale.

4. COSTS INCURRED OR SAVED BY THE PROPOSED ACTION

Once the subject land is no longer owned by the RWA, the average annual
expense of approximately $415 for PILOT, security, and maintenance will no longer be
incurred. Of greater importance is the expected revenue to be gained by the sale of the
subject land. This sale revenue will be used consistent with the Authority’s enabling legislation Connecticut Special Act 77-98 as amended, Section 18 (h). It will save the RWA debt service it would have to pay on bonds sold to raise equivalent capital. The expected revenue from the sale of the subject land will not be less than $2,115,000.

5. UNUSUAL CIRCUMSTANCES FOR THE RPB TO CONSIDER

The 1996 Land Use Plan does not address the disposition of the subject land. Therefore, the proposed disposition and possible ultimate development will require a Land Use Plan Amendment.

In placing a value on the subject land, the appraisers indicated the subject land’s highest and best use “as is” was single family residential development as confirmed by the site feasibility analysis prepared by Bennett & Smilas Engineering, Inc.

6. ANNEXED MATERIALS

Exhibit A  Evaluation of Potential Impact prepared by Penelope C. Sharp, November 2010
Exhibit B  Preliminary Assessment prepared by Penelope C. Sharp, October 2010
Exhibit E  Report prepared by Dennis P. Quinn entitled, South Central Connecticut Regional Water Authority Herpetological Surveys at the Authority’s Proposed Residential Subdivision Pomp Lane/Beech Street Property North Branford, Connecticut Eastern Box Turtle and Wood Turtle Presence/Absence Surveys, Impact Analysis and Mitigation Recommendations, October 2009
Exhibit F  A-2 survey of the subject land prepared by Bennett & Smilas Engineering, Inc., dated August 9, 2010 (reduced version)

7. FACTS UPON WHICH THE RPB IS EXPECTED TO RELY IN MAKING ITS DECISION

A. The proposed Land Use Plan Amendment will modify specific designations within the 1996 Land Use Plan.

B. The Proposed Action, disposition of portions of NB-4 and all of NB-4A, consists of 60.35 acres.

C. Sale of the subject land will have no adverse impact upon the public water supply due to the fact that the subject land is Class III, not on a watershed or aquifer of an existing or potential future public water supply source.

D. Under the Proposed Action, the subject land would be sold for its highest and best use, i.e. residential development, as stated in the two independent appraisals. Revenue from such a sale is anticipated to be not less than $2,115,000.

E. Net proceeds of the sale will be used as stated in the Authority’s enabling legislation Connecticut Special Act 77-98 as amended, Section 18 (h) as follows: “the authority shall use the proceeds of any sale or transfer under this section solely for capital improvements to its remaining properties, acquisition of real property or any interest or right therein, retirement of debt or any combination of such purposes.”

F. The Town and State, by law, have priority rights to purchase the subject land, with the Town’s right taking precedence.

8. CONCLUSION

The RWA has concluded that the Proposed Action constitutes a disposition of interest in land and an amendment of the Land Use Plan. The RWA has further
concluded that the proposed disposition and amendment of the Land Use Plan is consistent with and advances the policies and goals of the South Central Connecticut Regional Water Authority and will not have an adverse impact on the environment, the purity and adequacy of the public water supply and will be in the public interest.
PRELIMINARY ASSESSMENT

NB–4 AND NB-4A, BEECH STREET AND POMPS LANE, NORTH BRANFORD

Location: NB–4 and NB-4A, Beech Street and Pomps Lane, North Branford

Proposed Action: Sell 60.35 acres of RWA non-water system land

A Land Use Plan Amendment to: Dispose of 60.35 acres of Class III land located at Beech Street and Pomps Lane, North Branford

Notes to Preparer(s):

This Preliminary Assessment form provides for consideration of potential impacts on specific aspects of the environment, subdivided into eight general areas:

A. Geology, Topography, Soils
B. Hydrology and Water Quality
C. Air Quality, Climate, Noise
D. Biotic Communities
E. Land Use
F. Natural Resources and Other Economic Considerations
G. Public Safety and Health
H. Community Factors

When completing the form, all phases of the proposed action should be considered - planning, construction, and operation - as well as possible secondary or indirect effects.

For each “yes” response, provide the indicated specific information the space provided for notes, using additional pages if needed. Elaborations of negative responses may also be provided (e.g., to indicate positive impacts on a given environmental factor); “no” answers for which explanatory notes are provided should be indicated by an asterisk. Sources of information, including individuals consulted, should also be listed in each section.

Name of person preparing this study: Penelope C. Sharp

Date: October, 2010
A. Geology, Topography, Soils

1. Is the site subject to geologic hazards (e.g., seismic, landslide)?
   If yes, specify type of hazard, extent, relative level of risk, whether or not the proposed action is vulnerable to damage from such hazard, and any measures included in the proposed action to avoid or minimize the risk of damage.
   X

2. Will the proposed action create a geologic hazard or increase the intensity of such a hazard?
   If yes, specify the type of hazard, the extent to which it will be increased by the proposed action, and whether or not the proposed action can be modified to reduce the hazard.
   X

3. Does the site include any geological features of outstanding scientific or scenic interest?
   If yes, describe the features and their relative importance, the extent to which they will be impacted by the proposed action, and any measures included in the proposed action to avoid or minimize damage to important geologic features.
   X

4. Is the site subject to soil hazards (e.g., slump, erosion, subsidence, stream siltation)?
   If yes, specify hazards, their extent, the relative level of risk to the proposed action, and any measures included in the proposed action to avoid or minimize damage from soil hazards.
   X

5. Does the site have any topographic or soil conditions that limit the types of uses for which it is suitable (e.g., steep slopes, shallow-to-bedrock soils, poorly drained soils)?
   If yes, specify the conditions, the of limitations on use, the extent to which the proposed action requires the use of such areas, and any measures included in the proposed action to minimize adverse impacts of these uses.
   X

6. Does the site include any soil types designated as prime farmland?
   If yes, indicate the area of prime farmland soils and whether the proposed action requires any irreversible commitment of these soils to non-farm uses.
   X
Notes (including sources of information):

A. Geology, Topography, Soils

A. 5. Soil testing of the property was performed by Bennett & Smilas Engineering, Inc. to establish the feasibility of on-site septic systems. According to the results, mottling, often an indication of poor drainage, was present within some of the test pits. Therefore, several of the potential building lots will be required to utilize the Minimum Leaching System Spread (MLSS) for the subsurface disposal systems. One of the tested lots (Lot #9 on “Site C”) was determined to be unsuitable for a subsurface disposal system.

A. 6. Site A is underlain primarily by Ludlow silt loam, 3 to 8% slopes which is on the list of New Haven County soils that qualify as prime farmland. Site B contains Cheshire fine sandy loam with 3 to 8% slopes, Watchaug fine sandy loam with 3 to 8% slopes, Ludlow silt loam, 3 to 8% slopes and Wethersfield loam, all of which are similarly listed. Soils on Site C, with the exception of the wetland areas, are identified as Charlton fine sandy loam, 3 to 8% slopes. This soil is also considered to be prime farmland. Development of the site will result in an irreversible commitment of farmland soils wherever a house and driveway is constructed. However, the soils are not currently in use as farmland.
B. Hydrology and Water Quality

1. Is the site located on a present or projected public or private water-supply watershed or aquifer recharge area? X
   If yes, specify the location, type, and volume of the water supply, the extent to which the proposed action involves construction or other use of the watershed or recharge area, and any measures included in the proposed action to minimize adverse effects on water supplies.

2. Does the proposed action create a diversion of water from one drainage basin to another or significantly increase or decrease the flow of an existing diversion? X
   If yes, specify the location, watershed area, and flow rates of the diversion, whether it involves a transfer of water between sub-regional drainage basins, the extent to which it will affect any required downstream flow releases and actual downstream flows, and the type and extent of expected impacts on the downstream corridor.

3. Does the site include any officially designated wetlands, areas of soils classified as poorly drained or somewhat poorly drained, or other known wetlands? X
   If yes, specify the extent and type of wetlands on the site and indicate whether the proposed action involves any construction, filling, or other restricted use of wetlands.

4. Will the proposed action seriously interfere with the present rate of soil and subsurface percolation? X
   If yes, specify the nature of the interference (compaction, paving, removal of vegetation, etc.), the extent to which the percolation rate will be hampered, and whether the project can be redesigned to minimize the interference.

5. Is the site located in a flood prone area? X*
   If yes, specify the frequency and severity of flooding, the area of the site subject to inundation, and the relative level of risk; indicate whether the proposed action will be subject to damage from flooding, the anticipated amount and type of damage, and any preventive measures included in the proposed action to minimize flooding damage.
6. Will the proposed action increase the effects of flooding, either on-site or downstream? If yes, specify the anticipated amount and location of increased flooding, the estimated damage from this increase, and any measures included in the proposed action to minimize the risk of flooding.

7. Will the proposed action generate pollutants (pesticides, fertilizers, toxic wastes, surface water runoff, animal or human wastes, etc.)? If yes, specify the type and source of pollutant, amount of discharge by volume, and parts per million, and the relative level of risk to biotic and human communities.

Notes (including sources of information):

B. Hydrology and Water Quality

B. 3. Inland wetlands have been mapped on all three parcels. The potential house lots as depicted on the preliminary design plans, will not require the filling of any wetlands and, for the most part, the wetland areas would be contained within the “open space” area designated on the plan. The Town of North Branford Inland Wetlands Commission regulates both the wetland proper and all lands within 100 feet of a wetland. The wetland at Site C is a vernal pool and is therefore a sensitive wetland habitat. Larger buffer areas are frequently recommended in order to protect the vernal pool habitat. This information should be given consideration by the Town in reviewing any applications for approval.

B. 4. Once the house lots are developed, there will be an increase in impervious cover due to roof top and driveway construction. This will result in reduced infiltration. This potential impact can be mitigated by the imposition of clearing limits on the lots and the use of porous asphalt or porous concrete for driveway construction. Rain gardens constructed on individual lots can also help to increase infiltration.
B. Hydrology and Water Quality, cont.

B.5. * According to the FEMA Flood Hazard Map 090085 0005 B, the three parcels are located within Flood Zone C which indicates areas of minimal flooding. Therefore the site is not situated within a floodprone area and flooding is not expected to be exacerbated by development.

B. 7. As is true for any development, some level of pollutants will be generated during construction. However, surface runoff can be captured and treated or directed through biofilters to reduce harmful effects of stormwater. If the existing road system is utilized, runoff is likely to be minimal, generated primarily by rooftops and driveways. With regard to pesticides and herbicides, it is not possible to predict future usage which will be up to individual homeowners. This information should be given consideration by the Town of North Branford in reviewing any applications for approval.
C. Air Quality, Climate, Noise

1. Is the present on-site air quality below applicable local, state, or federal air quality control standards?  
   If yes, specify the extent to which the air quality fails to attain such standards and the potential effects of sub-standard air quality on the proposed action.  
   X

2. Will the proposed action generate pollutants (hydrocarbons, thermal, odor, dust, or smoke particulates, etc.) that will impair present air quality on-site or in surrounding area?  
   If yes, specify the type and source of pollutants, the peak discharge in parts per million per 24-hour period, and the relative level of risk to biotic and human communities.  
   X

3. Is the site located in a high wind hazard area?  
   If yes, specify the range and peak velocity and direction of high winds; identify any features of the proposed action subject to damage from high winds, the relative level of risk, and any measures included in the proposed action to minimize wind damage.  
   X

4. Will the proposed action involve extensive removal of trees or other alteration of the ecosystem that may produce local changes in air quality or climate?  
   If yes, describe the nature and extent of the changes, potential adverse effects, areas likely to be affected, possible cumulative effects of removal of natural vegetation and addition of new pollutant sources, and any measures that could be included to reduce the adverse effects.  
   X

5. Is the site subject to an unusually high noise level?  
   If yes, specify the sources of noise, the noise levels, and any measures included in the proposed action to minimize the effects of noise.  
   X

6. Will the proposed action generate unusually high noise levels?  
   If yes, specify the source of noise, the range of noise levels, and any measures incorporated into the project to minimize generation of, or exposure to, excessive noise levels.  
   X*
C. **Air Quality, Climate, Noise**

C. 1. Air quality throughout the State of Connecticut is below the applicable state and federal guidelines for ozone. In some locations, air quality fails to meet carbon monoxide guidelines. The proposed action is not expected to have any measurable additional impact upon air quality in the immediate vicinity.

C. 2. During construction as well as once the homes are constructed, there will be increased traffic in the area resulting in minor increases in air pollutants and dust. It is not possible to anticipate the relative level of risk to biotic and human communities. However, the additional pollutants are not likely to measurably impair the ambient air quality. The neighborhood is residential as is the existing zoning of the properties, thus additional pollutants will be similar in nature to those existing in the surrounding developed areas.

C. 4. Tree clearing will be required on all three properties in order to construct housing units. Trees are capable of trapping particle pollutants (dust, ash, pollen and smoke). They also absorb CO\(_2\) and other gasses and, in turn, replenish the atmosphere with oxygen. The loss of trees in our urban and suburban areas not only intensifies the urban "heat-island" effect from loss of shade and evapotranspiration, but results in the loss of absorbers of carbon dioxide and other air pollutants as well. This potential impact can be mitigated by establishing clearing limits for each building lot and preserving as many trees as possible.

C. 6.* During tree clearing and house construction, the neighborhood may experience temporary high noise levels from chain saws and construction equipment; however, the noise will likely occur during daylight hours and will be similar to any noise generated by construction. Although potentially bothersome, no health or other negative impacts upon the local population are anticipated.
D. Biotic Communities

Yes  No

1. Are there any rare or endangered plant or animal species on the site? X
If yes, specify the species, the degree of rarity, and the estimated population on the site; indicate the extent to which the proposed action will disturb the species and its habitat, and specify any measures included in the proposed action to minimize such disturbance.

2. Are there unusual or unique biotic communities on the site? X
If yes, specify type of community and its relative significance; indicate the extent to which the proposed action will destroy significant biotic communities and specify any measures included in the proposed action to minimize such damage.

3. Is the site used as a nesting site by migrating waterfowl, or is it critical to the movement of migratory fish or wildlife species? X*
If yes, specify the species, the extent to which nesting or migration will be disturbed as a result of the proposed action, and any measures included in the proposed action to minimize disturbance.

4. Does the proposed action significantly reduce the amount, productivity, or diversity of the biotic habitat? X*
If yes, specify the amount and types of habitat lost, types of wildlife or plants likely to be seriously affected by the proposed action, and any measures to mitigate impacts on biotic communities.

Notes  (including sources of information)

D. Biotic Communities

D. 1. The Natural Diversity Data Base of the Connecticut Department of Environmental Protection maintains a set of statewide maps that note the presence of any state or federal species that are rare, threatened, or of special concern. The Data Base has been consulted and has identified two listed species occurring in the vicinity of the property. These are the Eastern box turtle (Terrapene carolina) and the Wood turtle (Glyptemys insculpta), both of which are state-listed special concern. The RWA has contracted with a herpetologist and completed a comprehensive study of the site. The report concludes that no mitigation measures are necessary to protect the Wood turtle habitat which is largely off site. There are mitigation measures recommended to protect the Eastern box turtle including the use of an exclusionary silt fence prior to construction and long term management of early successional and scrub-shrub habitat. Please refer to the report
D. Biotic Communities, cont.

entitled: “South Central Connecticut Regional Water Authority, Herpetological Surveys at the Authority’s Proposed Residential Subdivision, Pomps Lane/Beech Street Property,” Final Report dated October 2009 prepared by Dennis P. Quinn, CTHerpConsultant, LLC. This information should be given consideration by the Town in reviewing any applications for approval.

D. 2. There is a large freshwater wetland located on Site B. The wetlands are best described as palustrine forested wetlands, broad-leaved deciduous and seasonally saturated. Red maple is a dominant tree species within the wetland areas. Other observed trees include swamp white oak, shagbark hickory, ironwood, sugar maple, and American elm. A number of shrubs and vines occur within the wetlands. These include spicebush, winterberry, silky dogwood, buttonbush, grape, Virginia creeper, and poison ivy. The wetlands also contain a wide diversity of herbaceous species including a large patch of swamp milkweed. Other species observed include jewelweed, cow parsnip, sensitive fern, cinnamon fern, false nettle, marsh fern, blue vervain, and tussock sedge. The wetland has an area that appears to be a potential vernal pool, although the area was dry at the time of the site inspection. If it does function as a vernal pool, both wood frog and spotted salamander may be present on site. Site C contains a documented vernal pool that has been the subject of ongoing research by a Yale doctoral student. This wetland contains a robust wood frog population.

The development as depicted on the preliminary design plans avoids direct impact to wetland habitats; however, several lots on each parcel include the regulated review area. It is also likely that amphibians are crossing the road between the vernal pool on Site C and the wetland on Site B. This information should be given consideration by the Town in reviewing any applications for approval.

D. 3.* Although the site is not critical to migrating waterfowl, other migratory birds may be utilizing the woodlands which are part of a large forested landscape. Parcels A, B, and C constitute a small portion of the total acreage, thus the development is not likely to disrupt migratory patterns.

D. 4.* Development will result in loss of wildlife habitat and loss of a number of large trees; however, no rare, threatened, or special concern plant species have been noted during site inspections. The two listed faunal species will be protected provided the recommendations of the herpetological study are implemented. Habitat loss is a consequence of any development and the 60.35 acres is a minor part of the RWA holdings in the area. Furthermore, the proposed disposition area is bordered entirely by an existing road system.
E. Land Use

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<tr>
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<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>1. Does the site include any officially designated historic or archaeological sites, or other sites of known historic, archaeological, or cultural significance? If yes, specify their type and significance, the extent to which they will be disturbed by the proposed action, and any measures to reduce such disturbance.</td>
<td>X</td>
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<td>2. Does the site have any outstanding scenic or aesthetic characteristics, especially as viewed from public highways or recreation areas? If yes, specify the type and significance of scenic features, the extent to which they will be disturbed by the proposed action, and any measure to reduce the extent of such disturbance.</td>
<td>X</td>
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<td>3. Is the site presently used for recreation? If yes, indicate the type of recreation, the amount of use, and the extent to which the proposed action will interfere with present recreational uses or limit recreation options on the site.</td>
<td>X</td>
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<tr>
<td>4. Is the site presently used for residence or business? If yes, specify the type of use and the extent to which the proposed action will displace present occupants, especially disadvantaged persons or businesses, and any measures included in the proposed action for relocation of such occupants.</td>
<td>X</td>
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<td>5. Will the proposed action break up any large tracts or corridors of undeveloped land? If yes, specify the area of undeveloped land surrounding the site, the amount of development the proposed action will involve, and the distance to the nearest developed land.</td>
<td>X*</td>
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<td>6. Does the proposed action include features not in accord with the Authority's Land Use Plan or land disposition policies? If yes, specify the nature and extent of conflict.</td>
<td>X*</td>
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<tr>
<td>7. Is the proposed action part of a series of similar or related actions that might generate cumulative impacts? If yes, specify the type and extent of related actions, implemented or planned, and the general nature of potential cumulative impacts; Indicate whether a generic or programmatic impact assessment has been or will be prepared for this series of actions.</td>
<td>X</td>
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</tr>
</tbody>
</table>
E. Land Use

E. 5.* The land comprising the proposed disposition area is connected to other land owned by the RWA. This other land incorporates the watershed for Lake Gaillard and is a large tract of several thousand acres. This proposal will not break up the large tract of land due to the fact that it is at the southeastern border of RWA land around Lake Gaillard. It fronts upon Beech Road and Pomp’s Lane. Although its disposition will shrink RWA holdings by 60.35 acres, it will not disrupt the continuity of the large tract.

E. 6.* The 1996 Land Use Plan designates Sites A and B as “Forest Management”. There is also an area on Site A for “Recreation Area Parking” and an area on Site B designated “Other Land Development,” specifically for estate residential development. All of Site C is designated for “Agriculture.” With the exception of the parking area and development designations, the uses designated for the parcels fall under the category of “Natural Resource Development and Conservation Uses” in the Land Use Plan. The proposed use for Sites A, B, and C would best fit “DU” “Other Development Uses – Residential.”

The proposed sale of this Class III land does meet the criteria set forth under Land Disposition Policies, Section E. 1; E. 2; E. 3; and E. 4 of the RWA’s Land Use Plan. These criteria state the following regarding the lands:

1. They have no significant present or potential value for water supply purposes.
2. They do not contribute to ability to control the use of nearby Class I and Class II land.
3. They have no foreseeable usefulness to accommodate a special land use need of the District.
4. They do not contribute to the consolidation of efficiently manageable tracts of land.

As the subject property is off the watershed and does not have a water supply, nor does it have potential usefulness to the RWA, it meets the above criteria.
F. Natural Resources and Other Economic Considerations

Yes  No

1. Does the proposed action involve any irreversible commitment of natural resources? X
   If yes, specify the type of resource, the importance and scarcity of the resource, the quantity that will be irreversibly committed, and any measure that could be included in the proposed action to reduce irreversible commitments of resources.

2. Will the proposed action significantly reduce the value and availability of timber or other existing economic resources? X*
   If yes, specify the type and extent of resources affected, the estimated revenue loss, and any measures that could be included in the proposed action to improve the efficiency of resource utilization.

3. Will the proposed action require expenditures greater than the projected revenues to the Authority? X
   If yes, specify the estimated difference.

4. Will the proposed action require any public expenditure (e.g., provision of municipal services) that might exceed the public revenue it is expected to produce? X
   If yes, specify the estimated difference.

5. Will the proposed action cause a decrease in the value of any surrounding real estate? X
   If yes, estimate the amount and distribution of altered real estate values.

Notes  (including sources of information):

F. Natural Resources and Other Economic Considerations

F. 1. The potential residential development of the 60.35 acre tract will result in the loss of forest resources as it will be necessary to clear forest land for lot preparation. Wetland resources on the site will be preserved and no other natural resources, such as minerals or open water occur at the site.

F. 2.* Sites A and C are currently used for woodcutting by permittees. Once the land is developed for housing, the woodcutting activity will cease. The loss of revenue from wood permits is miniscule particularly when contrasted to the income estimated to be generated by the sale of the property.
G. Public Safety and Health

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<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>1. Is the site subject to unusual fire hazard (from flammable vegetation, difficulty of access, lack of water for fire fighting, or other causes)? If yes, specify the type of hazard, the extent to which the proposed action might increase the fire hazard, the extent to which it is subject to damage from such fires, and any measures included in the proposed action to reduce the risk of fire damage.</td>
<td>X</td>
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<tr>
<td>2. Does the site include any features that present potential safety hazards under the proposed conditions of use, or will the proposed action create any hazards to public safety? If yes, specify the hazards, the extent to which the public, workers, or others will be exposed to the hazard, the degree of risk, and any measures that will be included in the proposed action to eliminate hazards or reduce the risk of injury.</td>
<td>X</td>
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<tr>
<td>3. Does the proposed action have the potential to create increased risks to public health? If yes, specify the nature of the health hazards, population at risk, the degree of risk, and any measures that will be incorporated in the proposed action to avoid adverse impacts on public health.</td>
<td>X</td>
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Notes (including sources of information):

G. Public Safety and Health
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<tbody>
<tr>
<td>H. Community Factors</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>1. Does the proposed action include any features that are not in conformity with local, regional, or state plans of conservation and development?</td>
<td></td>
<td>X</td>
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<tr>
<td>If yes, specify the plan(s), the nonconforming features, and the extent of the nonconformity, and any measures that could be incorporated into the proposed action to improve conformity.</td>
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<tr>
<td>2. Does the proposed action differ from the established character of land use in the surrounding area?</td>
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<td>X</td>
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<tr>
<td>If yes, specify the nature and extent of the conflict and any actions that might be taken to resolve it.</td>
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<tr>
<td>3. Will the proposed action require any service by public facilities (streets, highways, schools, police, fire) or public utilities that are expected to exceed capacity within 5 years?</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>If yes, specify the type of facility or utility, its capacity, present and projected use, the additional capacity required to implement the proposed action, any public plans to increase the capacity, and any measures that can be incorporated into the proposed action to reduce excessive demands on public facilities.</td>
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<tr>
<td>4. Will the proposed action produce any substantial increase in nonresident traffic to the area (construction or other temporary workers, permanent workers, recreational users, etc.)?</td>
<td></td>
<td>X*</td>
</tr>
<tr>
<td>If yes, specify the amount and type of traffic, its potential impact on the surrounding neighborhood, and any measures included in the proposed action to reduce adverse effects from increased traffic.</td>
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<tr>
<td>5. Will the proposed action produce an increase in projected growth rates for the area?</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>If yes, specify the extent to which growth will be increased, the project ability of the community to cope with higher growth rates, and any measures include in the proposed action to reduce anticipated adverse effects from increased growth.</td>
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<tr>
<td>6. Is there any indication that the proposed action can be expected to generate public opposition or conflict over environmental concerns?</td>
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<td>X*</td>
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<td>If yes, indicate the type and source of conflict, whether it is limited to immediate neighbors of the site or extends to the larger community, and any measures that have been taken or could be taken to resolve the conflict.</td>
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</table>
H. Community Factors

H. 1. The Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan) identifies most of the three parcels as "Neighborhood Conservation." The policy guidelines for this designation are to promote infill development and redevelopment in areas that are at least 80% built up and have existing water, sewer, and transportation infrastructure to support such development. The wetlands on Sites B and C have been given the designation "Preservation Area" the goal of which is to protect significant resource, heritage, recreation, and hazard-prone areas by avoiding structural development, except as directly consistent with the preservation value. It would appear that the proposed use of the property is consistent with the State Plan.

The Town of North Branford has recently prepared its "Plan of Conservation and Development," which was adopted November 19, 2009, effective December 21, 2009. This plan contains a map which designates Sites B and C as RWA land and Site A as "Proposed Open Space Additions or Easements. Although development of the Site A is not in conformance with the North Branford plan, Subsection (f) of Section 18 of the Connecticut Special Act 77-98 as amended gives the legislative body of the city or town in which the land is located and the State Department of Environmental Protection (DEP) rights to purchase with the city or town’s rights taking priority over DEP’s rights.

H. 4.* There will be an increase in local traffic generated during construction and by occupants of potential future homes. However, both Pumps Lane and Beech Street are roads in good condition and should readily handle additional traffic. The additional traffic should have a negligible impact upon the neighborhood.

H. 6.* It is not known whether or not there will be opposition to this proposal. It is conceivable that neighbors, who are currently used to the presence of undisturbed forested land at Sites A, B, and C, will object to the RWA proposal.