

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

**RPC
Representatives**

Bethany:
Mary Shurtleff

Branford:
Charles Andres

East Haven:
David Anderson
(Secretary)

Guilford:
Peter Goletz

Hamden:
Richard Szczypek

Madison:
Christopher Traugh
(Chair)

Meriden:
David White

Milford:
Mark Bender

New Haven:
Kevin DiAdamo
(Vice Chair)

North Branford:
Frances Lescovich

North Haven:
James Giulietti

Orange:
Paul Kaplan

Wallingford:
Vacant

West Haven:
Christopher Suggs

Woodbridge:
Peggy Rubens-Duhl

AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, April 12, 2012 RPC Meeting, 5:15pm @ SCRCOG
Offices: 127 Washington Avenue, North Haven, CT 06473

1. Administration

- 1.1. Minutes of the March 8, 2012 RPC Meeting **1**

2. Statutory Referrals – April Action Items

- 2.1. Town of Orange: Proposed Zoning Regulation Amendments pertaining to Active Adult Community Age Restricted Housing. Submitted by: Private Applicant. Received: March 2, 2012. Public Hearing: March 20, 2012 **3**
- 2.2. Town of North Haven: Proposed Zoning Regulation Amendment to add Section 2.6 (Housing Opportunity Zone). Submitted by: Private Applicant. Received: March 9, 2012. Public Hearing: May 7, 2012 **15**
- 2.3. Town of North Haven: Proposed Zoning Regulation Amendment to add Section 2.7 (Affordable Housing Opportunity Zone). Submitted by: Private Applicant. Received: March 9, 2012. Public Hearing: May 7, 2012 **21**
- 2.4. Town of Stratford: Proposed Zoning Map Amendment to Rezone 1010 Elm Street from RS-4 to RS-1 District. Submitted by: Private Applicant. Received March 9, 2012. Public Hearing: April 17, 2012 **29**
- 2.5. City of West Haven: Proposed Zoning Regulations Amendments to Section 80 (Planning and Development Department), Section 83 (Enforcement), and Section 88 (Zoning Board of Appeals). Submitted by: City of West Haven. Received: March 14, 2012. Public Hearing: April 24, 2012. **31**
- 2.6. Town of Branford: Proposed Zoning Regulation Amendment to add Section 5.7 (Incentive Housing Overlay District). Submitted by: Town of Branford. Received: March 20, 2012. Public Hearing: May 3, 2012. **39**
- 2.7. Town of North Haven: Proposed Revisions to Aquifer Protection Area Regulations. Submitted by: Town of North Haven. Received: April 2, 2012. Public Hearing: May 7, 2012. **48**

3. Other Business

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, March 8, 2012 Meeting

Present: Christopher Traugh, Charles Andres, Kevin DiAdamo, Peggy Rubens-Duhl, Peter Goletz, Mary Shurtleff, James Giulietti, Christopher Suggs, Eugene Livshits

1 Administration

- 1.1 Minutes of the February 9, 2012 RPC meeting. Motion to accept the minutes as presented: Kevin DiAdamo. Second: James Giulietti. Abstain: Peggy Rubens-Duhl, Peter Goletz, Christopher Suggs. Vote: Unanimous.

2 Statutory Referrals

- 2.1 City of Milford: Proposed Zoning Regulation Amendments to Article III (Direct Use Regulations), Section 3.19 (Corridor Design Development District 4 – New Haven Avenue Corridor Design Development District: CDD-4)

The staff recommendation has been amended to include a statement pertaining to the potential impact on the Long Island Sound. The reason for the amendment is the proximity of the impacted district to Gulf Pond and the Long Island Sound.

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns in the South Central Region. The proposed use within the CDD-4 District may have a potential impact on the habitat or ecosystem of the Long Island Sound. Consideration should be given to include a phrase that states that the proposed amendment is subject to all the applicable provisions of Section 5.4. Motion to accept as amended: Mary Shurtleff. Second: Peggy Rubens-Duhl. Abstain: Peter Goletz. Vote: Unanimous.

- 2.2 City of Meriden: Proposed Zoning Map Amendment to change the zoning classification of certain parcels from R-2 (Two or Three Family Residential) to R-1 (Single Family Residential)

By resolution, the RPC has determined that the proposed Zoning Map 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. Motion: Charles Andres. Second: Peter Goletz. Vote: Unanimous.

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

2.3 Town of Clinton: Proposed Zoning Regulation Amendment to Section 10.20 (Tattoo Parlors and Body Piercing Salons)

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

3 Other Business

Motion to Adjourn: Charles Andres. Second: Christopher Suggs. Vote: Unanimous.

Referral 2.1: City of Orange

Subject: Proposed Zoning Regulation Amendments pertaining to Active Adult Community Age Restricted Housing

Staff Recommendation:

The proposed Zoning Regulation Amendments do not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant in the Town of Orange has proposed Zoning Regulation Amendments to the Active Adult Community District. The amendments include a reduction in the minimum parcel size from 35 acres to 24 acres. An additional street location has been added: now an ACC district would be able to locate where there is 225 feet of unbroken frontage on South Orange Center Road. The development limitations section has been amended to add a provision pertaining to developments with 60 or more dwellings. The section requires a community building or room of adequate size to accommodate general use of residents. The building standards section has been amended to allow four dwellings within a single building if they are eligible for certification under the LEED program or other green building design rating system acceptable to the commission.

Communication: In researching this proposal, I spoke to the planning staff for Orange and notified the adjacent municipalities in the South Central Region.



Town of Orange, Connecticut

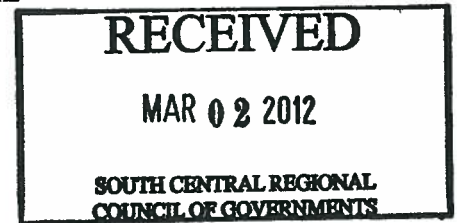
Zoning Department

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

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

March 1, 2012
CERTIFIED MAIL

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



REFERRAL OF PETITION TO AMEND THE ORANGE ZONING REGULATIONS

-Submitted Oak Tree Development, LLC.

To Amend the Orange Zoning Regulations "Special standards for Active Adult Community (AAC) Age restricted housing.

Dear Mr. Amento:

In accordance with the Connecticut General Statutes, enclosed for your review is a Petition to Amend the Orange Zoning Regulations. Included is a copy of the current regulations, and a copy of the proposed text changes. A public hearing on this matter is tentatively scheduled for March 20, 2012.

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

ORANGE TOWN PLAN & ZONING COMMISSION

PETITION TO AMEND ZONING REGULATIONS AND/OR ZONING MAP
(public hearing required)

Applicant Bernard Pellegrino, Esq.

Mailing Address 475 Whitney Avenue

New Haven, CT Zip 06511

Telephone (203) 787-2225 Fax (203) 777-2096


Property Owner Oak Tree Development, LLC

Mailing Address P.O. Box 1767

Wallingford, CT Zip 06492

Telephone (203) 718-1040 Fax _____

PETITION TO AMEND REGULATIONS? X ZONING MAP? _____



Signature of Property Owner

2/23/12

Date



Signature of Applicant

2/23/12

Date

FOR OFFICE USE ONLY:

Date Received _____

Application Fee Paid _____

Meeting Scheduled _____

Action Taken _____

Applicant Notified _____

Date of Publication _____

CHECK LIST

PETITIONS TO AMEND THE TEXT OF THE ZONING REGULATIONS

The following information is required:

- | | |
|---|----------|
| 1. Fifteen (15) copies of this completed application form | <u>X</u> |
| 2. Fifteen (15) copies of the precise wording of the existing text | <u>X</u> |
| 3. Fifteen (15) copies of the proposed text | <u>X</u> |

PETITIONS TO AMEND THE ZONING MAP

The following information is required:

1. Fifteen (15) copies of this completed application form _____
2. Fifteen (15) copies of a map drawn to a scale of not less than 200 feet to the inch, covering that area of the proposed zone change and all area in the Town of Orange within 500 feet of the proposed change, displaying the existing and proposed zoning district boundary lines, the existing property lines and the names of the current property owners as indicated by the Town of Orange Assessor's records _____
3. Existing Zone _____ Proposed Zone _____
4. List of adjoining property owners (see page 3) _____
5. Narrative description of the subject property and its boundaries.

Approved July 19, 2011 with an EFFECTIVE DATE OF JULY 27, 2011.

Add under §383-27 Special Uses.

N. Active Adult Community (AAC) in accordance with §383-143.4

Add under ARTICLE XIV Special Uses

§383-143.4 Special standards for Active Adult Community (AAC) Age restricted housing and associated uses and features in the Residential RES District

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 divorcee of a previously qualifying occupant.
- (3) A household member may also be under age 55 if he/she is the non-spousal primary caregiver to a qualifying occupant.
- (4) No children under the age of twenty-one 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 (4) 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 & Zoning Commission within thirty (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 1475 feet on CT. Rt. 121 (Grassy Hill Road) AND a minimum of unbroken frontage, except for driveways, of 1775 feet on CT. Rt. 34 (Derby Turnpike).

D. Sanitary sewers and public water:

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 (§383-27.N.5a 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 two and one-half 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 thirty (30) feet of any street line and fifteen (15) feet from any other property line.

I. Parking and Site Circulation Standards:

Except as otherwise delineate in this section, parking space design and arrangement shall meet the criteria of §383-177-183 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'x18' and surface parking spaces measuring a minimum of 9'x18' may be utilized for the purpose of meeting this requirement.
- (2) Vehicle Circulation shall be provided in any number or combination of the following private roads and/or drives:
 - a. Internal Roads: Internal roads are primary vehicular corridors, which collect driveways/alleyways/mews and outlet onto Public Roads. These must be paved to a minimum width of 20 feet for two way traffic, or 18 feet for one way traffic.
 - b. Private Drives or Mews: Private Drives or Mews are semi-private service driveways or alley-like drives which serve three or more homes/garages and/or community facilities and must be paved to a minimum width of 15 feet with two outlets, or 16 feet when having only one outlet, or 18 feet when serving a community facility.
 - c. Driveways: Driveways serving two or less homes must be paved a minimum of 12 feet in width.
- (3) On street visitor parking may be accommodated when limited to one side of any Internal Road with two-way traffic, having a width of 26 feet or more, or on any one-way road having a width of 20 feet or more.
- (4) Community facility parking shall be suitably located to minimize traffic interior to the development. It shall be provided at a minimum rate of 3.1 spaces per 1,000 sq. ft. of gross building area exclusive of basements. In addition parking for any supporting community recreation facilities shall be as determined by the Town Plan and Zoning Commission, based upon accepted industry standards and the judgment of the Town Plan and Zoning Commission.
- (5) The AAC shall be designed as a walk-able community with a strong interior pedestrian plan. A system of concrete sidewalks shall be incorporated in the plan.

J. Building Standards:

- (1) An AAC shall contain a mix of housing types and sizes with an emphasis placed on exterior variations in façade design, materials and colors. A mix of one, two and three bedroom dwellings may be incorporated. A minimum of 67% of the dwellings shall consist of one and/or two bedroom units. Living areas shall contain a minimum of 800 sq. ft. and a maximum of 4,000 sq. ft. of conditioned space. Non-conditioned space such as garages, basements, attics, patios & terraces shall not be included in these calculations.
- (2) There shall be a minimum distance of 20 feet between adjacent buildings containing residential dwellings for a minimum distance of 25' from the

nearest internal road curb line exclusive of overhangs, eaves, cornices or similar architectural projections, stoops, landings, steps, decks, porches, chimneys. The minimum separating distances between living spaces at any other point between adjacent living areas shall be 8 feet exclusive of overhangs, eaves, cornices or similar architectural projections, stoops, landings, steps, decks, porches, chimneys

- (3) Garages with no living space above may be attached to dwellings or separated from dwellings a minimum of 6 feet. Garages with living space above shall be considered part of the dwelling unit itself for setback purposes.
- (4) Detached and attached residential buildings must be set back from the edge of the curb line of the Internal Roads a minimum of 12 feet, exclusive of overhangs, eaves, cornices or similar architectural projections, stoops, landings, steps, porches, chimneys and must be set back from the edge of the curb line of the Private Drives/Mews serving more than one home a minimum of 5 feet exclusive of stoops, landings, steps, chimneys, overhangs, eaves, cornices or similar architectural projections.
- (5) Garages must be set back from the edge of the curb line of the Internal Roads a minimum of 18 feet exclusive of overhangs, eaves, cornices or similar architectural projections except where there is a sidewalk or other pedestrian path as designated in the approved site plan, in which case the garage shall be a minimum setback from the edge of the sidewalk or pedestrian path 18' from the edge of the sidewalk or path furthest from Internal Roads. Garages must be set back from the edge of the curb line of the Private Drives/Mews serving more than one home a minimum of 5 feet exclusive of overhangs, eaves, cornices or similar architectural projections.
- (6) No more than three dwellings shall be contained in any single building.
- (7) All utilities shall be underground.
- (8) The longest side of a residential building shall not exceed 60 feet without a change in fenestration and the maximum length of any building shall be 145 feet.
- (9) All buildings shall conform to a consistent architectural theme that creates a village like environment, as approved by the Commission.

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 2 ½ -3" caliper, approximately 50 feet on center.
- (3) Surface parking areas shall contain interior island and/or perimeter tree plantings at the rate of one tree (2 ½ -3" caliper for deciduous & 6-8' height 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 sq. ft. 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 sq. ft. per dwelling.
- (7) While required open space may be multi-segmented, 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 & parking lighting shall employ decorative light poles and fixtures with a maximum height of twenty (20) feet for all areas with pedestrian orientation.
- (9) Larger Parking areas may use generic "non-decorative" 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. Standardize 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 Section 385-11.1, including but not limited to:
 - (1) The installation and completion of measures and facilities required under drainage and soil and erosion control plan;

- (2) The cost of all community improvements and restorations, including but not limited to roadway, curbing, driveway aprons, sidewalks, street lighting, 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;
 - (3) 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.
 - (4) 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 the it may permit a performance bond for the completion of all items indicated in Section 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 time table governed by the issuance of building permits for dwellings.

Sent to
Code

ORANGE ZONING DEPARTMENT

TOWN HALL, 617 ORANGE CENTER ROAD, ORANGE, CT 06477

PHONE: 203-891-4743; FAX: 203-891-2185

MEMORANDUM

Date: August 9, 2011

To: Patrick O'Sullivan, Orange Town Clerk

From: Paul Dinice, Zoning Administrator and Enforcement Officer

Paul

Re: PETITION TO AMEND THE ORANGE ZONING REGULATIONS -
Submitted by Sunrise Hill Estates LLC of Branford, CT. To amend regulations
concerning Active Adult Community regulations (AAC). APPROVED WITH AN
EFFECTIVE DATE OF JULY 27, 2011.

Attached are the above referenced amendments to the Orange Zoning Regulations. Please include them in the next reprinting of the Orange Zoning Regulations and General Code.

If you have any questions I can be reached at 203 891-4743.

ORANGE, CONN.
TOWN CLERK'S OFFICE
RECEIVED FOR RECORDS
2011 AUG -9 A 11:32
Patrick O'Sullivan
TOWN CLERK

Proposed Text Amendment to:

§383-143.4 Special standards for Active Adult Community (AAC) Age restricted housing and associated uses and features in the Residential RES District

Unless specifically referenced below, the current text of this section remains unchanged.

B. Site Size:

Amend the minimum gross measurement of the parcel size by reducing it from 35 acres to 24 acres.

C. Street Location:

Amend this Section to read as follows:

The ACC must have a minimum unbroken frontage, except for driveways, as set forth below, upon either:

1. 1475 feet on CT Route 121 (Grassy Hill Road) AND a minimum of unbroken frontage, except for driveways of 1775 feet on CT Route 34 (Derby Turnpike); or
2. 225 feet on South Orange Center Road.

F. Development Limitations:

(4) Replace the existing text with the following:

Any AAC development containing 30 or more dwellings shall include a community space for residents to gather, adequately designed and sized to accommodate general use of the residents. For AAC developments containing 60 or more dwellings, a community building or room adequately sized to accommodate general use of the residents shall be required.

J. Building Standards:

(6) Replace with the following:

No more than 3 dwellings shall be contained in a single building. However, buildings containing four dwellings will be permitted if they are eligible for certification under the then current version of the LEED for Homes, Energy Star Home or other acceptable green building design rating system acceptable to the Commission. The applicant shall provide evidence of the building's eligibility for certification under such rating systems from an approved green rating professional.

Referral 2.2: Town of North Haven

Subject: Proposed Zoning Regulation Amendment to add Section 2.6 (Housing Opportunity Zone).

Staff Recommendation:

The proposed Zoning Regulation Amendment is inconsistent with the Regional Plan of Conservation and Development as it limits a concentration of development in an area which may not have suitable infrastructure in place. The district is limited to an underlying R-40 district, which is the low density residential zone in the Town of North Haven.

Background:

A private applicant has submitted a proposed Zoning Regulation Amendment to add Section 2.6 – Housing Opportunity Zone (HOZ) to the North Haven Zoning Code. As stated in the regulations, the purpose of the district is to provide for increased diversity in the Town of North Haven’s housing stock.

The proposed district is an overlay zone, which can be established after a public hearing. Prior to the establishment of the district, the Commission shall make a finding that the proposed district would meet the intent of these regulations and advance goals and objectives of the Town’s Plan of Conservation and Development. The permitted uses in the district are detached single family homes in a common interest community subject to an approval of a site plan application. Multi-family attached homes in a common interest community can be approved through a Special Permit and a Site Plan Application. The HOZ is limited to an underlying R-40 Residential Zone and must have direct access to and frontage on a road classified as a state highway. The parcel size for the zone is a minimum of 10 acres and a maximum of 20 acres. The density associated with the district is 4.5 units per acre for a single family and 6 units per acre for a multi-family. The maximum amount of units within all HOZ zones shall not exceed 150 and 75 units within any HOZ. The setback requirements for the district are as follows: 35 feet (front), 20 feet (side) and 20 feet (rear). The maximum height is 30 feet, maximum impervious surface is 40%, and maximum building coverage is 20%. All the dwelling units in the district should be able to accommodate two vehicles either through driveways or garage space. A garage is required and cannot accommodate more than two vehicles. All the utilities within the district must be located underground and there must be access to public water and sanitary sewer disposal. The road network of an HOZ development is to be private and the maintenance is the responsibility of the common interest community.

Communication: In researching this proposal, I spoke to the planning staff for North Haven and notified the adjacent municipalities in the South Central Region.



TOWN OF NORTH HAVEN
MEMORIAL TOWN HALL / 18 CHURCH STREET
NORTH HAVEN, CONNECTICUT 06473



REPLY TO: **PLANNING & ZONING COMMISSION**

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

March 7, 2012

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



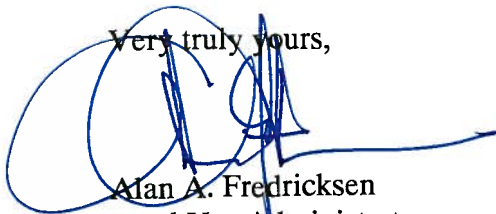
Re: Proposed Amendment to the North Haven Zoning Regulations
Add Section 2.6 – to allow a Housing Opportunity Zone

Dear Mr. Livshits:

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

A Public Hearing for this application is scheduled for 7 May, 2012.

Very truly yours,


Alan A. Fredricksen
Land Use Administrator
AAF/ai

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

Enclosures

04-2-12 Date of Receipt
Fee and date paid
pd 60 366742
pd 130 357447

P12-07 File Number
Approval date

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

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

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

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

* 14 PLANS @ 24" x 36"

TITLE OF PLAN: _____

- ____ Date and most current revision date of plan: _____
- ____ CAM site plan review (Submit 14* copies)
- ☒ Amend zoning regulations 2.6 Section to be amended (Submit 8 copies of proposed amendment)
- ____ Proposed zone change (Submit 14* copies of location map)
- ____ Special Permit Cite regulation that authorized the special permit
- ____ Fill permit (Submit 14* copies)
- ____ Excavation permit (Submit 14* copies)
- ____ Permit to grade or regrade the property (Submit 14* copies of a certified plan showing existing grades and proposed grades)

ANSWER ALL QUESTIONS THAT ARE APPLICABLE OR WRITE N/A:

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

RECEIVED
MAR 1 2012
TOWN OF NORTH HAVEN
LAND USE AND DEVELOPMENT

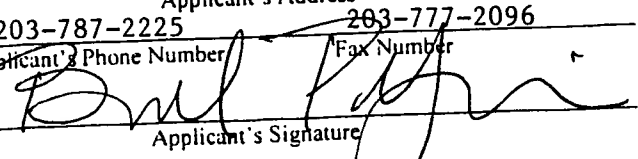
N/A

ENGINEER'S NAME

Bernard Pellegrino

Print Applicant's Name
475 Whitney Ave., New Haven, CT 06511

Applicant's Address
203-787-2225 203-777-2096

Applicant's Phone Number Fax Number


Applicant's Signature

N/A

ENGINEER'S PHONE NUMBER FAX NUMBER

Print Owner's Name

Owner's Address

Owner's Phone Number

Owner's Signature

SECTION 2.6 HOUSING OPPORTUNITY ZONE (HOZ)

2.6.1 Purpose: The purpose of the Housing Opportunity Zone is to provide for increased diversity in the Town of North Haven's housing stock; promote the development of housing types and forms that meet the needs of smaller households and families; encourage "smart growth" in residential housing developments; provide increased housing opportunities for members of North Haven's workforce population who are vital to the economic stability of the Town, and encourage the development of modest scale mixed-income housing developments that meet the economic needs of North Haven's present and future residents.

2.6.2 Procedure: An HOZ shall be established as an overlay zone after a public hearing pursuant to 14.3 of these regulations. Before creating an HOZ, the Commission shall make a finding that the proposed HOZ would meet the purpose and intent of these regulations and generally advance the goals and objectives of the Town's Plan of Conservation and Development.

2.6.3 Permitted Uses: Single family detached homes in a common interest community shall be permitted in an HOZ subject to approval of a Site Plan application.

2.6.4 Special Permit Uses: Multi-family attached homes in a common interest community shall require the approval of a Special Permit by the Commission and a Site Plan application.

2.6.5 Accessory Uses: Accessory uses customarily incidental to a permitted use shall be permitted, provided such uses are in accordance with Section 8.13 of these regulations and are for the use of the common interest community.

2.6.6 Prohibited Uses: All uses not specifically permitted or allowed in Sections 2.6.4 and 2.6.5 above shall be deemed prohibited uses.

2.6.7 General Development Standards: The following standards shall apply:

2.6.7.1 Location of an HOZ: No parcel or parcels of land may be designated as an HOZ unless:

- 1) The underlying zone is either an R-40; and
- 2) The parcel or parcels of land to be designated as an HOZ have direct access to and frontage on a road classified as a State Highway, as defined by the State of Connecticut Department of Transportation.

2.6.7.2 Parcel Size: All HOZ zones shall have a minimum size of 10 acres and a maximum size of 20 acres.

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TOWN of NORTH HAVEN
LAND USE AND DEVELOPMENT

2.6.7.3 Density: The maximum density for dwelling units permitted in an HOZ shall be as follows. Density calculations shall be based upon the buildable acreage of each HOZ as defined and calculated according to Section 2.6.8.7 herein.

- 1) Single family detached homes: 4.5 units per acre
- 2) Multi-family attached homes: 6 units per acre

2.6.7.4 Aggregate Development Limits: The total number of dwelling units developed within all HOZ overlay zones combined shall not exceed 150 units. The maximum number of dwelling units permitted in any HOZ shall be 75 units.

2.6.7.5 Size of Dwellings, Number of Bedrooms: The dwelling units shall have no less than 1,000 s.f. and no greater than 2,000 s.f., excluding any garage areas. No housing dwelling units in an HOZ shall have fewer than two (2) bedrooms nor greater than three (3) bedrooms.

2.6.7.6 Dimensional Requirements: The following dimensional requirements shall apply to all HOZs regardless of the underlying zone.

- 1) Front Yard Setback: 35 feet
- 2) Side Yard Setbacks: 20 feet each
- 3) Rear Yard Setback: 20 feet
- 4) Maximum Building Height: 30 feet
- 5) Maximum Impervious Surface Coverage: 40%
- 6) Maximum Building Coverage: 20%

2.6.7.7 Buildable Acreage: For the purposes of calculating the housing density for an HOZ, "buildable acreage" shall be calculating by taking the total acreage of the HOZ and subtracting out the following:

- 1) 100% of all wetland areas, watercourses, water bodies, floodplains and floodways;
- 2) Any portion of the site area that is disconnected from the balance of the site area by wetland areas, watercourses, water bodies, floodplains or floodways;
- 3) Land already committed to a public use or purpose, whether publicly or privately owned; and
- 4) Existing parks, recreation areas and open space that is dedicated to the public or subject to a recorded conservation easement.

2.6.7.8 Off-Street Parking: All dwelling units shall have an adequate amount of combined driveway area and garage space to accommodate at least two (2) vehicles. All dwelling units

shall have an attached or detached garage associated with the unit that can accommodate a minimum of one (1) vehicle but no more than two (2) vehicles.

2.6.7.9 Utilities: All utilities within any HOZ shall be situated underground. The development shall also have access to public water and sanitary sewer disposal.

2.6.7.10 Internal Streets and Roadways: All internal streets and roadways created as part of an HOZ development shall be private roads. Maintenance of such roads shall be the responsibility of the common interest community. Roads shall have a minimum paved width of 22 feet.

2.6.8 Design Standards and Guidelines: The following design standards and guidelines are intended to achieve the following goals and objectives:

- 1) Ensure that residential development is integrated into the existing neighborhood environment in a harmonious manner;
- 2) Encourage development of an appropriate scale and proportion;
- 3) Integrate supportive infrastructure for residential development, such as private roads; driveways; parking areas; sidewalks and pedestrian circulation elements; and signage and lighting in a manner that minimizes environmental impacts to the greatest extent feasible;
- 4) Setbacks shall be appropriately buffered to protect neighboring properties. A buffer strip of at least 15 feet shall be provided along all side lot lines and of at least 20 feet along all rear lot lines. The buffer strip shall be suitably landscaped and maintained.

2.6.9 Violations: Any violation of the regulations contained in this section shall not result in a forfeiture or reversion of title. The North Haven Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, as amended, including the authority under Section 8-12 to issue notices of violations, to impose fines and to seek injunctive relief.

Bp/docs/zoning/lexingtonproperties/HOZ2.draftzoning text

Referral 2.3: Town of North Haven

Subject: Proposed Zoning Regulation Amendment to add Section 2.7 (Affordable Housing Opportunity Zone)

Staff Recommendation:

The proposed Zoning Regulation Amendment's promotion of affordable housing is encouraged by the Regional Plan of Conservation and Development and should be promoted within the Town. The limitation of the high density development away from the Town's center and to a low density R-40 District, which may not have the appropriate infrastructure in place, is inconsistent with the Regional Plan of Conservation and Development.

Background:

A private applicant has submitted a proposed Zoning Regulation Amendment to add Section 2.7 – Affordable Housing Opportunity Zone (AHOZ) to the North Haven Zoning Code. As stated in the regulations, the purpose of the district is to provide for affordable housing through increased diversity in the in the Town of North Haven's housing stock. A minimum of 30% of the units must be deed restricted as affordable units in accordance with CGS 8-30g. The deed restrictions shall be for a minimum of forty years.

The proposed district is an overlay zone, which can be established after a public hearing. Prior to the establishment of the district, the Commission shall make a finding that the proposed district would add diversity to the housing stock and the criteria and conditions within the proposed regulations are met. The regulations have defined both a Market Rate Dwelling Unit and an Affordable Housing Dwelling Unit. The permitted uses in the district are detached single family homes in a common interest community subject to an approval of a site plan application. Multi-family attached homes in a common interest community can be approved through a Site Plan Application. The AHOZ is limited to an underlying R-40 Residential Zone and must have direct access to and frontage on a road classified as a state highway. The parcel size for the zone is a minimum of 10 acres and a maximum of 40 acres. The density associated with the district is 10 units per acre for a single family and 20 units per acre for a multi-family. The dwellings in the AHOZ are limited to three bedrooms or less. The setback requirements for the district are as follows: 35 feet (front), 20 feet (side) and 20 feet (rear). The maximum height is 45 feet, maximum impervious surface is 45%, and maximum building coverage is 25%. The off-street

parking requirements are 1.5 parking spaces per unit. All the utilities within the district must be located underground and there must be access to public water and sanitary sewer disposal. The road network of an AHOZ development is to be private and the maintenance is the responsibility of the common interest community. The affordable units are required to be of the same quality as the market rate units. The site plan submitted for the AHOZ shall identify the location of the affordable dwelling units. As part of the application for site plan approval, an affordability plan must be submitted as part of the AHOZ development.

Communication: In researching this proposal, I spoke to the planning staff for North Haven and notified the adjacent municipalities in the South Central Region.



TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET

NORTH HAVEN, CONNECTICUT 06473



REPLY TO: PLANNING & ZONING COMMISSION

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

March 7, 2012

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



Re: Proposed Amendment to the North Haven Zoning Regulations
Add Section 2.7 – to allow an Affordable Housing Opportunity Zone

Dear Mr. Livshits:

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

A Public Hearing for this application is scheduled for 7 May, 2012.

Very truly yours,

Alan A. Fredricksen
Land Use Administrator
AAF/ai

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

Enclosures

4-2-12 Date of Receipt
Fee and date paid
per 150.0 357446

P12-08 File Number
Approval date

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

(ADDRESS OF BUILDING OR BLOCK MAP, BLOCK & LOT NUMBER)

ZONE

TOTAL SQUARE FOOTAGE

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

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

TITLE OF PLAN: _____

Date and most current revision date of plan: _____

CAM site plan review (Submit 14* copies)

X Amend zoning regulations 2.7 Section to be amended (Submit 8 copies of proposed amendment)

Proposed zone change (Submit 14* copies of location map)

Special Permit Cite regulation that authorized the special permit

Fill permit (Submit 14* copies)

Excavation permit (Submit 14* copies)

Permit to grade or regrade the property (Submit 14* copies of a certified plan showing existing grades and proposed grades)

ANSWER ALL QUESTIONS THAT ARE APPLICABLE OR WRITE N/A:

Does the property for which this application is submitted:

- ____ Lie within 500' of an adjoining municipality or will traffic or water drainage impact an adjoining municipality
____ Lie within the Coastal Area Management boundary
____ Contain any wetlands and/or watercourses
____ Lie within the Aquifer Protection Zone
____ Lie within the Channel Encroachment Zone
____ Lie within the floodplain or floodway
____ Lie within 50' of the Quinnipiac River or Muddy River

N/A

ENGINEER'S NAME

Bernard Pellegrino

Print Applicant's Name
475 Whitney Ave., New Haven, CT 06511

Applicant's Address

203-787-2225 203-777-2096

Applicant's Phone Number Fax Number

Applicant's Signature

N/A

ENGINEER'S PHONE NUMBER

FAX NUMBER

Print Owner's Name

Owner's Address

Owner's Phone Number

Owner's Signature

SECTION 2.7 AFFORDABLE HOUSING OPPORTUNITY ZONE (AHOZ)

2.7.1 Purpose: The purpose of the Affordable Housing Opportunity Zone is encourage affordable housing in the Town of North Haven by providing opportunities for a diversity of housing types and sizes, consistent with soil types, terrain, infrastructure capacity and available services. A minimum of thirty percent (30%) of the units must be deed restricted as affordable units in accordance with the provisions of Connecticut General Statutes Section 8-30g. The deed restrictions shall be for a minimum of forty (40) years.

2.7.2 Procedure: An AHOZ shall be established as an overlay zone after a public hearing pursuant to 14.3 of these regulations. Before creating an AHOZ, the Commission shall make a finding that the proposed AHOZ would add to the diversity of the housing stock in the Town and that the standards, criteria and conditions listed below have been met.

2.7.3 Definitions: As used in this section, the following definitions shall apply.

2.7.3.1 Market Rate Dwelling Unit – A dwelling unit with a purchase price that is not restricted by the terms, conditions and requirements of this Section and is set by the private real estate market.

2.7.3.2 Affordable Housing Dwelling Unit – A dwelling unit that is restricted in price so as to be affordable to households earning no more than eighty percent (80%) or sixty percent (60%) , as applicable, of the area median household income as calculated by the U.S. Department of Housing and Urban Development (HUD).

2.7.4 Permitted Uses: The following uses shall be permitted in an AHOZ subject to approval of a Site Plan application.

2.7.4.1 Single family detached homes in a common interest community.

2.7.4.2 Multi-family housing units in a common interest community.

2.7.5 Accessory Uses: Accessory uses customarily incidental to a permitted use shall be permitted, provided such uses are in accordance with Section 8.13 of these regulations and are for the use of the common interest community.

2.7.6 Prohibited Uses: All uses not specifically permitted or allowed by Special Permit in Sections 2.7.4.1 and 2.7.4.2 above shall be deemed prohibited uses.

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LAND USE AND DEVELOPMENT

2.7.7 General Development Standards: The following standards shall apply:

2.7.7.1 Location of an AHOZ: No parcel or parcels of land may be designated as an AHOZ unless:

- 1) The underlying zone is R-40; and
- 2) The parcel or parcels of land to be designated as an AHOZ have direct access to a State Highway, as defined by the State of Connecticut Department of Transportation.

2.7.7.2 Parcel Size: All AHOZs shall have a minimum size of 10 acres and a maximum size of 40 acres.

2.7.7.3 Density: The maximum density for dwelling units permitted in an AHOZ shall be as follows. Density calculations shall be based upon the buildable acreage of each AHOZ as defined and calculated according to Section 2.7.7.6 herein.

- 1) Single family detached homes: 10 units per acre
- 2) Multi-family units: 20 units per acre

2.7.7.4 Number of Bedrooms: No housing dwelling units in an AHOZ shall have more than three (3) bedrooms.

2.7.7.5 Dimensional Requirements: The following dimensional requirements shall apply to all AHOZs regardless of the underlying zone.

- 1) Front Yard Setback: 35 feet
- 2) Side Yard Setbacks: 20 feet each
- 3) Rear Yard Setback: 20 feet
- 4) Maximum Building Height: 45 feet
- 5) Maximum Impervious Surface Coverage: 45%
- 6) Maximum Building Coverage: 25%

2.7.7.6 Off-Street Parking: 1.5 parking spaces per unit shall be provided.

2.7.7.7 Utilities: All utilities within any AHOZ shall be situated underground. The AHOZ shall also have access to public water and sanitary sewer disposal.

2.7.7.8 Internal Streets and Roadways: All internal streets and roadways created as part of an AHOZ development shall be private roads. Maintenance of such roads shall be the responsibility of the common interest community. Roads shall have a minimum paved width of 22 feet.

2.7.8 Housing Standards and Affordability Requirements: The following standards shall apply:

2.7.8.1 All Affordable housing dwelling units shall be constructed of a similar quality as market rate dwelling units within each individual AHOZ.

2.7.8.2 The site plan submitted for approval for each AHOZ shall identify the locations within the AHOZ of the Affordable housing dwelling units.

2.7.8.3 Affordable housing dwelling units shall be built on a pro rata basis during the course of the AHOZ development construction.

2.7.8.4 The calculation of the maximum monthly payment for a Affordable housing dwelling unit so as to comply with Section 8-30g of the Connecticut General Statutes, as amended, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development in effect on the day a purchase and sales agreement is executed by the parties.

2.7.8.5 The maximum monthly payment that the owner of an Affordable housing dwelling unit shall pay shall be calculated in compliance with Connecticut Agencies Regulations Section 8-30g-8.

2.7.8.6 Duration of Affordability Period:

- 1) All Affordable housing dwelling units shall be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty (40) years after the initial occupation of each workforce housing dwelling unit, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay 30% or less of their annual income, where such income is less than or equal to 80% of the area median income as defined by HUD.
- 2) The forty (40) year affordability period shall be calculated separately for each Affordable housing dwelling unit. The period shall commence on the date of initial occupancy of each dwelling unit, as defined at the real estate closing.

2.6.8.7 Affordability Housing Marketing Plan:

- 1) In conjunction with an application for Site Plan approval, the applicant shall submit an "Affordability Plan" for the AHOZ development. In cases where a Special Permit is required, the applicant shall submit the Affordability Plan in conjunction with the application for Special Permit.
- 2) The Affordability Plan shall describe how the regulations governing the affordability of Affordable housing dwelling units will be administered. The Affordability Plan shall include provisions regarding notice of availability of Affordable housing dwelling units procedures, procedures for verification and periodic confirmation of household income, and compliance with other affordability requirements.
- 3) The applicant shall also submit a fair housing marketing plan as part of the overall Affordability Plan. The marketing plan shall address the methods and procedures for ensuring adequate notice to both the general public and households that are defined as "least likely to apply."

2.7.9 Violations: Any violation of the regulations contained in this section shall not result in a forfeiture or reversion of title. The North Haven Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, as amended, including the authority under Section 8-12 to issue notices of violations, to impose fines and to seek injunctive relief.

Bp/docs/zoning/lexingtonproperties/AHOZ2.draftzoning text

Referral 2.4: Town of Stratford

Subject: Proposed Zoning Map Amendment to Rezone 1010 Elm Street from RS-4 to RM-1 District

Staff Recommendation:

The proposed Zoning Regulation Map Amendment does not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant in the Town of Stratford has proposed a Zoning Map Amendment, which would rezone a RS-4 District Parcel to a RM-1 District. The RS-4 is highest density single family residence district, while the RM-1 is the lowest density multi-family district. The majority of the bulk standards are similar between the two districts. The biggest change would occur in the in the maximum building coverage as it would increase from 20% to 33.33%.

Communication: In researching this proposal, I spoke to the planning staff for Stratford and notified the adjacent municipalities in the South Central Region.

March 8, 2012



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

Attention: Peggy Rubens-Duhl

The following is referred to your Agency:

Manuel DaSilva proposes to rezone 1010 Elm Street from an RS-4 District to an RM-1 District for property as shown on a map entitled "Lot Division Survey", Prepared for Manuel DaSilva & Joao Gomes, 1010 Elm Street.

This application will be heard at a public hearing of the Zoning Commission to be held Tuesday evening, April 17, 2012 at 7:00 P.M. in the Council Chamber, Town Hall.

Regards,



GARY LORENTSON
Planning & Zoning Administrator
ZONING COMMISSION

GL/ej

Referral 2.5: City of West Haven

Subject: Proposed Zoning Regulation Amendments to Section 80 (Planning and Development Department), Section 83 (Enforcement), and Section 88 (Zoning Board of Appeals)

Staff Recommendation:

The proposed Zoning Regulation Amendments do not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The City of West Haven has proposed Zoning Regulation Amendments pertaining to Zoning Administration and Enforcement and Zoning Board of Appeals. Section 80 (Planning and Development Department) has been amended to add a provision which states that the Commissioner of Planning and Development (Commissioner) shall serve as Chief Zoning Enforcement Officer (ZEO). Another provision which gave the Commissioner the responsibility for overseeing the enforcement and interpretation of the Regulation is proposed to be added. In the same section, the Commissioner would now be the liaison between the Commission and all other boards. The subsection titled “Cease and Desist Order or an Order to Discontinue Use of a Zoning Violation” has been amended to give the Planning and Zoning Commission additional authority instead of sole authority to issue a cease and desist orders. Section 83.8 (Appeals of Zoning Officials) has been amended to reduce the appeals time frame from sixty days to thirty days.

Communication: In researching this proposal, I spoke to the planning staff for West Haven and notified the adjacent municipalities in the South Central Region.

From: Harry Eberhart [<mailto:eberhart@westhaven-ct.gov>]

Sent: Wednesday, March 14, 2012 10:43 AM

To: Eugene Livshits

Cc: 'Christopher M. Suggs'

Subject: Amendments to Zoning Regulations

Good Morning Eugene

Last Evening the Planning and Zoning Commission agreed to emend several sections of the zoning Regulations.

Enclosed are the proposals

We can set the public hearing for April 24th if the RPA acts prior to that date.

Thanks



ARTICLE 9 – ZONING ADMINISTRATION AND ENFORCEMENT

SECTION 80 – PLANNING AND DEVELOPMENT DEPARTMENT

80.1 STAFF

In accordance with the provisions of Chapter XIV Land Use of the City Charter the Mayor shall appoint a Commissioner of Planning and Development (hereafter **Commissioner**) **who shall also serve as Chief Zoning Enforcement Officer of the City of West Haven.** The staff of the Planning and Development Department shall be appointed as approved and budgeted by the City Council and in accord with the provisions of the City Charter.

80.2 COMMISSIONER OF PLANNING & DEVELOPMENT

In addition to those duties which may be prescribed herein or assigned by the Charter. **The Commissioner shall be responsible for overseeing the enforcement and interpretation of the Regulations. The Commissioner** [Zoning Enforcement Officer] shall act as liaison between the **Commission** and all other boards, commissions, agencies, or departments of the City with respect to the Comprehensive Plan of Conservation and Development and the interpretation of these Regulations.

80.2.1 **Counsel, Advice and Assistance.** However, nothing herein shall prevent the **Commission, Board, or Commissioner** from requesting counsel, advice or assistance in interpretation of these Regulations.

80.3 ZONING ENFORCEMENT OFFICER(S)

There shall be **Zoning Enforcement Officer(s)** whose duties shall include the enforcement of these Regulations, subject to appropriate supervision and direction by the **Commissioner**. [Planning & Zoning Commission] A **Zoning Enforcement Officer (ZEO)** is authorized to cause any building, structure, place, premises or use to be inspected or examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provision of these regulations.

80.3.1 **ZEO Administrative Regulations.** The **Zoning Enforcement Officer (ZEO)** shall have the power to adopt such administrative regulations as deemed necessary to carry out the enforcement responsibilities, which regulations shall have general applicability to cases of similar character.

80.4 STAFF RESPONSIBILITIES

80.4.1 Staff Acceptance and Review of Plans

Staff of the Planning and Development Department shall be responsible for staff **acceptance and review of applications** for site plans, special permits, coastal site plan reviews and applications to the Zoning Board of Appeals and shall determine if plans are complete and meet the requirements of these regulations. Staff shall also provide for review of plans by other city departments. The acceptance of plans for review shall not constitute formal acceptance of the plans by the West Haven Planning and Zoning Commission.

80.4.2 **Preparation of Public Hearing Notices and Mailings.** Staff shall prepare legal advertisements and public hearing notices as required by Articles 8-10 and in accordance with the provisions of the Connecticut General Statutes.

80.4.3 **Certificates of Decision.** Whenever an application for a ***Variance, Special Use Exception***, (Special Exception), Zoning Map or Zoning Text change, or ***Special Permit*** is decided staff shall issue a Certificate of Decision which shall set forth with specificity the property owner, location, nature and decision, and any conditions or restrictions of any approval granted. Such Certificate of Decision shall be sent by certified U.S. Mail to the applicant.

The applicant shall immediately record an approval, together with any restrictions or conditions, on the Land Records of the City of West Haven. Failure to record such Certificate within ninety (90) days of its issuance shall automatically void the grant thereof.

NOTE: **Words underlined and in Bold and Italic print are to added.**
 Words in Parenthesis to be deleted.

SECTION 83– ENFORCEMENT

83.1 AUTHORITY

In accordance with the provision of Chapters 124 and 126 of the General Statutes of the State of Connecticut, as may be amended, the Planning and Zoning Commission of the City of West Haven makes the following provisions for the enforcement of the City of West Haven Zoning Regulations.

83.2 ENFORCEMENT AND REQUIRED CERTIFICATIONS

83.2.1 Building Permits. Before the construction or alteration of any building or structure or any part of either, the owner or authorized agent of such owner shall submit to the **Commissioner** and the **Building Official** of the City of West Haven a detailed statement of the proposed work on an application blank as furnished by the **Building Official**, and such plans and structural detail drawings of the proposed work as the **Commissioner**, these regulations, and the **Building Official** may require. Such application shall be accompanied by a statement in writing, sworn to before a Notary Public or other officer authorized to administer oaths, giving the full name and residence of each of the property owners, the intended use of the premises and a diagram showing the exact location of any proposed new construction and all existing buildings or structures that are to remain.

It shall be unlawful construct, repair, renovate, or alter any building or structure or any part thereof until the application and plan herein required shall have been approved in writing by the **Commissioner** and a written permit issued by the **Building Official** of the City of West Haven.

The **Commissioner** shall approve or reject an application or amendment thereto, filed pursuant to the provisions of this section within a reasonable time, and if approved shall promptly certify its compliance with these regulations.

83.2.2. Excavations or Filling Permits. No excavation or filling of property shall be undertaken without written authorization by the **Commissioner**, who shall review such request and if deemed appropriate, order the filing of Special Permits and Site Plan Review. Upon certification that the request complies with the Regulations, the Commissioner shall issue written work authorization.

83.2.3. Parking Lots. No parking lot on any lot whose primary use is commercial or Industrial may be created, expanded, reduced or otherwise altered without written authorization by the **Commissioner**, who shall review such request and if deemed appropriate, order the filing of a Site Plan Review. Upon certification that the request complies with the regulations, the **Commissioner** shall issue written work authorization. Nothing herein shall prevent the resurfacing or repair of any existing parking lot, provided that no change is made in the area, size, traffic flow, and configuration of spaces or landscaping.

83.2.4. Certificates of Occupancy. No building may be occupied until a Certificate of Occupancy is granted by the **Building Official**, who shall not issue the Certificate of Occupancy until the Commissioner has issued a written Certificate of Zoning Compliance that certifies that all work pertaining to these regulations as set forth in the Building Permit application and Site Plan, if any, has been completed and complies with these regulations.

83.2.5 Certificates of Zoning Compliance. No **structure** or land or part thereof shall hereafter be occupied or used, in any case of establishment of a new **use**, extension or alteration of a **use**, or conversion from one **use** to another **use**, until the **Zoning**

Enforcement Officer shall issue a Certificate of Zoning Compliance (CZC), certifying that the zoning ordinance has been complied with in full.

Upon owner or tenant request of any conforming or nonconforming **use** already established, the **ZEO** shall issue a (CZC) stating the exact status of such **use**. In the case of other **uses** already established, the **ZEO** may carry on such programs of registration of **uses** and issuance of certificates of occupancy (C of O) as deemed appropriate. Each request for a CZC shall be accompanied by a fee in accord with the provisions of §101-1 of the West Haven Code of Ordinances.

83.3 ALTERATION OF PLANS.

After issuance of any permit under the provisions of this section, no changes, amendments, additions or deletions to specifications, plans, structural drawings, location of structures, landscaping, or scope and content of the proposed development are permitted without the written approval of the **Commissioner**. **[Planning & Zoning Commission]** Such change, amendment, addition, deletion without written approval of the **Commissioner** **[Planning & Zoning Commission]** shall constitute a willful violation of the provisions of this section and upon written notification of such violation, shall make any and all issued permits for the proposed development null and void.

83.4 CONTINUATION OF CONSTRUCTION.

Any approval or certification by the **Commissioner** and permit issued by the **Building Official** under the provisions of this Article, but under which no work is commenced within six months from the time of the issuance shall automatically expire by limitation. The **Commissioner** may with discretion and upon written notification invalidate any permit or certification by revoking approval issued there under for which construction has commenced, but is incomplete, and has ceased for a period of six months.

83.5 NON-CONFORMING USES.

No change or extension of use no building or site alteration shall be made in a non-conforming use of premises without a Certificate of Compliance having first been issued by the **Commissioner**, stating that such change, extension or alteration is in conformity with the provisions of these regulations.

83.6 PENALTIES

Pursuant to Section 8-12, including Section 8-12 (a), of the Connecticut General Statutes, the owner or agent of a building or premises where a violation of any provision of these regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, architect, builder, contractor, or any other person who shall commit, take part or assist in which any such violation shall exist, shall be fined one hundred dollars (\$100.00) by the **Zoning Enforcement Officer** for each day that such violations continues; each day that such violation continues shall be a separate offense, but if the offense be willful the person convicted thereof shall be fined two hundred and fifty (\$250) dollars for each day that such violation shall continue.

Any person having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service or continues to violate any provision of the regulations named in such order shall also be subject to a civil penalty of two hundred and fifty dollars (\$250.00) per day for each day of such failure to comply, payable to the Treasurer of the City of West Haven.

Nothing herein shall prevent the further imposition of civil or criminal penalties as may otherwise be provided by Statute.

83.7 NOTIFICATION OF VIOLATION

Notice of a violation of these regulations shall be deemed to have been given to the owner of the property in violation, provided such notice is mailed or delivered to the owner or tenant at such address as is listed in the Tax Assessment records of the City of West Haven, or in the event that there is a pending zoning application concerning the property, then to the agent at the address given on the pending application.

83.7.1 CEASE AND DESIST ORDER OR AN ORDER TO DISCONTINUE USE OF A ZONING VIOLATION

The Planning & Zoning Commission has the (sole) additional authority to require the issuance of a cease and desist order and an order to discontinue the use of a zoning violation after the Planning & Zoning Commission has made a finding of violations. The Planning & Zoning Commission will notify the Zoning Enforcement Officer. The ZEO has 14 days to issue the notice and report back to the Planning & Zoning Commission. The Planning & Zoning Commission has the authority to file an appeal with the Zoning Board of Appeals for any decision, order, action or inaction from a staff person.

83.8 APPEALS OF ZONING OFFICIALS

Pursuant to Connecticut General Statute Section 8-6, any person aggrieved by any decision, order, action or inaction of the **Commissioner** of Planning and Development and/or the Planner or Assistant Planner or the **Zoning Enforcement Officer** may appeal such decision, action or order within (sixty (60)) thirty (30) days of the start of construction and construction shall start within six (6) months of the day of the decision. In the event of failure to grant a permit or certification within thirty (30) days from the filing of a completed application for same, an appeal may be made to the Zoning Board of Appeals, which shall conduct a public hearing, duly noticed, on such appeal at which any interested party may submit evidence.

(The Commissioner of Planning and Development shall notify the Planning and Zoning Commission in writing within ten (10) days on all decisions, actions, orders or inactions that have been rendered. All decisions shall be posted on the city's website and the City Clerk's office within a minimum of ten (10) days for a duration of sixty (60) days.)

83.9 JURISDICTION

The Superior Court of the State of Connecticut shall have jurisdiction to enforce all the regulations and penalties which are provided for in these regulations.

NOTE: Words underlined and in Bold and Italic print are to be added

Words in Parenthesis to e deleted.

ARTICLE 11- ZONING BOARD OF APPEALS

SECTION 88 – ZONING BOARD OF APPEALS

88.1 AUTHORITY AND APPOINTMENT

The Zoning Board of Appeals shall have all of the power and duties confirmed and imposed by the General Statutes of the State of Connecticut, under Chapter 124, revised 1958. The Zoning Board of Appeals is appointed by authority of the City of West Haven Charter by its adoption by the City Council.

88.2 MEMBERSHIP

The Zoning Board of Appeals shall consist of five (5) members whose appointment and terms are established by City Ordinance.

88.3 ALTERNATES

In addition, there shall be three (3) alternate members of the Zoning Board of Appeals as provided for by Section 8-5 of the Connecticut General Statutes, whose appointment and terms are established by City Ordinance.

88.4 ALTERNATE POWERS

Whenever any alternate member shall replace a regular member, said alternate shall have all the power and rights conferred upon the regular member.

88.5 BY-LAWS

The Board may adopt by-laws relative to its conduct and shall annually elect officers.

88.6 POWERS

The Zoning Board of Appeals shall have all of the powers and duties conferred and imposed upon Zoning Board of Appeals by Chapter 124 of the General Statutes of the State of Connecticut.

88.7 MEETINGS

The Zoning Board of Appeals shall file an annual schedule of meetings as required by law. In addition, the Board may meet and have meetings at their pleasure.

88.8 SPECIFIC RESPONSIBILITIES

In addition to those duties imposed by statute, the Zoning Board of Appeals shall have the power, after public notice and hearing:

88.8.1 To hear, decide and determine, only in those specified cases of practical difficulty or unnecessary hardship, whether to vary the application the provisions of these Regulations;

88.8.2 To hear and decide appeals from and to review interpretations of these regulations;

88.8.3 To hear and decide appeals from a decision of the (*Planning & Zoning Commission*) **Commissioner of Planning and Development** and/or Zoning Enforcement Officer.

88.8.4 **To hear and decide applications for Special Use Exceptions, as provided and under such circumstances as permitted by these Regulations;**

88.8.5 To hear and decide applications for **Special Use Exceptions for Liquor Permits.**
(for Motor Vehicle Permits)

Note:

Words underlined and in Bold print to be added

Words in Parenthesis to be deleted.

Referral 2.6: Town of Branford

Subject: Proposed Zoning Regulation Amendment to add Section 5.7 (Incentive Housing Overlay District)

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 Branford has proposed Zoning Regulation Amendments to add Section 5.7 - Incentive Housing Overlay District to the zoning code. The Incentive Housing Overlay District (IHOD) may, but is not required to be in compliance with the requirements of Connecticut General Statutes (CGS) Chapter 124b. In cases where a proposed IHOD District would be eligible for the financial incentives under CGS 124B, the application must comply with the statutes in addition to the requirements in the proposed Section 5.7. The district provides opportunities for affordable housing regardless if the project is eligible under the incentives under the state program.

The purpose of the district is to encourage affordable housing in residential and commercial districts, which have the proper infrastructure in place. The appropriate locations for an IHOD have transportation connections, access to amenities and services and infrastructure to support higher density development. The district aims to promote affordable walkable neighborhoods in close proximity to public transportation. The district has potential subzones associated with it including multi-family (only residential uses) and mixed use (residential and commercial). In an underlying residential zone only a multi-family subzone is permitted. An approval of the IHOD has to meet certain location criteria. The district would need to be in close proximity to public transportation and near areas with concentrated development. An applicant must submit a conceptual plan with an application for an IHOD. There is a requirement for the commission to approve a special exception and a site plan for any principal and accessory uses proposed within the IHOD,

The bulk requirements would predominately reflect the underlying zone. The specific bulk requirements applicable to the district include:

Height	40 feet
Net Residential Density	20 units per acre
Impervious Surface Ratio	.70
Effective Impervious Surface	.85

For a development in a mixed used subzone, 50 percent of the gross floor area on the first floor has to be non-residential uses. The proposed district has a restriction provision, which states 20 percent of all dwelling units shall be deed restricted to be affordable. The units would need to be occupied by households earning 80 percent or less of the area median income for Branford. The applicant would need to submit Housing Affordability Plan in accordance with CGS 8-30G. The proposed district incorporates design standards applicable to building placement, building mass, exterior materials and colors, doorways and windows, roofs and mechanical equipment and covered parking.

Communication: In researching this proposal, I spoke to the planning staff for Branford and notified the adjacent municipalities in the South Central Region.

Please mail to:

RPC Referral Submission Form

South Central CT Regional Planning Commission

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

1.) General Information:

Date Sent: March 19, 2012

Subject: Proposed New Regulation

Applicant Name: Incentive Housing Overlay District (IHOD)

Property Address (if applicable): _____

Town/City: Branford

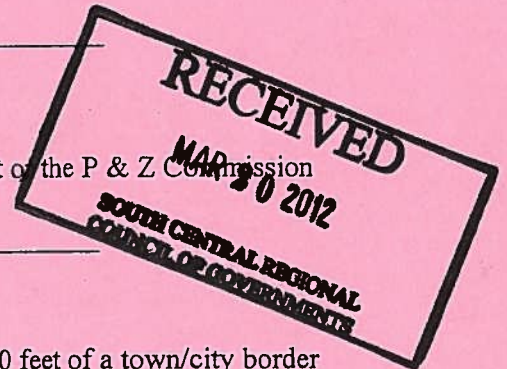
☐

Referral is from a private individual

☒

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

Public Hearing Date: May 3, 2012



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: Shirley Rasmussen, Town Planner

Telephone Number: (203) 488-1255

E-mail Address: srasmussen@branford-ct.gov

Comments: _____

Questions: (203) 234-7555

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

PROPOSED REGULATION AMENDMENTS

DRAFT 2-29-2012 (MAZ)

Amend Section 5 by adding the following:

5.7 INCENTIVE HOUSING OVERLAY DISTRICT (IHOD)

5.7.A Purpose

1. The primary purpose of the Incentive Housing Overlay District (IHOD) is to encourage the development and maintenance of affordable housing in both residential and business districts that have the transportation connections, nearby access to amenities and services, and infrastructure necessary to support more concentrated levels of development.
2. The IHOD seeks to avoid sprawl and traffic congestion by encouraging a more vibrant residential component to business or mixed-use areas in order to sustain a lifestyle in which residents can walk or use public transportation to reach jobs, services, and recreational or cultural opportunities.
3. The IHOD is also intended to enable infill development that is sensitive to the characteristics of the surrounding, existing uses, and to facilitate the adaptive reuse of existing, historic or underutilized buildings or properties in Branford that may otherwise be lost to redevelopment.
4. The name "Incentive Housing Overlay District" is intended to reflect the Commission's interest in participating in the financial incentive program created pursuant to CGS Chapter 124b, should a proper opportunity arise. However, this Section 5.7 is also designed to provide additional opportunities for the development of affordable housing in Branford, regardless of whether such development is eligible for approval for such incentives.

5.7.B General Requirements

1. IHOD zones may, but are not required to, be proposed in compliance with the requirements of CGS Chapter 124b. When an application is made for approval of an IHOD that would be eligible for financial incentives under CGS Chapter 124b, the application must comply with all applicable provisions of those statutes, as well as to the provisions of Section 5.7 of these Regulations. For such applications, any conflict between the statutory provisions and the provisions of Section 5.7 shall be resolved in favor of the statutory provisions. At the time of filing such application, the applicant shall provide a list of all provisions of Section 5.7 that the applicant believes to be superseded by the provisions of CGS Chapter 124b. Applications for approval of any IHOD that is not eligible for state financing pursuant to CGS Chapter 124b must comply with all of the provisions of Section 5.7 of these Regulations.
2. Subzones. Each IHOD may consist of one or more subzones, which may overlay each other as well as the underlying district. The permissible types of subzones are designated as:

- (1) Multi-family (MF) subzone, in which only residential uses shall be permitted; and
- (2) Mixed-use (MU) subzone, in which residential and nonresidential uses may be permitted as set forth in Section 5.7.E.

If the underlying zone is a residence district, then only the MF subzone may be utilized. On a site where the underlying zone is a business district and no subzone is designated, then both types of subzone may be utilized. In establishing a subzone, the Commission will have the discretion to exclude one or more uses that would otherwise be permitted in an incentive housing development in that subzone, including uses permitted in the underlying district, which exclusions, if any, will be stated in the resolution creating or amending the subzone and will become part of the text describing the incentive housing zone.

3. Location Criteria. In determining whether to approve an IHOD, the Commission shall consider the ability of the proposal to satisfy the purposes set forth in Section 5.7.A. Factors that shall generally be deemed necessary for an IHOD include:

- (1) Proximity to public transportation. The land should be near a regularly scheduled route or hub of public transportation, such as a bus route, transit station (including rapid transit), commuter rail facility, bus terminal, bus shelter, or ferry terminal; and
- (2) Location within or near areas of concentrated development. The land should be within or near an area of existing, concentrated development, such as a commercial center, existing residential or commercial district, or village district established pursuant to CGS Section 8-2j.

4. Conceptual Plan. An applicant for approval of an IHOD must submit, with the application, a Conceptual Plan showing the proposed layout of structures and uses. The Conceptual Site Plan shall, at a minimum, include the information requested in Section 9.10.F.3 and 9.10.F.4 of these regulations. The Conceptual Plan shall not be binding on the applicant or Commission when Special Exception and/or Site Plan approval is sought after approval of an IHOD, but the applicant may be required to explain and justify any significant inconsistencies between the Conceptual Plan and the proposed final Site Plan.

5.7.C Bulk Requirements

The following Bulk Requirements apply when an IHOD project is proposed. The requirements in the Underlying Zone remain in effect when noted UZ.

MINIMUM	1. LOT AREA	UZ		
	2. FRONTAGE	UZ		
	3. SQUARE	UZ		
	4. SETBACKS	(1) FRONT	(2) SIDE	(3) REAR
		UZ	UZ	UZ

	5.	SETBACK FROM RESIDENCE DISTRICT BOUNDARY LINE	UZ
MAXIMUM	6.	HEIGHT	40
	7.	FLOOR AREA	Not Applicable
	8.	LOT COVERAGE	Not Applicable
	9.	MAXIMUM NET RESIDENTIAL DENSITY	20 units per Acre
	10.	MAXIMUM IMPERVIOUS SURFACE AREA RATIO	0.70
	11.	MAXIMUM EFFECTIVE IMPERVIOUS SURFACE	0.85

UZ = Underlying zone requirements apply

Note regarding Residential Density:

- (1) Residential Density is calculated by the number of units allowed per net lot area. See minimum lot area definition for determining net lot area.
- (2) Where an incentive housing development contains a mix of uses, residential densities will be calculated by dividing the total acreage of the incentive housing development by the total number of dwelling units, regardless of how much land is devoted to non-residential uses.
- (1) For any incentive housing development to be developed in phases, each phase must comply with the incentive housing restrictions set forth in this section.

5.7.D Special Exception and Site Plan Requirement

Except as set forth below, the Commission must approve a Special Exception and Site Plan for any principal and accessory uses proposed, in accordance with Section 5.7, to be established in an approved IHOD. The Special Exception requirement shall not apply to residential uses within any IHOD that is approved for financial incentive payments pursuant to CGS Chapter 124b.

5.7.E Mixed-use (MU) subzone.

1. For any incentive housing development in a mixed-use subzone, the Commission may allow by Special Exception the inclusion of uses otherwise permitted by Site Plan or Special Exception in the underlying district.
2. In any mixed-use incentive housing development, at least 50 percent of the gross floor area of the first floor must be non-residential uses. Bulk requirements for stand-alone non-residential uses in an incentive housing development shall be in accordance with the requirements of the underlying district.

5.7.F Accessory Uses.

Any accessory use is allowed in an IHOD as permitted in the underlying district and subject to the requirements and approval procedures as may be applicable to such uses.

5.7.G Additional Criteria for Approval.

1. At least 20 percent of all dwelling units constructed in a development approved under this Section of the Regulations shall be deed-restricted to be affordable to and occupied by households earning 80 percent or less of the area median income for Branford, as determined and reported by the United States Department of Housing and Urban Development (HUD).
2. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next higher whole number.
3. Each such affordable unit shall be subject to a housing restriction acceptable to the Town Attorney and the Commission, which restriction shall be recorded on the Branford Land Records and shall, at a minimum, include the following:
 - (1) An identification of the affordable housing units within the development.
 - (2) A requirement that such affordable unit shall be occupied only by a household earning 80 percent or less of the area median income for Branford, as determined and reported by the United States Department of Housing and Urban Development (HUD).
 - (3) A statement of whether the affordable units will, at the time of initial occupancy, be rented or owner-occupied.
 - (4) A statement of the method for determining the rental rate or sale price or resale price of an affordable housing unit at any point in time.
 - (5) A statement that the term of the deed restriction for each affordable unit shall be a minimum of forty (40) years from the date of first occupancy of that affordable unit.
4. The applicant shall also prepare and submit a final "Housing Affordability Plan" in accordance with CGS § 8-30g, Section 8-30g-1 et seq. of the Regulations of Connecticut State Agencies and the "Housing Affordability Plan Requirements" as adopted by the policy of the Commission and as the same may be amended from time to time, including:
 - (1) The name and address of the proposed administrator of the deed restricted affordable units.
 - (2) Provision that the proposed administrator shall file an annual report to the Commission, in a form specified by the Commission, certifying compliance with the provisions of this Section.

5.7.H Design Standards.

Applicable Standards. Incentive Housing Overlay Zone applications shall apply the design criteria identified in the Branford IHOD Design Guidelines below or the "Branford Town Center Design Guidelines" if the property is located in the Town Center Overlay District.

1. Building Placement.
 - (1) In general, new buildings shall be placed near to the public street and shall be oriented with the main façade parallel to the public street in order to strengthen the overall streetscape. For lots with frontage on more than one (1) public street, new buildings should be oriented to the street that will provide the highest pedestrian value, specifically that the building will contribute to the overall streetscape (existing and proposed) and the design of the area.
 - (2) The Commission may modify or waive the requirements of subsection (1) when the applicant demonstrates that a greater setback or alternative orientation will enhance the overall flavor of a historic New England mill village and / or allow for the creation of a public amenity (such as a wider sidewalk, a public seating area, etc.), or otherwise improve the quality of site design.
2. Building Mass. Monolithic building forms shall be avoided through the use of variations in wall placement, color, texture and/or material and variations in the height of buildings or use of architectural features such as balconies, cornices, step-backs, or other articulating features.
3. Exterior Materials and Colors. Exterior building materials and their placement on a building shall be consistent with the overall flavor of a historic New England mill village.
4. Doorways and Windows.
 - (1) Recessed doorways are preferred. Where a recessed doorway is not used, an awning or similar architectural overhang shall be used.
 - (2) Adequate lighting for the doorway shall be incorporated into the design of the doorway.
 - (3) Windows should be taller than they are wide and windows on upper floors should not be larger than windows on lower floors.
 - (4) Windows should be inset from the exterior wall surface and shall have visually prominent sills, lintels, or other forms of architectural detailing to add visual relief to the wall.
5. Roofs and Mechanical Equipment.
 - (1) Roof forms should complement the principal building in terms of style, detailing, and materials.
 - (2) Roof overhangs (eaves and cornices) should be a minimum of two (2) feet.
 - (3) Any mechanical equipment shall be screened from public view using landscaping, walls, fencing, parapets or other architectural elements, or combination thereof.
6. Covered Parking. Covered parking may be provided in detached garages or as parking located beneath habitable floor area. Covered parking areas, when not fully enclosed, shall be screened with ornamental grillwork, artwork or similar architectural features.

5.7.I Method of Ownership

Dwelling units. Dwelling units may be offered for sale or for rental in individual, public, cooperative or condominium ownership. Documentation as to management, organization and incorporation of

applicable ownership associations shall be submitted to the Commission at the time of filing of the application for incentive housing development.

*Amend Section 1.5 Zoning Districts by adding the following zone:
For this section Bold = proposed new text*

Incentive Housing Zone	IHOD
-------------------------------	-------------

Referral 2.7: Town of North Haven

Subject: Proposed Aquifer Protection Area Regulations

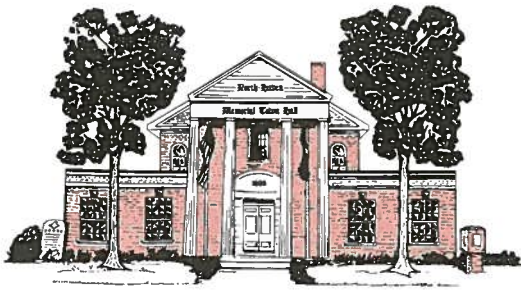
Staff Recommendation:

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 North Haven has proposed Aquifer Protection Area Regulations. The regulations are necessary for the Town to stay consistent with the Aquifer Protection Area Program as established by the CGS 22a-354a – 22a354bb. The regulations have provisions for delineating aquifer protection areas on the town zoning map, regulating land use activity within the aquifer protection area, and administering and enforcing the regulations. The regulations have a definition section with all the applicable terms associated with aquifer protection. The North Haven Planning and Zoning Commission is established as the aquifer protection agency in accordance with Aquifer Protection Ordinance. The regulations define a process for the “Delineation of Aquifer Protection Boundaries”. There is also a section on the prohibited, regulated and not regulated activities with the aquifer protection areas. There is a process for an exemption prohibition or regulation. The detailed information can be reviewed in your agenda packet, which further defines the permitting, registration and transfer procedures. The proposed regulations are consistent with the Connecticut General Statutes applicable to the Aquifer Protection Area Program.

Communication: In researching this proposal, I spoke to the planning staff for North Haven and notified the adjacent municipalities in the South Central Region.



TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET

NORTH HAVEN, CONNECTICUT 06473



REPLY TO:

Tel. (203) 239-5321

Fax (203) 234-2130

PLANNING & ZONING COMMISSION/AQUIFER PROTECTION AREA AGENCY

March 30, 2012

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



Re: Proposed Aquifer Protection Area Regulations

Dear Mr. Livshits:

In accordance with Connecticut General State Statutes, enclosed please find a copy of the above referenced proposed Aquifer Protection Area Regulations.

A Public Hearing for these proposed regulations is scheduled for 7 May 2012.

Very truly yours,

Alan A. Fredricksen
Land Use Administrator
AAF/ai

cc: First Selectman

V. Carlson, Chairman, Planning & Zoning Commission

Enclosures

Town of North Haven Planning & Zoning Commission Aquifer Protection Area Regulations

Effective Date:

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Town of North Haven Planning & Zoning Commission Aquifer Protection Area Regulations

SECTION 1. Title and Authority

- (a) Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of groundwater will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities, and others are now threatened. To address this problem, Connecticut has established the Aquifer Protection Area Program (Connecticut General Statutes §22a-354a to §22a-354bb) to identify critical water supply aquifers and to protect them from pollution by managing land use. Protection requires coordinated responsibilities shared by the state, municipality and water companies to ensure a plentiful supply of public drinking water for present and future generations. It is therefore the purpose of these regulations to protect aquifer protection areas within the Town of North Haven by making provisions for:
 - (1) implementing regulations consistent with state regulations and An Act Concerning Aquifer Protection Areas, Connecticut General Statutes §22a-354a to §22a-354bb ("the Act");
 - (2) delineating aquifer protection areas on the town zoning map;
 - (3) regulating land use activity within the aquifer protection area including: prohibiting certain new activities; registering existing regulated activities; and issuing permits for new regulated activities at registered facilities; and
 - (4) administering and enforcing these regulations.
- (b) These regulations shall be known as the Aquifer Protection Area Regulations (the "APA Regulations") of the Town of North Haven.
- (c) These regulations were adopted and may be amended, from time to time, in accordance with the provisions of §22a-354p of An Act Concerning Aquifer Protection Areas, the Connecticut General Statutes §22a-354a to §22a-354bb and the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10.
- (d) The Planning & Zoning Commission of the Town of North Haven is established as the Aquifer Protection Agency (the "Agency") in accordance with the "Ordinance for the Establishment of an Aquifer Protection Agency," (the "APA Ordinance") effective 9-28-2006, and shall implement the purposes and provisions of the APA Ordinance and the Act.

- (e) The Agency shall administer all provisions of the Act and shall approve or deny registrations, issue permits, issue permits with terms, conditions, limitations or modifications, or deny permits for all regulated activities in aquifer protection areas in the Town of North Haven pursuant to the Act.

SECTION 2. Definitions

- (f) As used in these regulations, the following definitions apply:

- (1) "Affected water company" means "affected water company" as defined in §22a-354h of the Connecticut General Statutes;
- (2) "Agency" means the Planning & Zoning Commission authorized by the Town of North Haven under §22a-354o of the Connecticut General Statutes;
- (3) "Agriculture" means "agriculture" as defined in the §1-1(q) of the Connecticut General Statutes;
- (4) "Applicant" means, as appropriate in context, a person who applies for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or a permit under Section 9 of the APA Regulations;
- (5) "Application" means, as appropriate in context, an application for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, an application for a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or an application for a permit under Section 9 of the APA Regulations;
- (6) "Aquifer protection area" means "aquifer protection area" as defined in §22a-354h of the Connecticut General Statutes and any extension of such area approved by the Commissioner pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies;
- (7) "Area of contribution" means "area of contribution" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
- (8) "Bulk storage facility" means property where oil or petroleum liquids are received by tank vessel, pipeline, railroad car or tank vehicle for the purpose of storage for wholesale distribution;
- (9) "Certified Hazardous Materials Manager" means a hazardous materials manager certified by the Institute of Hazardous Materials Management and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable laws and identify appropriate pollution prevention practices for such activities;

- (10) "Commissioner" means the commissioner of environmental protection, or his or her agent;
- (11) "Domestic sewage" means "domestic sewage" as defined in §22a-430-3(a) the Regulations of Connecticut State Agencies;
- (12) "Facility" means property where a regulated activity is conducted by any person, including without limitation any buildings located on the property that are owned or leased by that person; and includes contiguous land owned, leased, or for which there is an option to purchase by that person;
- (13) "Floor drain" means any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon;
- (14) "Hazardous material" means (A) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than 1% hazardous substances based on volume, (B) any hazardous waste as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies, (C) any pesticide as defined in §22a-47 of the Connecticut General Statutes, or (D) any oil or petroleum as defined in §22a-448 of the Connecticut General Statutes;
- (15) "Hazardous waste" means "hazardous waste" as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies;
- (16) "Industrial laundry" means a facility for washing clothes, cloth or other fabric used in industrial operations;
- (17) "Infiltration device" means any discharge device installed below or above the ground surface that is designed to discharge liquid to the ground;
- (18) "Inland wetland and watercourse areas map" means a map pursuant to §22a-42a of the Connecticut General Statutes;
- (19) "ISO 14001 environmental management system certification" means a current ISO 14001 environmental management system certification issued by an ISO 14001 environmental management system registrar that is accredited by the American National Standards Institute (ANSI) - American Society for Quality (ASQ) National Accreditation Board (ANAB);
- (20) "Level A mapping" means the lines as shown on Level A maps approved or prepared by the Commissioner pursuant to §22a-354c, §22a-354d or §22a-354z of the Connecticut General Statutes encompassing the area of contribution and recharge areas;
- (21) "Lubricating oil" means oil that contains less than 1% chlorinated solvents and is used for the sole purpose of lubricating, cutting, grinding, machining, stamping or quenching metals;

- (22) "Municipality" means "municipality" as defined in §22a-354h of the Connecticut General Statutes;
- (23) "Owner" means the owner or lessee of the facility in question;
- (24) "De-icing chemical" means sodium chloride, calcium chloride, or calcium magnesium acetate;
- (25) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, or other legal entity of any kind;
- (26) "Pollution" means "pollution" as defined in §22a-423 of the Connecticut General Statutes;
- (27) "Pollution prevention" means the use of processes and materials so as to reduce or minimize the amount of hazardous materials used or the quantity and concentration of pollutants in waste generated;
- (28) "Professional engineer" means a professional engineer licensed in accordance with Chapter 391 of the Connecticut General Statutes, and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities;
- (29) "Publicly Owned Treatment Works" means "publicly owned treatment works" as defined in §22a-430-3 of the Regulations of Connecticut State Agencies;
- (30) "Public service company" means "public service company" as defined in §16-1 of the Connecticut General Statutes;
- (31) "Public supply well" means "public supply well" as defined in §19-13-B51b of the Regulations of Connecticut State Agencies;
- (32) "Recharge area" means "recharge area" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
- (33) "Registered regulated activity" means a regulated activity which has been registered under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 8 of the APA Regulations, and is conducted at the facility identified in such registration;
- (34) "Registrant" means a person, who or which, has submitted a registration for an existing regulated activity under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 4 of the APA Regulations;

- (35) "Regulated activity" means any of the following activities, which are located or conducted, wholly or partially, in an aquifer protection area, except as provided for in §22a-354i-5(c) and §22a-354i-6 of the Regulations of Connecticut State Agencies, or Section 4 of the APA Regulations:
- (A) underground storage or transmission of oil or petroleum, to the extent such activity is not pre-empted by federal law, or hazardous material, except for (i) an underground storage tank that contains number two (2) fuel oil and is located more than five hundred (500) feet from a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company,
 - (B) oil or petroleum dispensing for the purpose of retail, wholesale or fleet use,
 - (C) on-site storage of hazardous materials for the purpose of wholesale sale,
 - (D) repair or maintenance of vehicles or internal combustion engines of vehicles, involving the use, storage or disposal of hazardous materials, including solvents, lubricants, paints, brake fluids, transmission fluids or the generation of hazardous wastes,
 - (E) salvage operations of metal or vehicle parts,
 - (F) wastewater discharges to ground water other than domestic sewage and stormwater, except for discharges from the following that have received a permit from the Commissioner pursuant to §22a-430 of the Connecticut General Statutes: (i) a pump and treat system for ground water remediation, (ii) a potable water treatment system, (iii) heat pump system, (iv) non-contact cooling water system, (v) swimming pools,
 - (G) car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
 - (H) production or refining of chemicals, including without limitation hazardous materials or asphalt,
 - (I) clothes or cloth cleaning service which involves the use, storage or disposal of hazardous materials including without limitation dry-cleaning solvents,
 - (J) industrial laundry activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,

- (K) generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by an emergency engine as defined by §22a-174-22(a)(2) of the Regulations of Connecticut State Agencies, or (ii) generation of electrical power by means of natural gas or propane,
- (L) production of electronic boards, electrical components, or other electrical equipment involving the use, storage or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations,
- (M) embalming or crematory services which involve the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (N) furniture stripping operations which involve the use, storage or disposal of hazardous materials,
- (O) furniture finishing operations which involve the use, storage or disposal of hazardous materials, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (P) storage, treatment or disposal of hazardous waste subject to a permit under §22a-449(c)-100 to §22a-449(c)-110, inclusive, of the Regulations of Connecticut State Agencies,
- (Q) biological or chemical testing, analysis or research which involves the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works, and provided that on-site testing of a public supply well by a public water utility is not a regulated activity,
- (R) pest control services which involve storage, mixing or loading of pesticides or other hazardous materials,
- (S) photographic finishing which involves the use, storage or disposal of hazardous materials, unless all waste water from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (T) production or fabrication of metal products which involves the use, storage or disposal of hazardous materials including (i) metal cleaning or degreasing with industrial solvents, (ii) metal plating, or (iii) metal etching,
- (U) printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage or disposal of hazardous materials,
- (V) accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries which are subject to a general permit issued by the Commissioner under §22a-208(i) and §22a-454(e)(1) of the Connecticut General Statutes,

- (W) production of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials,
 - (X) storage of de-icing chemicals, unless such storage takes place within a weather-tight water-proof structure for the purpose of retail sale or for the purpose of de-icing parking areas or access roads to parking areas,
 - (Y) accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste which is subject to a permit issued by the Commissioner pursuant to §22a-207b, §22a-208a, and §22a-208c of the Connecticut General Statute, except for a potable water treatment sludge disposal area,
 - (Z) dying, coating or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage or disposal of hazardous materials,
 - (AA) production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material, and
 - (BB) pulp production processes that involve bleaching;
- (36) "Release" means "release" as defined in §22a-133k-1 of the Regulations of Connecticut State Agencies;
 - (37) "State aquifer protection regulations" means §22a-354i-1 to §22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies;
 - (38) "Storage" means the holding or possession of any hazardous material;
 - (39) "Storage tank" means a stationary device which is designed to store hazardous materials, and is constructed of non-earthen materials including without limitation concrete, steel, fiberglass or plastic;
 - (40) "Topographic feature" means an object, whether natural or man-made, located on the earth surface and of sufficient size that it appears on a 1:24,000 scale topographic quadrangle map drawn by the United States Geological Survey;
 - (41) "Underground" when referring to a storage tank or storage tank component means that ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection;
 - (42) "Vehicle" or "vehicles" means a "vessel" as defined by §15-170 of the Connecticut General Statutes, and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle, tractor, lawn mower or snowmobile;
 - (43) "Waters" means "waters" as defined in §22a-423 of the Connecticut General

Statutes;

- (44) "Well field" means "well field" as defined in §22a-354h of the Connecticut General Statutes; and
- (45) "Zoning district map" means any map showing zoning districts prepared in accordance with maps adopted pursuant to §8-3 of the Connecticut General Statutes.

SECTION 3. Delineation of Aquifer Protection Area Boundaries

- (a) The Planning & Zoning Commission shall delineate the aquifer protection areas on the Town of North Haven Zoning Map. Such delineation shall consist of the combined areas of contribution and recharge areas as shown on Level A maps approved or prepared by the Commissioner.
 - (1) Such boundaries shall be delineated within one hundred twenty (120) days after being notified by the Commissioner that an aquifer protection area is located partially or entirely within the Town of North Haven.
 - (2) Notice of such delineation shall be published in a newspaper having substantial circulation in the affected area. Such notice shall include at least the following:
 - (A) a map or detailed description of the subject aquifer protection area; and
 - (B) the name, telephone number, and address of a representative of the Agency who may be reached for further information.
- (b) In order to clarify the location of an aquifer protection area boundary, the Agency may apply to the Commissioner to extend such boundary to coincide with the nearest property line, municipal boundary or topographic feature pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies. Such extension shall, at a minimum, fully encompass the aquifer protection areas bounded by the approved level A mapping but shall not exceed the distance necessary to clarify the location of the aquifer protection area or to facilitate the administration of regulations pertaining thereto. An aquifer protection area boundary may not be extended without prior written approval of the Commissioner.
 - (1) Any request by the Agency to the Commissioner for extension of an aquifer protection area boundary shall include at least the following:
 - (A) A map to scale delineating (i) the aquifer protection area boundary mapped under Section 3(a) of the APA regulations and (ii) the proposed extension of the aquifer protection area boundary;
 - (B) A certification by the chairperson or duly authorized agent of the Agency that notice of such request has been provided to all owners of property within the

proposed extended aquifer protection area and all affected water companies in accordance with the following:

- (i) Such notice shall include at least the following:
 - (aa) A map showing the aquifer protection area boundaries and the proposed extension of such boundaries,
 - (bb) the name, address, and telephone number of a representative of the Agency who may be contacted for further information, and
 - (cc) a statement that any person may, not later than thirty (30) days after said notification, submit to the Agency written comments on such proposed boundary extension;
- (ii) Such notice shall be effectuated by the following:
 - (aa) Delivery of notice by certified mail to those individuals and entities identified in Subsection (b)(1)(B) of this Section, or
 - (bb) the publication of a notice in a newspaper having substantial circulation in the affected area; and posting of notice near the proposed boundaries of the subject aquifer protection area of at least four signs each of which shall be at least four square feet in size (2' x 2'); and

(C) A summary of comments received by such Agency regarding the proposed boundary extension and the Agency's response.

- (2) Not later than sixty (60) days after receiving the Commissioner's written approval of a request to extend an aquifer protection area boundary, the Agency shall cause such boundary to be delineated in accordance with Subsection (a) of this Section.
- (c) No person may challenge the boundaries of the aquifer protection area under the APA Regulations unless such challenge is based solely on a failure by the Agency to properly delineate the boundaries in accordance with §22a-354n of the Connecticut General Statutes.
- (d) A map of the location and boundaries of the aquifer protection areas, or regulated areas, shall be available for inspection in the Office of the Town Clerk or the Agency.
- (e) If the Level A mapping is amended in accordance with §22a-354b-1(i) or §22a-354b-1(j) of the Regulations of Connecticut State Agencies, the Agency shall cause the amended aquifer protection area boundary to be delineated in accordance with Subsections (a) or (b) of this Section.

SECTION 4. Prohibited and Regulated Activities

- (a) All regulated activities are prohibited in aquifer protection areas, except as specified in Subsection (b) of this Section.
- (b) The following regulated activities are not prohibited in aquifer protection areas:
 - (1) A registered regulated activity which is conducted in compliance with §22a-354i-9 of the Regulations of Connecticut State Agencies or Section 12 of the APA Regulations;
 - (2) a regulated activity which has received a permit issued pursuant to §22a-354i-8 of the Regulations of Connecticut State Agencies or Section 9 of the APA Regulations; and
 - (3) a regulated activity which is on any municipally owned site undergoing remedial action pursuant to 40 CFR 271 at the time the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, provided: (1) no such regulated activity substantially commenced or was in active operation for the five-year period preceding the date that the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, and (2) any person who engages in such regulated activity within the ten-year period commencing on the date that such applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map registers such regulated activity on a form prescribed by the Commissioner of Environmental Protection and in accordance with the provisions of section 22a-354i-7 of the Regulations of Connecticut State Agencies.
- (C) The following are not regulated activities:
 - (1) any activity conducted at a residence without compensation;
 - (2) any activity involving the use or storage of no more than two and one-half (2.5) gallons of each type of hazardous material on-site at any one time, provided the total of all hazardous materials on-site does not exceed fifty-five (55) gallons at any one time;
 - (3) any agricultural activity regulated pursuant to §22a-354m(d) of the Connecticut General Statutes;
 - (4) any activity provided all the following conditions are satisfied:
 - (A) such activity takes place solely within an enclosed building in an area with an impermeable floor,

- (B) such activity involves no more than 10% of the floor area in the building where the activity takes place,
 - (C) any hazardous material used in connection with such activity is stored in such building at all times,
 - (D) all waste waters generated by such activity are lawfully disposed through a connection to a publicly owned treatment works, and
 - (E) such activity does not involve (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred and ten (110) gallons of hazardous materials;
- (5) any activity solely involving the use of lubricating oil provided all the following conditions are satisfied:
- (A) such activity does not involve cleaning of metals with chlorinated solvents at the facility,
 - (B) such activity takes place solely within an enclosed building in an area with an impermeable floor,
 - (C) any hazardous material used in connection with such activity is stored in such building at all times, and
 - (D) such activity does not involve: (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred ten (110) gallons of such lubricating oil and associated hazardous waste; and
- (6) any activity involving the dispensing of oil or petroleum from an above-ground storage tank or tanks with an aggregate volume of two thousand (2000) gallons or less provided all the following conditions are satisfied:
- (A) such dispensing activity takes place solely on a paved surface which is covered by a roof,
 - (B) the above-ground storage tank(s) is a double-walled tank with overfill alarms, and
 - (C) all associated piping is either above ground, or has secondary containment.

(d) Determination of a non-regulated activity

- (1) Any person proposing to carry out a non-regulated activity, as set forth in Section 4(c) of these regulations, in an aquifer protection area shall, prior to commencement of such activity, notify the Agency or its duly authorized agent on a form provided by the Agency. Such form shall provide sufficient information to enable the Agency or its duly authorized agent to properly determine that the proposed activity is a regulated activity or a non-regulated activity within the aquifer protection area.
- (2) If such activity is determined to be a non-regulated activity, then no further action under the APA Regulations is necessary.

SECTION 5. Activities Regulated by the State

- (a) The Commissioner shall exclusively regulate activities within aquifer protection areas that are specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall regulate all other regulated activities.
- (b) Any person conducting regulated activities that are within the authority of the Commissioner shall submit a registration or obtain a permit or exemption from the Commissioner prior to engaging in such activity. The Commissioner shall process applications for those regulated activities.
- (c) The Agency may submit an advisory decision to the Commissioner for consideration on any permit regulated under this Section in accordance with the Connecticut General Statutes 22a-354p(g).

SECTION 6. Application for an Exemption from Prohibition or Regulation

- (a) The owner or operator of a regulated activity may seek an exemption from the Commissioner pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies. Any person seeking an exemption from the Commissioner shall concurrently submit a copy of the application for an exemption to the Agency and any affected water company.
- (b) The Agency may submit written comments to the Commissioner on any exemption regulated under this Section in accordance with §22a-354i-6(c) of the Regulations of Connecticut State Agencies within sixty (60) days of the agency receipt of copy of the application.

SECTION 7. General Registration, Permit Application and Transfer Procedures

- (a) All applications for permits and registrations shall contain sufficient information for a fair and informed determination of the issues. The Agency may request additional information from the applicant for this purpose.

- (b) The day of receipt of a registration, permit application or transfer form shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission of the application to the Agency or its duly authorized agent, or thirty-five (35) days after such submission, whichever is sooner.
- (c) At any time during the review period, the Agency may require the applicant or registrant to provide additional information about the regulated activity. Requests for additional information shall not stay the time limitations for registrations and permits as set forth in Sections 8 and 9 of the APA Regulations.
- (d) All permit applications and registrations shall be open for public inspection.
- (e) Incomplete permit applications and registrations may be denied without prejudice.
- (f) No permit or registration issued under Sections 8 or 9 of the APA Regulations shall be assigned or transferred except with written approval by the Agency.
- (g) The Agency shall notify the town clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) any portion of the property affected by a decision of such agency is within five-hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

SECTION 8. Registration Requirements

- (a) Any person engaged in a regulated activity which substantially commenced, or was in active operation within the past five (5) years, or with respect to which a municipal building permit was issued, either (A) before the effective date of the state aquifer protection regulations, or (B) before the date an applicable aquifer protection area is designated on a municipal zoning district map or inland wetland and watercourse areas map, whichever occurs later, or for any municipally owned site undergoing remedial action pursuant to 40 CFR 271, any person who engages in a regulated activity within the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetlands map, shall register the activity in accordance with this Section unless such person has pending an application for an exemption pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies.

- (1) The Commissioner shall process registrations for those regulated activities specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall process registrations for all other regulated activities.
 - (2) If the regulated activity is not specified in §22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the Agency not later than one hundred eighty (180) days after adoption of regulations pursuant to §22a-354p of the Connecticut General Statutes, or the designation the aquifer protection area pursuant to §22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. Any municipally owned site undergoing remedial action pursuant to 40 CFR 271, the person engaged in such regulated activity shall submit a registration within the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetlands map. Any person submitting a registration pursuant to the requirements of this subsection shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health and the affected water company.
- (b) All registrations shall be provided on a form prescribed by the Agency and shall be accompanied by the correct registration fee in accordance with Section 18 of the APA Regulations. Such registration forms may be obtained from the Town Clerk or the Agency. Such registration forms shall include at least the following information in writing or on maps or drawings:
- (1) The name, business telephone number, street address and mailing address of the:
 - (A) Registrant; if the registrant is a corporation or limited partnership, the full name of the facility and such corporation or limited partnership as registered with the Connecticut Secretary of State, and any officer or governing or managing body of any partnership, association, firm or corporation,
 - (B) owner of such facility if different than the registrant, and
 - (C) manager or operator overseeing the operations of such facility;
 - (2) the location of such facility, using street address or other appropriate method of location, and a map showing the property boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base;
 - (3) an identification of the regulated activity or activities conducted at the facility, as described in Section 2(a)(35) of the APA Regulations, which regulated activity or activities shall consist of any regulated activity which substantially commenced, was in active operation, or with respect to which a municipal building permit was issued within the past five years; and

- (4) a certification by the registrant that the subject regulated activity is in compliance with the best management practices set forth in Section 12(a) of the APA Regulations, as follows, signed after satisfying the statements set forth in the following certification:
- "I have personally examined and am familiar with the information submitted in this registration and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in this document or certification may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
- (c) When deemed necessary to protect a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, the Agency may:
- (1) require, by written notice, any registrant to submit for review and written approval a storm water management plan prepared in accordance with Section 12(b) of the APA Regulations. If so required, the storm water management plan shall be implemented by the registrant immediately upon its approval; or
 - (2) require, by written notice, any registrant to submit for review and written approval the materials management plan prepared in accordance with Section 12(a) of the APA Regulations. If so required, the materials management plan shall be implemented by the registrant immediately upon its approval.
- (d) If the Agency determines that a registration is incomplete, it shall reject the registration and notify the registrant of what additional information is required and the date by which it shall be submitted.
- (e) If the registration is determined to be complete, and the regulated activity is eligible for registration, the Agency shall send written notification of such registration to the registrant. Such registration shall be determined to be complete and eligible if the registrant has not otherwise received a notice of rejection from the Agency, not later than one hundred and eighty (180) days after the date the registration is received by the Agency.
- (f) The following general provisions shall be included in the issuance of all registrations:
- (1) The Agency has relied in whole or in part on information provided by the registrant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the registration may be modified, suspended or revoked;
 - (2) all registrations issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;

- (3) a complete registration shall expire five (5) years from the date of receipt of such registration by the Agency;
- (4) the registrant shall apply to the Agency to renew the registration on a form prescribed by the Agency for a facility prior to expiration of such registration; and
- (5) If a registered regulated activity is out of business or inactive when registration renewal is required, a five (5) year allowance shall be in effect from the date the registration expires. If the registrant has not applied to renew the registration within five (5) years of the date the registration expires, the facility is no longer eligible for registration.
- (g) If a regulated activity which is eligible for registration in accordance with Subsection (a) of this Section fails to be registered or if the registrant of an active registered activity fails to apply for renewal prior to expiration, the Commissioner or municipal aquifer protection agency, as appropriate, may accept a late registration at their discretion, subject to the limitations in Subsection (f)(5) of this Section.
- (h) Any person wishing to assume the benefits under a registration for regulated activities shall apply to transfer such registration on a form prescribed by the Agency and submitted to the Agency.

SECTION 9. Permit Requirements

- (a) Any person may apply for a permit to add a regulated activity to a facility where a registered regulated activity occurs.
- (b) The Agency shall process permit applications for those registrants that have registered pursuant to Section 8 of the APA Regulations. The Commissioner shall process permit applications for regulated activities specified in §22a-354p(g) of the Connecticut General Statutes and for those registrants that have registered pursuant to §22a-354i-7(b)(1) of the Regulations of Connecticut State Agencies.
- (c) Action shall be taken on permit applications within sixty-five (65) days after the completion of a public hearing or in the absence of a public hearing within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of either of these timeframes, provided the total extension of all such periods is sixty-five (65) days or less.
- (d) An application for a permit shall be made on a form prescribed by the Agency and shall be accompanied by the correct application fee in accordance with Section 18 of the APA Regulations. Such permit application forms may be obtained from the Agency. Simultaneously with filing an application, the applicant shall send a copy of the application to the Commissioner, the Commissioner of Public Health and the affected water company. An application shall include the following information:

- (1) The information as required for a registration under Section 8(b) of the APA Regulations shall be provided for the proposed regulated activity;
- (2) a confirmation and certification that the existing and proposed activity:
 - (A) remains and shall remain in compliance with Section 12(a) of the APA Regulations,
 - (B) shall not increase the number of underground storage tanks used for storage of hazardous materials, and
 - (C) remains and shall remain in compliance with all local, state, and federal environmental laws;
- (3) a materials management plan in accordance with Section 12(a) of the APA Regulations;
- (4) a storm water management plan in accordance with Section 12(b) of the APA Regulations;
- (5) the following environmental compliance information with respect to environmental violations which occurred at the facility where the regulated activities are conducted, within the five years immediately preceding the date of the application:
 - (A) any criminal conviction involving a violation of any environmental protection law,
 - (B) any civil penalty imposed in any state or federal judicial proceeding, or any penalty exceeding five thousand dollars imposed in any administrative proceeding, and
 - (C) any judicial or administrative orders issued regarding any such violation together with the dates, case or docket numbers, or other information which identifies the proceeding. For any such proceeding initiated by the state or federal government, the Agency may require submission of a copy of any official document associated with the proceeding, the final judgment or order;
- (6) any additional information deemed necessary by the Agency regarding potential threats to the ground water and proposed safeguards; and
- (7) the following certification signed by the applicant and the individual responsible for preparing the application, after satisfying the statements set forth in the certification:

"I have personally examined and am familiar with the information submitted in this document and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

- (e) The Commissioner, any affected water company, or the Commissioner of Public Health may, not later than thirty (30) days after receiving a copy of an application for a permit under this Section, submit to the Agency written comments on such application. The Agency shall give due consideration to any such comments, and shall provide a copy of the decision to the Commissioner, the affected water company and the Commissioner of Public Health.
- (f) To carry out the purposes of the Act, the Agency may grant an application as filed, grant it upon such terms, conditions, limitations or modifications necessary, or deny it. The Agency shall state upon the record the reason for its decision.
- (g) The Agency may hold a public hearing on an application for a permit in accordance with Section 10 of the APA regulations.
- (h) The Agency shall not issue a permit unless a complete application has been received and the applicant demonstrates to the Agency's satisfaction that all requirements of this Section of the APA regulations have been satisfied and all of the following standards and criteria have been met:
 - (1) The proposed regulated activity shall take place at a facility where a registered regulated activity occurs;
 - (2) the proposed regulated activity shall not increase the number, or storage capacity of underground storage tanks used for hazardous materials except for the replacement of an existing underground storage tank in accordance with Section 12(a)(3) of the APA Regulations;
 - (3) the materials management plan and storm water management plan have been satisfactorily prepared in accordance with Sections 12(a) and 12(b) of the APA Regulations;
 - (4) the applicant has submitted a confirmation and certification that all regulated activities remain and shall remain in compliance with all local, state and federal environmental laws in accordance with Subsection (d)(2) of this Section;
 - (5) the applicant's compliance record does not indicate (A) that any noncompliance resulted from indifference to or disregard for the legal requirements, (B) an unwillingness or inability to devote the resources necessary to comply and remain in compliance, or (C) that instances of noncompliance have led to serious environmental harm, harm to human health or safety, or a substantial risk of such harm;
 - (6) the proposed regulated activity shall be conducted in accordance with Section 12 of the APA Regulations;

- (7) the existing regulated activity is being conducted in accordance with Section 12 of the APA Regulations; and
 - (8) the certification required under Subsection (d)(7) of this Section has been signed by the applicant and the individual responsible for preparing the application.
- (i) The Agency may impose reasonable conditions or limitations on any permit issued under this Section to assure protection of the ground water, including, but not limited to the following:
- (1) best management practices in addition to those set forth in Section 12 of the APA Regulations; and
 - (2) ground water monitoring.
- (j) The following general provisions shall be included in the issuance of all permits:
- (1) the Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked;
 - (2) all permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
 - (3) the permit shall expire ten (10) years from the date of issuance of such permit by the Agency; and
 - (4) a person shall apply to the Agency to renew the permit on a form prescribed by the Agency prior to expiration of such permit. Such renewal shall be granted upon request by the Agency unless a substantial change in the permitted activity is proposed, or enforcement action with regard to the regulated activity has been taken, in which case, a new permit application shall be submitted and reviewed in accordance with the provisions of this Section.
- (k) The Agency shall notify the applicant or permittee within fifteen (15) days of the date the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in issuance or denial of a permit to be published in a newspaper having a general circulation in the municipality in which the aquifer protection area is located.
- (l) A permittee may request a modification of a permit from the Agency. Such request shall be on a form prescribed by the Agency, and shall include the facts and reasons supporting the request. The Agency may require the permittee to submit a new application for a permit or renewal in lieu of a modification request.

- (m) A person wishing to assume the benefits under a permit for regulated activities shall apply to transfer such permit on a form prescribed by the Agency and submitted to the Agency.

SECTION 10. Public Hearings Regarding Permit Applications

- (a) If the Agency decides to hold a public hearing regarding an application for a permit to conduct a regulated activity within an aquifer protection area, such hearing shall commence no later than sixty-five (65) days after the receipt of such application.
- (b) Notice of the hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each city/town where the affected aquifer, or any part thereof, is located.
- (c) The Agency shall send to any affected water company, at least ten (10) days before the hearing, a copy of the notice by certified mail, return receipt requested. Any affected after company may, through a representative, appear and be heard at any such hearing.
- (d) All applications, maps and documents relating thereto shall be open for public inspection.
- (e) At such hearing any person or persons may appear and be heard.
- (f) The hearing shall be completed within thirty-five (35) days of its commencement.
- (g) The applicant may consent to an extension of the time frames in Subsections (a) or (f) of this Section, provided the total extension of all such periods, including any extensions provided in Section 9(c), totals sixty-five (65) days or less.
- (h) In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision.
- (i) The applicant or permittee shall be notified of the Agency's decision in accordance with Section 9(k) of the APA Regulations.

SECTION 11. Bond and Insurance Relevant to Permit Applicants

- (a) An applicant may be required to file a bond as a condition of the permit.
- (b) Any bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

SECTION 12. Management Practices

(a) Every regulated activity shall be conducted in accordance with the following:

(1) hazardous materials may be stored above ground within an aquifer protection area only in accordance with the following conditions:

- (A) hazardous material shall be stored in a building or under a roof that minimizes storm water entry to the hazardous material storage area, except that a roof is not required for a bulk storage facility as defined in Section 2 of the APA Regulations,
- (B) floors within a building or under a roof where hazardous material may be stored shall be constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material,
- (C) a structure which may be used for storage or transfer of hazardous material shall be protected from storm water run-on, and ground water intrusion,
- (D) hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or 10% of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area,
- (E) hazardous material shall not be stored with other hazardous materials that are incompatible and may create a hazard of fire, explosion or generation of toxic substances,
- (F) hazardous material shall be stored only in a container that has been certified to meet state or federal specifications for containers suitable for the transport or storage of such material,
- (G) hazardous material shall be stored only in an area that is secured against unauthorized entry by the public, and
- (H) the requirements of this subdivision are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976;

- (2) no person shall increase the number of underground storage tanks used to store hazardous materials;
- (3) an underground storage tank used to store hazardous materials shall not be replaced with a larger tank unless (A) there is no more than a 25% increase in volume of the larger replacement tank, and (B) the larger replacement tank is a double-walled tank with co-axial piping, both meeting new installation component standards pursuant to §22a-449(d)-1(e) and §22a-449(d)-102 of the Regulations of Connecticut State Agencies, and with interstitial monitoring;
- (4) no person shall use, maintain or install floor drains, dry wells or other infiltration devices or appurtenances which allow the release of waste waters to the ground, unless such release is permitted by the Commissioner in accordance with §22a-430 or §22a-430b of the Connecticut General Statutes; and
- (5) a materials management plan shall be developed and implemented in accordance with the following:
 - (A) a materials management plan shall contain, at a minimum, the following information with respect to the subject regulated activity:
 - (i) a pollution prevention assessment consisting of a detailed evaluation of alternatives to the use of hazardous materials or processes and practices that would reduce or eliminate the use of hazardous materials, and implementation of such alternatives where possible and feasible,
 - (ii) a description of any operations or practices which may pose a threat of pollution to the aquifer, which shall include the following:
 - (aa) a process flow diagram identifying where hazardous materials are stored, disposed and used, and where hazardous wastes are generated and subsequently stored and disposed,
 - (bb) an inventory of all hazardous materials which are likely to be or will be manufactured, produced, stored, utilized or otherwise handled, and
 - (cc) a description of waste, including waste waters generated, and a description of how such wastes are handled, stored and disposed,
 - (iii) the name, street address, mailing address, title and telephone number of the individual(s) responsible for implementing the materials management plan and the individual(s) who should be contacted in an emergency,

- (iv) a record-keeping system to account for the types, quantities, and disposition of hazardous materials which are manufactured, produced, utilized, stored, or otherwise handled or which are discharged or emitted; such record-keeping system shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency, and
 - (v) an emergency response plan for responding to a release of hazardous materials. Such plan shall describe how each such release could result in pollution to the underlying aquifer and shall set forth the methods used or to be used to prevent and abate any such a release;
- (B) when a materials management plan is required under either Section 8(c) or 9(d) of the APA Regulations, such materials management plan shall be completed and certified by a professional engineer or a certified hazardous materials manager, or, if the facility where the regulated activity is conducted has received and maintained an ISO 14001 environmental management system certification, then the registrant may complete and certify the materials management plan; and
- (C) the materials management plan shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency.
- (b) The development and implementation of a storm water management plan required for regulated activities in accordance with Sections 8(c) and 9(d) of the APA Regulations, shall be as follows: A storm water management plan shall assure that storm water run-off generated by the subject regulated activity is (i) managed in a manner so as to prevent pollution of ground water, and (ii) shall comply with all of the requirements for the General Permit of the Discharge of Storm Water associated with a Commercial Activity issued pursuant to §22a-430b of the Connecticut General Statutes.

SECTION 13. Other State, Federal and Local Laws

- (d) Nothing in these regulations shall obviate the requirement for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of North Haven, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Energy & Environmental Protection and the U.S. Army Corps of Engineers and the United States Environmental Protection Agency. Obtaining such assents, permits or licenses are the sole responsibility of the applicant.
- (b) No person shall conduct any regulated activity within an aquifer protection area which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance, or other documentation establishing that the proposal complies with the Town of North Haven Planning & Zoning or Subdivision Regulations.

SECTION 14. Enforcement

- (a) The Agency may appoint a duly authorized agent to act in its behalf with the authority to issue notices of violation or cease and desist orders.
- (b) If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which violates any provision of these regulations, the Agency or its duly authorized agent may:

- (1) Issue a notice of violation.

- (A) The notice of violation shall state the nature of the violation, the jurisdiction of the Agency, and the necessary action required to correct the violation including without limitation halting the activity in the aquifer protection area.
 - (B) The Agency may request that the person appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit or registration. Failure to carry out the action(s) directed in a notice of violation may result in issuance of an order under Subsection (2) of this Section or other enforcement proceedings as provided by law.

- (2) Issue a written order.

- (A) Such order shall be issued by certified mail, return receipt requested to such person conducting such activity or maintaining such facility or condition to cease such activity immediately or to correct such facility or condition. The Agency shall send a copy of such order to any affected water company by certified mail, return receipt requested.
 - (B) Within ten (10) days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. Any affected water company may testify at the hearing. The Agency shall consider the facts presented at the hearing and, within ten (10) days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.

- (3) Suspend or revoke registration or permit.

The Agency may suspend or revoke a registration or a permit if it finds, after a hearing, that the registrant or permittee has not complied with the terms, conditions or limitations set forth in the registration or the permit. Prior to revoking or suspending any registration or permit, the Agency shall issue notice to the registrant or the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.

- (B) The Agency shall hold a hearing to provide the registrant or permittee an opportunity to show that it is in compliance with its registration or permit. The Agency shall notify the registrant or permittee of its decision by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of a suspension or revocation in a newspaper having general circulation in the Town of North Haven.
- (c) An order issued pursuant to Subsection (b)(2) of this Section shall be effective upon issuance, shall remain in effect until the Agency affirms, revises, or withdraws the order, and shall not delay or bar an action pursuant to Subsection (b)(3) of this Section.
- (d) A court may assess criminal and or civil penalties to any person who commits, takes part in, or assists in any violation of any provision of the APA regulations in accordance with §22a-354s(b) and §22a-354s(c) of the Connecticut General Statutes.

SECTION 15. Amendments

- (a) These regulations may be amended, changed or repealed in accordance with §22a-354p(b) of the Connecticut General Statutes.
- (b) If a complete application is filed with the Agency which is in conformance with the APA regulations as of the date of its filing, the permit issued shall not be required to comply with any changes in regulations taking effect on or after the filing date. The provisions of this Section shall not apply to the establishment, amendment, or change of the boundaries of the aquifer protection area or to any changes in the APA Regulations necessary to make the regulations consistent with Chapter 446i of the Connecticut General Statutes as of the date of the Agency's decision.

SECTION 16. Appeals

- (a) Appeal of the Agency's regulation, order, decision or action shall be made in accordance with §22a-354q of the Connecticut General Statutes.

SECTION 17. Conflict and Severance

- (a) If there is a conflict between the provisions of the APA Regulations, the provision that imposes the most stringent standards shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part that can be given effect without such valid part or parts.
- (b) If there is a conflict between the provisions of the APA Regulations and the Act, the provisions of the Act shall govern.

SECTION 18. Registration and Permit Application Fees

- (a) All fees required by these regulations shall be submitted to the Agency by certified check or money order payable to the Treasurer, Town of North Haven at the time the registration or permit application is filed with the Agency.
- (b) No registration or permit application shall be granted or approved by the Agency unless the correct registration/application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection (f) of this Section.
- (c) The registration or permit application fee is nonrefundable.
- (d) Registration or permit application fees shall be based on the following schedule:

Fee Schedule			
	Facility Size		
	Small (< 1 acre)	Medium (1-5 acres)	Large (> 5 acres)
Registrations:			
Industrial	500	500	500
Commercial	500	500	500
Other	500	500	500
Fee Schedule (continued)			
	Facility Size		
	Small (< 1 acre)	Medium (1-5 acres)	Large (> 5 acres)
Permits:			
Industrial	500	500	500
Commercial	500	500	500
Other			
Materials Management Plan Reviews	125	225	325
Storm water Management Plan Reviews	200	300	400
Public Hearing	150	150	150
Facility Inspection/Monitoring	125/hr	250/hr	350/hr
Regulation Petition	200	200	200
Transfer Fee	100	100	100

- (e) Boards, commissions, councils and departments of the Town of North Haven are exempt from all fee requirements.

(f) The registrant or applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this Section. The Agency may waive all or part of the application fee if the Agency determines that:

(1) the activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the registrant or applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the registration or permit application fee; or

(2) the amount of the registration or permit application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

(g) Extra Assessments

In the event that additional expenses, including but not limited to outside consultants, experts, or legal advisors are incurred in processing the registration or permit application the applicant/registrant may be assessed an additional fee in an amount equal to said costs. Said fees are to be estimated by the duly authorized agent and submitted with the application fee and held until the application is completely processed after which time any residual funds pertaining to this assessment are to be returned to the applicant/registrant.

For the purpose of this assessment, an "outside consultant" means a professional who is not an employee of the Town of North Haven including but not limited to engineering, environmental, hydrogeology and hazardous materials management professionals.

(h) The Agency shall state upon its record the basis for all actions under this Section.

SECTION 19. Effective Date of Regulations

The APA Regulations, APA boundaries and amendments thereto, shall become effective upon (1) the Commissioner's determination that such regulations are reasonably related to the purpose of ground water protection and not inconsistent with the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10 and (2) filing in the Office of the City/Town Clerk.

Adopted Date: May 7, 2012 (e.g. public hearing date)

DEEP Approval Date: _____ (date of approval letter)

Effective Date: _____ (e.g. 60 days after hearing date)

Revision Date: _____ (as needed)