AGENDA

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

1. Administration

   1.1. Minutes of the June 14, 2012 RPC Meeting

2. Statutory Referrals – July Action Items


   2.2. Town of Hamden: Proposed Zoning Regulation Amendment to add 626.4.2 – Keeping of Falconry Raptors (place a “P” in each permissible zone). Submitted by: Private Applicant. Received: June 18, 2012. Public Hearing: July 24, 2012


3. Other Business
MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, June 14, 2012 Meeting

Present: Christopher Traugh, Kevin DiAdamo, Mary Shurtleff, Charles Andres, Mark Bender, David White, James Giulietti, Christopher Suggs (During Referral 2.2), Eugene Livshits

1 Administration

1.1 Minutes of the May 10, 2012 RPC meeting. Motion to accept the minutes as presented: Mark Bender. Second: Mary Shurtleff. Vote: Unanimous.

2 Statutory Referrals

2.1 Town of Southington: Proposed Zoning Regulation Amendments pertaining to Section 3-01.31B

By resolution, the RPC has determined that 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. Motion: Charles Andres. Second: James Giulietti. Vote: Unanimous.

2.2 City of New Haven: Proposed Zoning Amendments pertaining to the proposed BD-3 District

By resolution, the RPC has determined that 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. Motion: Mary Shurtleff. Second: David White. Abstain: Kevin DiAdamo. Vote: Unanimous.

2.3 Town of Stratford: Proposed Zoning Regulation Amendments pertaining to Section 3.12 (Special regulations for subdivisions) and Section 21 (Variances)

By resolution, the RPC has determined that 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. Motion: Mary Shurtleff. Second: Christopher Suggs. Vote: Unanimous.

2.4 Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Section 10.33.4 (Farm Tourism Uses – Requirements)

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any inter-municipal impacts to the towns in the South Central Region nor do there
appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. The description of the structure, square footage, and seating is provided, but the type of use is not mentioned. Clarification is needed pertaining to the descriptive title of the proposed amendment. Motion: Charles Andres. Second: James Giulietti. Vote: Unanimous.

Motion to add City of Meriden Referral to the June RPC Agenda: Mark Bender. Second: Kevin DiAdamo. Vote: Unanimous

2.5 Town of Guilford: Open Space Grant Application by the Guilford Land Conservation Trust for Acquisition of inholdings in Westwoods forest

By resolution, the RPC has determined that the Guilford Land Trust’s acquisition of the 17 acre parcel off of Dunk Road in Westwoods forest is consistent with the Regional Plan of Conservation and Development (POCD). The proposed application is consistent with the important goals identified in the Regional POCD of protecting environmentally sensitive land and passive open space recreation areas and maintaining comprehensive sustainable local habitats and ecosystems. Motion: Mary Shurtleff. Second: Kevin DiAdamo. Vote: Unanimous.

2.6 Town of Branford: Open Space Grant Application by the Town of Branford for Acquisition of the Kaczynski property

By resolution, the RPC has determined that the Town of Branford’s acquisition of the approximately 22 acre Kaczynski property is consistent with the Regional Plan of Conservation and Development (POCD). The proposed application is consistent with the important goals identified in the Regional POCD of protecting environmentally sensitive land and maintaining comprehensive sustainable local habitats and ecosystems. Motion: Mark Bender. Second: David White. Vote: Unanimous.

2.7 City of Meriden: Open Space Grant Application by the City of Meriden for Acquisition of land at 650 Reservoir Road, Cheshire

By resolution, the RPC has determined that the City of Meriden’s acquisition of the approximately 5 acre property at 650 Reservoir Road in Cheshire is consistent with the Regional Plan of Conservation and Development (POCD). The proposed application is consistent with the important goals identified in the Regional POCD of protecting environmentally sensitive land and maintaining comprehensive sustainable local habitats and ecosystems. Motion: Charles Andres. Second: James Giulietti. Vote: Unanimous.

3 Other Business

Motion to Adjourn: Mark Bender. Second: Kevin DiAdamo. Vote: Unanimous.
Referral 2.1:  City of Shelton

Subject: Proposed Zoning Regulation Amendments to Section 23, Schedule A, Use Line 19 and a revision of Section 32 – Excavation, Filling, Grading and/or Removal of Earth Materials

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

Background:
The City of Shelton has submitted proposed zoning regulation amendments pertaining to Section 32: Excavation, Filling, Grading and/or Removal of Earth Materials and Section 23, Schedule A, Use Line 19. The amendment to Schedule A, deletes the following condition: “The use shall not include facilities for the insane, alcoholics or drug addicts, except when such facilities are owned by and located upon property of the State of Conn.” The condition was applicable to hospitals, convalescent homes and sanitaria owned and/or licensed by the State of Connecticut.

The amendments to Section 32 are similar to what the Regional Planning Commission previously reviewed during the January 2012 meeting. The only changes which have occurred are to Section 32.3 and Subsection 32.3.1 where 100 cubic yards has been changed to 200 cubic yards. Section 32.3.2 has been removed and in Sections 32.3.3 and 32.3.4 (previously 32.3.4 and 32.3.5) the provisions to the amount of the materials have been removed. The previous referral can be reviewed in the agenda packet (the changes that have occurred are highlighted).

Communication: In researching this proposal, I spoke to the planning staff for Shelton and notified the adjacent municipalities in the South Central Region.
ZONING/PLANNING REFERRAL TRANSMITTAL

Date: 6/12/12

TO: Carl Amento, Exec. Dir. SCRG

FROM: SHELTON PLANNING AND ZONING COMMISSION

BY: Richard D. Schultz, AICP

PROPOSAL/PROJECT: Proposals of the Shelton PZC: Amendment of Section 23,
Schedule A, Use Line 19 and Revised Rewrite of Section 32: Excavation, Filling,
Grading and/or Removal of Earth Materials (previously sent and reported on)

The subject proposal/project is referred to you by the Shelton Planning and Zoning Commission in accordance with the indicated provisions of the Connecticut General Statutes. A general description of the proposal/project is enclosed, but should you require additional information, please contact this office at 924-1555, extension 361.

(X) Section 8-3b Zoning modifications affecting land use within 500 feet of the City Line.
( ) Section 8-3h Applications for projects within 500 feet of the City Line or with significant impacts on adjacent Town (traffic, drainage, etc.).
( ) Section 8-23f Plan of Conservation and Development.
( ) Section 8-26b Subdivisions abutting the City Line.
( ) Section 8-26f Projects within 500 feet of the City Line or with significant impacts on adjacent Town.
( ) Section 22a-104e Zoning Regulations, Plan of Conservation and Development and other changes within the designated Coastal Area.
( ) Section 22a-105 Coastal Site Plan Reviews

A public hearing/meeting on the subject proposal/project has been scheduled for July 10, 2012 at 7:00 P.M. at the Shelton City Hall.

Attachments: Text Amendments
PROPOSED REWRITE OF SECTION 32 EARTH MATERIALS REMOVAL

SECTION 32 - EXCAVATION, FILLING, GRADING AND/OR REMOVAL OF EARTH MATERIALS

32.1 Purpose: Activities which are covered by this Section include excavation of earth materials; blasting; grading; deposit of earth materials, including filling and stockpiling; processing earth materials in conjunction with a contractor's business; and any other earth-moving or land clearing activity. The purpose of these regulations is to regulate such site clearing, earth moving and stockpiling activities so as to:

1. Minimize surface runoff of rainfall and melt water to prevent injury to adjoining properties resulting from erosion, transport of sediment and increase in overland flow of storm drainage;

2. Prevent creation or exacerbation of safety hazards such as sharp declivities, cliffs and unstable slopes;

3. Preserve distinctive natural features such as rock outcrops and ridge lines;

4. Limit the total amount of fill material that can be placed on any lot in order to restrict the development of those parcels of land where an excessive amount of fill would be necessary in order to make the land more developable and to prevent adverse drainage impacts on surrounding properties as a result therefrom; and

5. Protect the ecological processes by preserving natural vegetative cover essential to maintenance of soil stability, micro-climate moderation and property values.
32.2 **General:** In accordance with the provisions hereinafter specified, the Commission may permit all those activities listed in Section 32.1 above, subject to the approval of a Temporary Special Exception permit in accordance with the provisions and procedures described herein. All filling or dredging of any pond, lake, swamp or other existing body of water or inland wetland area, or the filling or excavating of any swale, valley, slough or other area of depression is hereby prohibited, except after the granting of such Temporary Special Exception permit by the Commission, for a period not exceeding two (2) years, issued under such conditions as the Commission may impose to prevent damage to adjoining property and to protect the public health, safety, convenience and welfare. In cases where such activity is covered by an approved Subdivision, Site Plan or other Special Exception, no separate application for such activities is required unless specifically required by the Commission and provided that all application requirements and standards of this Section are met.

32.3 **Authorized Exclusions and Exemptions:** As set forth below, the provisions of this Section shall not apply to the following cases, provided a) such excavation, grading or removal or slashing of trees is conducted and completed in such manner as to cause no danger to the public health or safety, including stagnant water, soil erosion, water pollution or excessive drainage runoff, b) provided no activity takes place within any inland wetland or watercourse or their prescribed buffer areas, unless necessary permits have been granted by the Shelton Inland Wetlands Commission and c) when such excavation, grading or removal activity exceeds 200 cubic yards, all abutting property owners have been informed of the proposed activity at least 48 hours prior to the start of the activity.

32.3.1 Filling or removal of earth materials in conjunction with landscaping and changing of contours on a lot, when no Building Permit is required, provided that on a lot in the Residence R-4 or R-5 Districts said filing or excavation does not exceed 50 cubic yards and in other Residence Districts does not exceed 200 cubic
yards; said amount may be increased to not more than 400 cubic yards with approval of a **Certificate of Zoning Compliance** by the Zoning Enforcement Officer (Z.E.O.) if all applicable conditions of Paragraph 32.5 are satisfied. The Z.E.O. may require the submission of a letter/report prepared by a registered, professional civil engineer certifying that the proposed activity will not adversely impact on-site or off-site conditions. Such authorization shall be deemed to permit the filling, excavation, grading or removal of only the quantity of material which is necessary to make the lot more suitable for the proposed use, provided such activities do not result in a grade change of more than two (2) feet within 20 feet of a property line. All activities allowed under this subparagraph shall be contingent upon completion of such activity within one calendar year and the area shall be prepared or restored in accordance with Paragraph 32.5.12.

32.3.2 Necessary foundation and trench work involving not more than 400 cubic yards of material on a lot for which an **Application for a Certificate of Zoning Compliance** and a Building Permit have been issued; said amount may be increased to not more than 2,000 cubic yards provided that when approving the **Application for a Certificate of Zoning Compliance**, the Zoning Enforcement Officer is satisfied that all applicable conditions of Paragraph 32.5 will be satisfied. Any filling, excavation, grading or removal authorized under this Paragraph shall be deemed to permit the filling, excavation, grading or removal of only the quantity of material which is necessary to make the lot more suitable for the proposed use. Further, that such filling, excavation, grading or removal authorized by the **Application for a Certificate of Zoning Compliance** shall be contingent upon completion of such project within two (2) years after commencement, as evidenced by the issuance of a **Certificate of Zoning Compliance** for such project. The failure to complete such filling, excavation, grading or removal in a timely manner shall be deemed a violation of these Regulations unless an **Application for a Temporary Special Exception** for the Earth Materials Removal has been approved by the Commission in accordance with this SECTION.
32.3.3 Normal installation or repair of a septic system, subject to approval by the Valley Health District and the Town Engineer, as well as all necessary work for an engineered septic system on a lot for which an Application for a Certificate of Zoning Compliance has been approved and a Building Permit has been issued and provided that the engineered septic system has been approved by the Valley Health District and that the Zoning Enforcement Officer is satisfied that all applicable conditions of Paragraph 32.5 will be satisfied.

32.3.4 Necessary filling, excavation, grading or removal in connection with improvements on the lot solely for bona fide farming and agricultural purposes, such as the construction of ponds, burying of stones or other materials, re-grading of difficult contours and the excavation of earth for use elsewhere on the lot and not for sale, and with approval of an Application for a Certificate of Zoning Compliance by the Zoning Enforcement Officer if satisfied that all applicable conditions of Paragraph 32.5 will be met.

32.3.5 Earth removal activities associated with the construction of improvements and changing of contours in a subdivision approved by the Commission and in accordance with construction plans and grading plans, with existing and proposed contours, for such subdivision.

32.3.6 Work associated with a Site Plan, Site Development Plan or Special Exception approved by the Commission in accordance with these Regulations.

32.3.7 All activities of the City of Shelton, including the normal maintenance and repair of roads and driveways and the construction of new City roads and the stockpiling of street maintenance and landscaping materials required by the City of Shelton.

32.4 Application and Procedure: Application for a Temporary Special Exception under this Section shall be submitted in writing to the Zoning Enforcement Officer together
with an Application for a Certificate of Zoning Compliance and an application fee in an amount as determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto, payable to the City of Shelton. The Commission may request the applicant to submit such additional information that it deems necessary in order to decide on the application. In processing such application, the Commission shall hold a public hearing, shall decide thereon and shall give notice of its decision as required by the General Statutes. The grounds for disapproval of an Application shall be stated by the Commission in its records. Failure to submit additional information requested by the Commission shall be grounds for disapproval of the Application. The Application shall be signed by the owner of the land where the excavation, grading, clearing, removal or filling operation is proposed, or his authorized agent, and shall include the following:

32.4.1 Statement of Use: Twelve (12) copies of a written statement describing the proposed activity in sufficient detail to determine compliance with the permitted use provisions of Section 23 and the performance standards of Section 43. The statement shall also include the time period proposed for completion of all work; the hours and days of the week during which the activity will take place; the total volume and type of materials to be deposited, removed or graded; the total area to be clear-cut; details of any proposed blasting; the number of trucks and other equipment which will be involved; and the proposed truck access through the surrounding neighborhood.

32.4.2 Maps and Plans: Twelve (12) copies of maps and plans, drawn to a scale of 1” equals 40”, with cross sections on the longitudinal axis 200 feet on center or closer if required by the Commission or City Engineer, prepared by and bearing the seal of appropriate design professionals, licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, illustrating the proposed activity and including the following information:

a. A small scale map, drawn to the same scale as the City Tax Assessor’s map
of the area, showing the location of the lot, the names of all abutting owners and streets, the names of the applicant and the owner of the lot, the Zoning District for the lot, the City Tax Assessor’s map and parcel number for the lot and the acreage of the lot.

b. The boundaries of the property including; location and exterior limits of the area to be excavated or graded; location, width and purpose of all existing and proposed easements and rights-of-way on the property; streets adjoining the site; location of buildings and structures on adjoining parcels; and the names of owners of property adjoining the site;

c. In the area of the proposed operation and within 100 feet thereof, existing field verified contours and proposed contours at intervals of two feet referred to the City’s topographic maps datum, spot elevations at key locations and areas where earth materials are to be stockpiled and details of final site grading, stabilization and planting of the site at the conclusion of operations.

d. Location of all existing wooded areas, watercourses, wetlands, rock outcrops, stone walls and other significant physical features and, where applicable, any inland wetlands boundary, 100 year flood line, floodway boundary, and areas of 25% or greater slope. Inland wetlands shall be field located by a certified soils scientist. Information and details concerning existing and proposed drainage on the lot, watercourses, ponds and swamps shall extend 200 feet beyond the area of the proposed operation.

e. An erosion and sediment control plan in accordance with Section 45 including details of existing and proposed drainage systems and proposed measures for erosion control and sedimentation control, and details of proposed planting for the area of the proposed operation, both to prevent erosion during the course of the operation and at the conclusion thereof.

f. Location of existing buildings, structures, signs, fences, walls, paved areas,
curbs, curb cuts, edges of pavement, sidewalks, light poles, utility poles, 
catch basins, manholes, hydrants and other similar physical features.
Locations and types of any proposed buildings, structures and processing 
equipment to be erected.

g. Proposed vehicular access to the lot from adjacent roadways and proposed 
travel access to the area of the proposed operation.

h. An estimate of the number of cubic yards of material to be excavated, 
graded, filled or removed.

32.4.3 Other: The Commission, upon written request by the applicant, identifying 
specific sections of the application requirements from which he requests 
exemption and reasons justifying such request, may by resolution waive the 
required submission of all or part of the information required under Paragraph 
32.4 if the Commission finds that the information is not necessary in order to 
decide on the Application. In addition, when applicable, written approvals from 
the Inland Wetlands Commission, the Fire Marshall, the Connecticut Department 
of Environmental Protection and/or the Army Corps of Engineers shall be 
submitted with the Application.

32.5 Standards and Conditions: The filling, excavation, grading, removal, or other activities 
authorized under this SECTION, shall conform to the following standards and conditions, 
and before approving a Temporary Special Exception the Planning and Zoning 
Commission shall find that the following standards and conditions will be met:

32.5.1 General: The operations and activities shall be carried out in conformity with the 
statement, maps and plans as approved by the Planning and Zoning Commission 
and within the exterior limits shown thereon;

32.5.2 Earth Slopes: Finished earth slopes resulting from approved activities shall not
exceed one foot of rise for three feet of horizontal distance of such lesser slope as the Commission may specify as necessary for the public health and safety, soil stability, and for the reasonable use of the property after completion of the excavation or deposit.

**32.5.3 Rock Slopes:** The Commission may approve finished rock slopes resulting from blasting, at slopes no greater than five feet rise for one foot of horizontal distance, provided that the following conditions are met:

a. The Commission makes a finding that the requirements of Section 32.4 are met;

b. The top of any permanent slope greater than four (4) feet in height is protected by a fence at least four (4) feet in height of a quality acceptable to the Commission, to prevent injury to the general public;

c. All blasting shall observe the requirements of the Shelton Blasting Ordinance and be conducted in a manner acceptable to the Shelton Fire Marshall. Upon completion of blasting, the applicant shall furnish a statement from a licensed engineer that the finished slopes are stable and have been constructed in accordance with the approved plan.

**32.5.4 Slopes, Other:** Unless otherwise authorized by a Commission-approved Subdivision Plan or Site Development Plan, no blasted, excavated or filled slope shall be located within 50 feet of any side or rear property line, or such greater distance as the Commission may specify if necessary to meet the requirements of Section 32.4, except that such excavation, filling, grading or removal below the elevation of an abutting property line may be permitted if written approval from the adjoining owner is received by the Commission as set forth in Sub-paragraph 32.5.5 below. The activity occurring within 50 feet of a property line or street line shall blend with the grade of the adjoining property or street line and shall not
exceed a slope of eight percent (8%) from such line.

32.5.5 **Site Conditions During Operation:** Slopes shall be maintained during construction so as not to exceed one foot rise for two feet of horizontal distance whenever construction is suspended for more than two weeks. There shall be no sharp declivities, pits or depressions and proper drainage shall be provided to avoid stagnant water, soil erosion and water pollution. The Commission may require that the entire construction area be fenced at least six feet in height with suitable gates and located fifty (50) feet or more from the edge of the construction area, if it finds that it is necessary to ensure public safety.

32.5.6 **Adjoining Properties:** Proper measures shall be taken to minimize the impact on adjacent properties for noise, flying dust or rock and unsightly or dangerous conditions. Such measures may include, as appropriate, screening, fencing, limitations on on-site stockpiling of excavated materials and shall include the covering of truck loads. In any Residence District, there shall be no excavation or removal within the area between the property line and the building setback line unless such activity would result in finished grades at or above the elevation of the adjoining street or lot. Further, in such Residence Districts, there shall be no deposition or filling within this same area unless such activity would result in finished grades at or below the elevation of the adjoining street or lot. The Commission may waive these requirements if 1) a joint application with the adjoining property owner is filed or 2) written approval of the adjoining property is received by the Commission or 3) such application is necessitated by installation of a septic system or access drive. The extent of such waiver shall be limited to 1) the area adjoining the joint property line or 2) the immediate vicinity of the septic system or access drive, as applicable. In Applications involving significant filling, excavation and/or blasting in areas served by on-site water sources, the Commission may require appropriate procedures and measures for well monitoring on adjacent and nearby properties.
32.5.7 **Processing Machinery:** The Commission may approve the erection and maintenance of screening, sifting, washing, crushing or other forms of processing machinery in any district when authorized under a Subdivision Approval in any non-residential district, provided said machinery shall be directly related to and required in connection with proposed earth moving and site preparation activities authorized by Commission approval. No building or other structure shall be erected on the lot during the operation except temporary shelter for machinery and a field office, and/or portable sanitary facilities, subject to the approval of the Commission. In all instances, the performance standards of Section 43 and the following standards must be adhered to:

a. Stone-crushing machinery shall be located not less than 200 feet from any property line or street line and 300 feet from any Residence District Boundary line.

b. Screening, sifting, washing or other processing machinery shall be located not less than 100 feet from any property line or street line and 200 feet from any Residence District Boundary line.

c. All such machinery shall be removed from the lot upon termination of the **Temporary Special Exception.** No permitted machinery shall be operated outside of the permit area. Proper measures, as determined by the Commission, shall be taken to minimize the impact on and protect adjacent and nearby properties from hazards and nuisances such as for noise, flying dust or rock, vibration and unsightly or dangerous conditions. Such measures may include, when necessary, screening, fencing, dust control, and limitations on the practice of stockpiling excavated materials on the site and shall include covering of truck loads.

32.5.8 **Truck Access:** Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and nuisance to surrounding properties.
Such access road shall be provided with a dustless surface and maintained so as to prevent wind and water erosion. Proper drainage shall be provided so as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood. Anti-tracking aprons and other appropriate measures shall be shown on the Erosion and Sediment Control Plan. Any inadvertent tracking of materials into the street right of way shall be properly attended to.

32.5.9 Disposal of Excavated Materials: The total volume of earth materials to be removed from the site and its destination, if known, shall be stated in the Application. Deposition of such materials on any site within the City of Shelton shall be carried out in conformance with these regulations. If earth materials in excess of 100 cubic yards are to be transported to a location outside of the City of Shelton, it is the applicant’s responsibility to secure proper authorization for its disposal at the ultimate location.

32.5.10 Stockpiles: All stockpiles shall be contained within the permit area. No stockpile of earth materials shall be located within 50 feet of an inland wetland or in a floodway (designated on the National Flood Insurance Rate Map). Any activity within a designated Flood Plain District also requires approval by the City Engineer and a permit under the Shelton Flood Hazard Ordinance. Appropriate dust and erosion controls shall be clearly described and shall be maintained for the entire duration of the stockpile. Stockpiling of a variety of earth materials on a continuing basis as part of a business may be approved by the Commission as part of a Site Plan or Special Exception application for the primary use of the site (e.g. contractor’s yard or landscaping business), provided that:

a. the maximum volume (or footprint and height), location on the site, and type of materials to be stockpiled are explicitly described in the application and;

b. all other standards and requirements of these regulations are satisfied.
The Commission reserves the right to review continuing stockpiles on a yearly basis and require submission of a new Site Plan or Special Exception Application if the actual circumstances differ from and/or the volume of material stockpiled exceeds what was depicted on the original application.

32.5.11 Fill Materials: Prior to initiating filling activities, the Commission shall be provided with the source and quality of all fill materials. Land clearing, construction and demolition debris and loose boulders may be used as fill provided that the following requirements are met:

a. No constituent part of such fill shall exceed one cubic yard in volume.

b. No materials shall be used as fill which pose a fire or pollution hazard.

c. No materials shall be used as fill which will impair the future use of the site for purposes normally allowed in the zoning district. At the request of the Commission for any reason, such materials shall be appropriately tested for suitability as fill material.

d. The location of such material on the site shall be shown on an “as-built” plan to be filed with the Planning and Zoning Commission and noted on the Land Records of the City of Shelton prior to release of bond.

e. The provisions of this Section shall in no way be construed to authorize any activity regulated under Chapter 446d (Solid Waste Management) of the Connecticut General Statutes.

32.5.12 Hours of Operation: Within and adjacent to residential areas no blasting or operation of heavy vehicles or machinery shall take place before 7:30 A.M. or after 6:00 P.M. Monday through Saturday or at any time on Sundays or legal holidays, unless otherwise approved by the Commission. The Commission may
specify additional time limitations if such are warranted to ensure the reasonable use and enjoyment of surrounding properties. In non-residential areas, the Commission may establish appropriate hours of operation at the time of Temporary Special Exception approval.

32.5.13 **Site Restoration:** The top layer of any arable topsoil, to a depth of six (6) inches, shall be retained and stockpiled on the site. Upon completion of the work authorized, or when work has progressed sufficiently to where reclamation of significant areas is practicable, the area affected by the operation shall be prepared or restored as follows:

a. Such area shall be graded so that slopes in disturbed areas shall be no steeper than one foot of rise for three feet of horizontal distance. The slope may be modified by the Commission to such lesser slope necessary for soil stability and reasonable reuse and development of the lot. The area shall be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided.

b. A layer of topsoil shall be replaced uniformly over the entire area, to a depth of six (6) inches, with any large stones removed. The area shall then be seeded with State Conservation Mix or other suitable perennial grass mixture and/or other appropriate ground cover and maintained by mulching, repairing and reseeding until the area is stabilized with a dense cover of grass and approved by the Commission and there exists no danger of erosion. However, this provision shall not apply to the area of ponds nor to exposed areas of ledge existing prior to the work. Final treatment of all exposed rock surfaces shall be at the discretion of the Commission. Excess topsoil may be removed from the site upon submission of a statement from a licensed professional engineer or landscape architect that sufficient topsoil remains to accomplish the requirements of this Section.
32.5.14 **Additional and/or Alteration of Conditions:** The Commission may impose appropriate additional conditions and/or adjust any standards or conditions set forth above if, in its sole judgment, such additional and/or adjusted conditions are necessary to maintain the purpose and intent of this Section. Non-compliance with any conditions shall be sufficient grounds for the issuance of a Stop Work Order by the Z.E.O. and/or the revocation of the **Temporary Special Exception** by the Commission.

32.6 **Insurance:** The applicant shall obtain and maintain liability insurance with a limit of not less than $500,000 as to personal injury and $250,000 as to property damage and shall furnish a certificate of insurance to the Commission, and in the event of cancellation of such insurance, the **Temporary Special Exception Application** shall terminate;

32.7 **Posting of Bond:** The applicant shall file with the Commission a cash, savings account or surety bond, in form and with surety acceptable to the City/Corporation Counsel, and in an amount recommended by the City Engineer and approved by the Commission to insure the faithful performance of the work to be undertaken in accordance with the provisions of this Section and the terms of the **Temporary Special Exception**, including site restoration, provided however, that in no event shall the Commission fix a bond in an amount less than $5,000 for each acre or fraction thereof to be filled, excavated, cleared, graded or otherwise disturbed. A separate cash bond in an amount to be determined shall be posted to ensure the installation and timely maintenance of all sedimentation and erosion control facilities. In addition, when the type and size of the removal operation warrants it, the Commission may require an additional bond, in form and amount and with surety acceptable to the City/Corporation Counsel, to protect the City from any damage caused to City roads, bridges, or drainage facilities as a result of the removal operations and activities.

32.8 **Inspections and Periodic Reports:** The Commission, City Engineer and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the lot for the purpose of inspection and determination of compliance with this Section.
The Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.

32.9 **Duration of Permit:** Each Application for a Temporary Special Exception granted under this Section shall be valid for a period not to exceed two (2) years or for such shorter period requested by the applicant or fixed by the Commission. Upon application made at least 15 days before the expiration of a Temporary Special Use Application, the Commission may extend the time period for periods of not more than one (1) year, provided that there exists no violation of the terms of the current Temporary Special Exception Application. Any non-compliance with the conditions of the original approval shall be deemed sufficient cause for denial of any extension.

32.10 **Inspection Fee:** At the time of issuance of a Certificate of Zoning Compliance authorized by a Temporary Special Exception Application approved under this Section, the applicant shall pay to the City of Shelton an inspection fee in an amount determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto, for each 1,000 cubic yards of material, or fraction thereof, to be excavated, graded or removed.

32.11 **Existing Operations:** Any existing lawful operation, involving the excavation or grading, or removal from any lot, authorized by a permit issued under the Zoning Regulations previously in effect, shall, upon expiration of such prior authorization, comply with the requirements of this Section.

32.12 **Return of Bond:** Upon satisfactory completion of the authorized activities in accordance with the terms of an approved Temporary Special Exception Application and after any area of the site required to be seeded has grown a dense cover of grass in the second growing season, as required under this Section, the applicant may apply to the Commission for return of the bond(s) filed as provided in this Section. The bond(s) may be released only after the Commission and City Engineer are satisfied that all of the
requirements of this Section have been completed.

32.13 **City Operations:** The Commission may waive or modify the required application fee and other pertinent requirements set forth above in connection with the excavation or grading or removal from any lot of any earth, loam, topsoil, sand, gravel, clay, or stone when the excavation, grading or removal on such lot is conducted solely by or on behalf of the City of Shelton solely for the municipal purposes of the City.

32.14 **Maintenance of Ponds:** When it is found necessary to maintain existing ponds, lakes, or other bodies of water to prevent eutrophication or to remove accumulated silting, and when said maintenance will not change the original basic contours, depth, or periphery of the body of water, such work may be done without an Application for a Temporary Special Exception provided:

a. Approval is granted by the Shelton Inland Wetlands Commission.

b. The applicant submits a written report to the Commission stating:

   1. the area to be maintained;
   2. the reason for the maintenance;
   3. the total amount and type of material to be removed and where it is to be placed;
   4. the proposed dates of the operation;
   5. the name of the contractor responsible; and
   6. the hours of operation.

c. The Commission, upon review of the above report, finds that the work is necessary and does not fall within the purview of an earth removal operation.

d. The Commission approves the above report and so notifies the applicant in writing.

If the Commission determines that the proposed operation is more than just maintenance
and is an earth removal operation, said work shall only be performed in accordance with the requirements of Sections 32 and 43 of these Regulations.
Referral 2.5: City of Shelton

Subject: Proposed Zoning Regulation Amendments to revise Section 32 – Excavation, Filling, Grading, and/or Removal of Earth

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 City of Shelton has proposed Zoning Regulation Amendments to revise Section 32 – Excavation, Filling, Grading, and/or Removal of Earth. The proposed amendments are a rewrite of the existing section. The section now begins with a “Purpose” paragraph (32.1) that highlights the objectives of the regulations. The following is an overview of the subsections with significant changes/additions.

Section 32.3 - Authorized Exclusions and Exemptions
The excluded activities cannot take place within any wetland/watercourse without Inlands Wetlands Commission approval. In addition, when excavation, grading, or removal activity exceeds 100 cubic yards, all abutting property owners must be notified at least 48 hours prior to the start of such activity. New exemptions include the removal/slashing of trees in an area not exceeding 5,000 s.f. for landscaping purposes, installation and repair of a septic system (not to involve more than 2,000 s.f. with proper approvals), work associated with a Site Plan, Site Development Plan, or Special Exception approved by the Commission, and all activities of the City, including the normal maintenance/repair of roads and driveways.

Section 32.4 - Application and Procedure
The application and procedure regulations were formerly divided into two sections. The combined section contains further detail regarding the required submissions, including the statement of use, maps, and plans.
Section 32.5 - Standards and Conditions

Processing Machinery (32.5.7) can be erected and maintained on a lot when authorized under a Subdivision Approval in any non-residential district (previously prohibited). Slopes have been divided into three categories: Earth Slopes, Rock Slopes, and Slopes, Other (32.5.2 – 32.5.4). Site conditions during operation are now specified (32.5.5). Standards regarding the disposal of excavated materials and stockpiles (32.5.9 – 32.5.10) have also been developed. The Commission should be provided with the source and quality of all fill materials (32.5.11). The Hours of Operation (32.5.12), with respect to activities within and adjacent to residential areas, are identified as 7:30 AM – 6:00 PM, Monday through Saturday (formerly at discretion of the Commission). The Site Restoration section (32.5.13) now states that “slopes in disturbed areas shall be no steeper than one foot of rise for three feet of horizontal distance” (previously two feet of horizontal distance).

Section 32.6 - Insurance

Liability insurance minimums have been increased from $300,000 to $500,000 for personal injury and from $100,000 to $250,000 for property damage.

Section 32.14 – Maintenance of Ponds

This new section states that an application for a Temporary Special Exception is not required if the maintenance of existing ponds, lakes, or other bodies of water is an effort to prevent eutrophication1 or to remove accumulated silting. However, if the maintenance will change the original contours, depth, or periphery of the body of water and all other provisions of this section are not met, the work must be in accordance with Sections 32 and 43 (Performance Standards).

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

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1 “the process by which a body of water becomes enriched in dissolved nutrients (as phosphates) that stimulate the growth of aquatic plant life usually resulting in the depletion of dissolved oxygen” (Source: Merriam Webster Online)
PROPOSED REWRITE OF SECTION 32 EARTH MATERIALS REMOVAL

SECTION 32 - EXCAVATION, FILLING, GRADING AND/OR REMOVAL OF EARTH MATERIALS

32.1 **Purpose:** Activities which are covered by this Section include excavation of earth materials; blasting; grading; deposit of earth materials, including filling and stockpiling; processing earth materials in conjunction with a contractor's business; clear-cutting; and any other earth-moving or land clearing activity. The purpose of these regulations is to regulate such site clearing, earth moving and stockpiling activities so as to:

1. Minimize surface runoff of rainfall and melt water to prevent injury to adjoining properties resulting from erosion, transport of sediment and increase in overland flow of storm drainage;

2. Prevent creation or exacerbation of safety hazards such as sharp declivities, cliffs and unstable slopes;

3. Preserve distinctive natural features such as rock outcrops and ridge lines;

4. Limit the total amount of fill material that can be placed on any lot in order to restrict the development of those parcels of land where an excessive amount of fill would be necessary in order to make the land more developable and to prevent adverse drainage impacts on surrounding properties as a result therefrom; and

5. Protect the ecological processes by preserving natural vegetative cover essential to maintenance of soil stability, micro-climate moderation and property values.
32.2 **General:** In accordance with the provisions hereinafter specified, the Commission may permit all those activities listed in Section 32.1 above, subject to the approval of a **Temporary Special Exception** permit in accordance with the provisions and procedures described herein. All filling or dredging of any pond, lake, swamp or other existing body of water or inland wetland area, or the filling or excavating of any swale, valley, slough or other area of depression is hereby prohibited, except after the granting of such **Temporary Special Exception** permit by the Commission, for a period not exceeding two (2) years, issued under such conditions as the Commission may impose to prevent damage to adjoining property and to protect the public health, safety, convenience and welfare. In cases where such activity is covered by an approved Subdivision, Site Plan or other **Special Exception**, no separate application for such activities is required unless specifically required by the Commission and provided that all application requirements and standards of this **Section** are met.

32.3 **Authorized Exclusions and Exemptions:** As set forth below, the provisions of this **Section** shall not apply to the following cases, when provided a) such excavation, grading or removal or slashing of trees is conducted and completed in such manner as to cause no danger to the public health or safety, including stagnant water, soil erosion, water pollution or excessive drainage runoff, b) and provided no activity takes place within any inland wetland or watercourse or their prescribed buffer areas, unless necessary permits have been granted by the Shelton Inland Wetlands Commission and c) when such excavation, grading or removal activity exceeds 100 cubic yards, all abutting property owners have been informed of the proposed activity at least 48 hours prior to the start of the activity.

32.3.1 **Filling or removal of earth materials in conjunction with landscaping and changing of contours on a lot,** when no Building Permit is required, provided that on a lot in the Residence R-4 or R-5 Districts said filing or excavation does not exceed 50 cubic yards and in other Residence Districts does not exceed 100 cubic yards; said amount may be increased to not more than 400 cubic yards with
approval of a Certificate of Zoning Compliance by the Zoning Enforcement Officer (Z.E.O.) if all applicable conditions of Paragraph 32.5 are satisfied. The Z.E.O. may require the submission of a letter/report prepared by a registered, professional civil engineer certifying that the proposed activity will not adversely impact on-site or off-site conditions. Such authorization shall be deemed to permit the filling, excavation, grading or removal of only the quantity of material which is necessary to make the lot more suitable for the proposed use, provided such activities do not result in a grade change of more than two (2) feet within 20 feet of a property line. All activities allowed under this subparagraph shall be contingent upon completion of such activity within one calendar year and the area shall be prepared or restored in accordance with Paragraph 32.5.12.

32.3.2 The removal or slashing of one or more trees in an area not exceeding 5,000 square feet for bona fide landscaping purposes and/or to make the lot more suitable for its current use. Said area limitation may be increased to accommodate necessary excavation, grading and other activities associated with such other activities as are set forth below.

32.3.3 Necessary foundation and trench work involving not more than 400 cubic yards of material on a lot for which an Application for a Certificate of Zoning Compliance and a Building Permit have been issued; said amount may be increased to not more than 2,000 cubic yards provided that when approving the Application for a Certificate of Zoning Compliance, the Zoning Enforcement Officer is satisfied that all applicable conditions of Paragraph 32.5 will be satisfied. Any filling, excavation, grading or removal authorized under this Paragraph shall be deemed to permit the filling, excavation, grading or removal of only the quantity of material which is necessary to make the lot more suitable for the proposed use, provided further, that the filling, excavation, grading or removal authorized by the Application for a Certificate of Zoning Compliance shall be contingent upon completion of such project within two (2) years after commencement, and in the event of failure to complete such project, as
evidenced by failure to obtain the issuance of a Certificate of Zoning Compliance for such project. The failure to complete such filling, excavation, grading or removal in a timely manner shall be deemed a violation of these Regulations unless an Application for a Temporary Special Exception for the Earth Materials Removal has been approved by the Commission in accordance with this SECTION.

32.3.4 Normal installation or repair of a septic system, subject to approval by the Valley Health District and the Town Engineer, as well as all necessary work for an engineered septic system on a lot for which an Application for a Certificate of Zoning Compliance has been approved and a Building Permit has been issued and involving not more than 2,000 cubic yards of material, provided that the engineered septic system has been approved by the Valley Health District and that the Zoning Enforcement Officer is satisfied that all applicable conditions of Paragraph 32.5 will be satisfied.

32.3.5 Necessary filling, excavation, grading or removal in connection with improvements on the lot solely for bona fide farming and agricultural purposes, such as the construction of ponds, burying of stones or other materials, re-grading of difficult contours and the excavation of earth for use elsewhere on the lot and not for sale, provided that not more than 1,000 cubic yards of earth material may leave the site, and with approval of an Application for a Certificate of Zoning Compliance by the Zoning Enforcement Officer if satisfied that all applicable conditions of Paragraph 32.5 will be met.

32.3.6 Earth removal activities associated with the construction of improvements and changing of contours in a subdivision approved by the Commission and in accordance with construction plans and grading plans, with existing and proposed contours, for such subdivision.

32.3.7 Work associated with a Site Plan, Site Development Plan or Special Exception
SHELTON PLANNING AND ZONING COMMISSION
PROPOSED ZONING REGULATIONS AMENDMENTS

Date: May 31, 2012

Re: Amendment of Section 23, Schedule A, Use Line 19 by eliminating paragraph "a" as recommended by Corporation Counsel and in accordance with the American Disability Act.

Proposed Text for Use Line 19: "Hospitals, convalescent homes and sanitaria owned and/or licensed by the State of Connecticut, subject to the following conditions:

a. When the use is not served by public water supply an/or sanitary sewers, the use shall be located on a lot containing not less than 7,000 sq. ft. for each patient accommodation.

b. When the use is served by both public water supply and sanitary sewers, the use shall be located on a lot containing not less than 3,000 sq. ft. for each patient accommodation."
Referral 2.2: Town of Hamden

Subject: Proposed Zoning Regulation Amendment to add 626.4.2 – Keeping of Falconry Raptors (place a “P” in each permissible zone)

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

Background:
A private applicant in the Town of Hamden has proposed to add Section 626.4.2 – Keeping of Falconry Raptors. The following conditions are included as part of the proposed amendment: compliance with regulations of Connecticut State Agencies, maximum of three falconry raptors, non-commercial, accessory use, and no propagation of falconry raptors. The falconry raptors are required to be confined in a well-maintained structure in accordance with the regulations of CT State Agencies. The location is permitted in only the rear or side yard and 20 feet from any property lines. The structure has to be impermeable to rodents, other wild birds, dogs, cats and predators. There are additional provisions outlined pertaining to odors, which cannot be perceptible at the property boundaries, conforming to standards set by the Quinnipiac Valley Health District and an issuance of a zoning permit.

Falconry is a heavily regulated field sport and has rigorous licensing process. There are both federal and state regulations associated with falconry. Additional information regarding the sport of falconry and the process to obtain a license can be reviewed in the agenda packet.

Communication: In researching this proposal, I spoke to the planning staff for Hamden and notified the adjacent municipalities in the South Central Region.
June 12, 2012

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

Dear Mr. Amento,

Enclosed is the Proposed Zoning Regulation Amendment 12-928. The Public Hearing date for this application is July 24, 2012.

Please address any comments to the Hamden Planning Office, Attention Town Planner.

Sincerely yours,

Stacy Sheppard
Administrative Assistant to Boards and Commissions

Enclosures
Proposed Zoning Regulation For The Keeping of Falconry Raptors

Table 6.1 Allowed Uses by Zone

Add 626.4.2 Keeping of Falconry Raptors and place a P in each zone they are permissible.
TOWN OF HAMDEN
APPLICATION TO AMEND THE ZONING REGULATIONS

Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations

APPLICANT: Joseph Bender-Zamiri
APPLICANT TELEPHONE: 973-747-2116
ADDRESS: 115 Rogers Rd, Hamden CT 06517
ADDRESS STREET NO and Name Town and State Zip Code

REGULATION TO BE: □ AMENDED □ ADDED or □ DELETED:
Article Number 626 Section 4.2 Group Use

CURRENT LANGUAGE: None

PROPOSED LANGUAGE: See proposed Section 626.4.2.

REASON FOR PETITION FOR
CHANGE Under Section 26-67e-3(a)(4) of the Regulations of
Connecticut State Agencies a letter of zoning approval is required
from the Town's Zoning Enforcement Officer. Hamden Zoning Administrator
Holly Masi proposed the need for a zoning amendment. Please see
the attached Narrative.

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

If YES, list name of applicant

Application to Amend the Zoning Regulations, Revised 04/26/12
If you require additional space to complete any of your answers, please attach to this document.
626.4.2 Keeping of Falconry Raptors
The limited keeping of falconry raptors, referred to as raptors, for the pursuit of falconry, in a manner which preserves the quality of life of the surrounding neighborhood, is permitted subject to the following conditions:

a. Compliance with Regulations of Connecticut State Agencies Section 26-67e.

b. No more than three (3) raptors may be kept.

c. Raptors may be kept only in the following zoning districts: R-1, R-2, R-3, R-4, R-5, T-3, T3.5.

d. Raptors may be kept only as a non-commercial, accessory use. No propagation of raptors shall be permitted.

e. Raptors shall be confined in a well-maintained structure in accordance with Section 26-67e-9(b-e) of the Regulations of Connecticut State Agencies located in a rear or side yard only. The raptor housing shall be at least 20 feet from any property lines.

f. The structure must be impermeable to rodents, other wild birds, and predators, including dogs and cats. When outdoors on the property, and not accompanied by a licensed falconer, raptors must be kept inside the structure from sunset to sunrise.

g. Odors from raptors, raptor waste, or other raptor-related substances shall not be perceptible at the property boundaries.

h. The keeping of raptors shall conform to standards set by the Quinnipiac Valley Health District, as amended.

i. The keeping of raptors requires the issuance of a Zoning Permit.

j. The Zoning Permit application must be accompanied by a plot plan showing the allowable footprint(s) and the permissible location(s) of the raptor housing. Once approved, the structure may be moved anywhere within the allowable area(s) without the need for a new zoning permit.

Narrative In Support of Proposed Zoning Amendment: Section 626.4.2 Keeping of Falconry Raptors

My wife Margaret Jan Bender-Zanoni and I are in the process of becoming licensed Apprentice Falconers. We have successfully passed our apprentice examinations given by the Connecticut Department of Energy and Environmental Protection (DEEP) and are associate members of the Connecticut Falconer’s Association. Please see the attached letter of support from the Connecticut Falconer’s Association which also provides significant background on falconry and the rigorous process of becoming a falconer in Connecticut. The next step in our process is a letter from the town zoning administrator verifying that possession of a raptor and the building of a raptor housing facility complies with the town’s zoning regulations. Please see the attached Zoning Approval Form and the attached Falconry Fact Sheet For Local Zoning Officials from the DEEP. Hamden’s Zoning Administrator, Holly Masi, recommended the path of a zoning amendment to best allow approval of the form and subsequent construction of our raptor housing facility.

By approving this amendment, the Zoning Commission will not only further our individual goals, but also will also become the first town in Connecticut with a comprehensive zoning regulation for falconry that ties in with the comprehensive state regulations. Further, the town will facilitate a 4000 year old art practiced in over 60 countries and considered a living human heritage by the United Nations Education, Scientific and Cultural Organization (UNESCO).

I look forward to meeting with the commission and answering any questions you may have.

Sincerely,

[Signature]

Joseph Bender-Zanoni Esq.
June 13, 2012

Planning and Zoning Commission of Hamden
Hamden Government Center
2750 Dixwell Avenue
Hamden, CT 06518

I am writing in support of Joseph Bender-Zanoni’s amendment proposal to the Town of Hamden Planning and Zoning regulations to construct housing for a falconry bird on his property in accordance with Section 26-67e-3(a)(4) of the Regulations of Connecticut State Agencies (RCSA).

Falconry is the most heavily regulated field sport in the country and its practitioners do not undertake the activity without careful consideration of the time involved and legal requirements. It is governed by regulations on both the state and federal level through the Connecticut Department of Energy and Environmental Protection (DEEP) and the U.S. Fish and Wildlife Service, respectively. These regulations have been carefully created to ensure the well being of the birds used in falconry and the safety of the community in which the falconer resides.

In addition to the zoning requirements, before obtaining a bird for use in falconry, a prospective apprentice falconer must first take a written falconry examination (150 questions) administered by the Connecticut Department of Environmental Protection and score 80 percent or higher. He or she must then certify compliance with facility and equipment requirements, submit proof of having a valid Connecticut hunting license, which requires the successful completion of a DEP Conservation Education and Firearms Safety course. The applicant must also certify that he or she has not been convicted of violating the falconry laws and regulations of any state or the federal government within a five-year period and confirm the sponsorship of a general or master class falconer (i.e., a falconer with a minimum of five years experience).

These rigorous entry requirements to the sport of falconry ensure that anyone getting involved has demonstrated a serious commitment to the endeavor. Due to the heavily regulated nature of falconry, it has a limited following – there are currently 12 licensed falconers in Connecticut – a group which comprises only the most dedicated individuals. Thus the falconry community is a tight-knit group of sportsmen and women who help one another learn and do not tolerate lawbreakers.

Falconry has been practiced in this state since 2005 and there have been absolutely no negative incidents or problems within the communities in which Connecticut falconers reside. It is a sport with a rich and storied history that dates back over two thousand years and it is practiced successfully and safely across the U.S. and in literally dozens of countries throughout the world.
It is important to realize that a falconry bird poses no danger to the community since it is not let out of its enclosed mews or weathering area (housing) to roam the neighborhood like a cat or dog. The birds are flown only in appropriate areas on state or private land (with landowner permission) under the aforementioned strict federal and state regulations. Hawks and falcons are not especially noisy birds, nor do they have an offensive odor. In fact, once housed in the mews, most people would not even be aware of the hawk’s presence.

Unlike parakeets, parrots, macaws, or other exotic birds sold for the pet trade, which spend their entire lives in cages, falconry birds are regularly flown free and are fully capable of hunting for themselves and surviving in the wild. In fact, falconers generally release their birds back to the wild after a season or two.

It is a rare and special privilege to be able to work closely with a hawk or falcon and a responsibility that we falconers take very seriously. We are an extremely dedicated to the conservation of wild raptors and abuses are simply not tolerated. Connecticut falconers often work closely with raptor rehabilitators and regularly take part in conservation projects throughout the state. Falconry is a conservation-driven activity that adds a great deal to the practical knowledge of raptors. In fact, falconers were instrumental in the restoration of the Anatum (eastern subspecies) of the Peregrine Falcon, which has now been removed from the Federal Endangered Species List.

As an apprentice falconer, Joseph Bender-Zanoni will be subject to the same level of scrutiny and regulation and high standards as the rest of the falconers throughout the state. In light of this information, I am hopeful that you will approve Mr. Bender-Zanoni’s zoning amendment proposal so he will be able to practice the time-honored sport of falconry.

Thank you for your consideration of this information and feel free to contact me with any questions.

Sincerely,

Jon D’Arpino
Connecticut Falconers Association
Phone: 860-342-0598
E-Mail: jondarp@sbcglobal.net
Attachment C: Zoning Approval Form

According to Section 28-67e-3(a)(4) of the Regulations of Connecticut State Agencies (RCSA) (falconry regulations), anyone applying for a falconry permit must submit to the Commissioner of the Department of Environmental Protection written documentation from the zoning enforcement officer of the municipality in which the raptor housing facility is located which verifies that the possession of a raptor and construction of a raptor housing facility, or use of an existing structure to house a raptor complies with all applicable local zoning requirements. Completion of this form or a verification letter written by the local zoning enforcement officer, will comply with this regulation. Local zoning officials may refer to the Falconry Fact Sheet for Local Zoning Officials attached at the end of the instructions (DEP-FALCON-INST-001) for further guidance.

Part I: Applicant Information

1. The following individual from your town wishes to apply to become a falconer:
   
   Name:
   
   Mailing Address:
   
   City/Town: State: Zip Code:
   
   Home Phone:
   
   Business Phone: ext. Fax:
   
   Other (cell) Phone:
   
   E-Mail:
   
   Date of Birth:
   
   Location of Raptor Housing:
   
   City/Town: State: Zip Code:

Part II: Zoning Officer Certification

If the zoning officer is in need of further information regarding Connecticut's Falconry Program please contact Laurie Fortin, Wildlife Technician for the DEP Wildlife Division at 860-424-3963 or laurie.fortin@po.state.ct.us.

I hereby certify that the possession of a raptor is not prohibited by local zoning regulations.

I hereby certify that construction of the proposed raptor housing facility, or use of an existing structure to house a raptor complies with all applicable local zoning requirements.

Signature of Zoning Officer Date

Name of Zoning Officer (print or type) Title
What is Falconry?

Falconry is the taking of wild quarry in its natural state and habitat by means of a trained raptor (bird of prey). This ancient art is a very demanding endeavor, requiring a serious dedication of time and energy from the falconer.

What requirements must someone fulfill to practice falconry in Connecticut?

Falconry Permit and Hunting License: Falconry is a highly regulated field sport in the United States. A comprehensive set of federal and state falconry regulations (Section 26-67e of the Connecticut General Statutes and by the provisions of Title 50 CFR and guidelines established by the United States Fish and Wildlife Service governing falconry) have been enacted for the protection of the wild and captively-bred raptors. To practice falconry in Connecticut, an individual must hold a federal license and a Connecticut falconry permit. In addition, a falconer must possess the appropriate hunting license for the game being hunted and observe the same hunting seasons and bag limits that apply to other hunters.

Knowledge: Prospective falconers must take an intensive written examination given by the state Department of Environmental Protection (DEP). The test covers all falconry topics, including raptor biology, field identification, natural history, pathology (the prevention and treatment of hawk diseases), falconry history, terms, techniques, and knowledge of raptor protection and falconry laws and regulations. An 80 percent or higher score is required to pass.

Equipment and Facilities: Before a state permit is issued, a prospective falconer must acquire all of the necessary equipment and construct appropriate housing for their bird. State and federal falconry regulations require the availability of a “mews” (an enclosed interior room or building for general perching of a bird) as well as an enclosed “weathering area” where birds can be out in the elements. Both of these facilities (sometimes they are combined into one structure) must be inspected and approved by a DEP official before a state falconry permit can be issued. DEP officials can also inspect facilities at any time thereafter and non-compliance can result in loss of a falconry permit.

Falconer Sponsor: Apprentice class falconry permits are issued only to those working under the active, recorded sponsorship of an authorized General or Master Class falconer.

Does falconry pose a danger to the community?

No. A falconry bird must be kept in an enclosed structure and is only handled by the falconer. Hunting with the bird is done in appropriate areas on state or private land. Most falconers in Connecticut will start by housing one Red-tailed Hawk. These birds commonly weigh less than three pounds and hunt their natural prey of squirrels, rabbits, mice and rats. These birds are common throughout Connecticut and do not pose a threat to humans or pets.
How do falconers obtain birds for use in falconry?

State and federal regulations require that the Apprentice Class falconer trap a young Red-tailed Hawk from the wild in another state. As individuals advance into higher classes, they are allowed to obtain additional birds but at no time are they allowed to possess more than three birds in total.

Why must falconers contact their local Zoning Enforcement Officer for approval?

According to Connecticut falconry regulations, Section 26-67e-3(a)(4) of the Connecticut General Statutes, anyone applying for a falconry permit must submit to the DEP Commissioner written documentation from the zoning enforcement officer of the municipality in which the raptor housing facility is located which verifies that the possession of a raptor and construction of a raptor housing facility, or use of an existing structure to house a raptor complies with all applicable local zoning requirements. A completed Zoning Approval Form (DEP-FALCON-APP-001C) or a verification letter written by the local zoning enforcement officer, submitted with the Application Form for a Falconry Permit (DEP-FALCON-APP-001) will comply with this regulation.
Referral 2.3: Town of Cheshire

Subject: Proposed Zoning Regulation Amendment to Section 30, Schedule A. New paragraph 1.B – Accessory Second Dwelling

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

Background:
A private applicant in the Town of Cheshire has proposed to add a new paragraph 1.B – Accessory Dwelling Unit to Section 30, Schedule A – Permitted Uses. The accessory second dwelling unit is permitted by special permit in the R-80 and R-40 Zoning Districts. The accessory dwelling unit can be located on lots with one dwelling unit and not more than two dwellings per lot. Requirements of Section 32, Schedule B would need to be met, including minimum lot area, square footage per dwelling, and minimum setbacks. There are additional conditions placed on the accessory second dwelling, including: the existing lot cannot be subdivided or re-subdivided in the future without complying with all requirements of these regulations and the location shall be in the side or rear of the primary dwelling and shall not exceed fifty percent of the lot coverage, limited to one and half stories.

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

1.) General Information: Date Sent: 6/20/2012

Subject: Zone Text Petition

Applicant Name: Matthew J. Bowman

Property Address (if applicable):

Town/City: Cheshire, CT

X Referral is from a private individual

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

Public Hearing Date: July 9, 2012

2.) Statutory Responsibility:

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

X 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:

X Material sent “Return Receipt Requested” (as required by law)

X Information on proposed change included

X Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: William S. Voelker

Telephone Number: 203 271-6670

E-mail Address: wvoelker@cheshirect.org

Comments: The opening of the public hearing will be July 9 and may be continued to July 23. The Planning and Zoning Commission does not meet in August.

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

84 SOUTH MAIN STREET, CHESHIRE, CONNECTICUT 06410
(203) 271-6670 Telephone  (203) 271-6688 FAX

Date: June 19, 2012

FROM: William S. Voelker, Town Planner

SUBJECT: Regional Referrals

The Cheshire Planning Office has received the following application(s) and we are forwarding such application(s) for regional referral:

<table>
<thead>
<tr>
<th>TYPE OF APPLICATION</th>
<th>SCHEDULED DATE OF PUBLIC HEARING IF APPLICABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone Text Petition</td>
<td>TBA – Next PH Date July 9, 2012</td>
</tr>
<tr>
<td>Matthew J. Bowman</td>
<td>7:30 p.m. – Cheshire Town Hall</td>
</tr>
<tr>
<td>To add to: Section 30, Sch. A</td>
<td></td>
</tr>
<tr>
<td>Permitted Uses – New Para. 1B</td>
<td></td>
</tr>
<tr>
<td>Accessory Second Dwelling</td>
<td></td>
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</tbody>
</table>

Proposed Text Attached.

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

Distribution List:
COG Central Naugatuck Valley
Central CT Regional Planning Agency
South Central CT RPA
RPC Referral Submission Form
South Central CT Regional Planning Commission

1.) General Information: Date Sent: 6/20/2012

Subject: Zone Text Petition

Applicant Name: Matthew J. Bowman

Property Address (if applicable):

Town/City: Cheshire, CT

☑ Referral is from a private individual

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

Public Hearing Date: July 9, 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: William S. Voelker

Telephone Number: 203 271-6670

E-mail Address: wvoelker@chesirect.org

Comments: The opening of the public hearing will be July 9 and may be continued to July 23. The Planning and Zoning Commission does not meet in August.

Questions: (203) 234-7555

South Central Regional Council of Governments | http://www.scrCog.org
PETITION FOR A ZONE MAP OR ZONE TEXT CHANGE

In accordance with the General Statutes of the State of Connecticut, the undersigned hereby petitions the Cheshire Planning & Zoning Commission for a text change (✓) and/or map change ( ) to the Cheshire Zoning Regulations to permit, amend, or delete the following:

**For Zone Text Changes:**

Indicate pertinent section/paragraph of Zoning Regulation to be changed.

- Section 30, Schedule A, Permitted Uses – Add new paragraph

- 1B – Accessory Second Dwelling – Text attached

**For Zone Map Changes:**

Location of Property: N/A

Assessor’s Map No.(s)

Lot No.(s) Zone

Change from present zone to zone.

Reason for Proposed Text and/or Map Change:

The following is attached and hereby made part of this petition:

1. For a text change, five (5) copies of the existing and proposed text.

2. For a map change, six (6) copies of a written legal description of the proposed zone boundary and six (6) copies of a map drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change, and all areas in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines, and the names and addresses of the current property owners as indicated by the Cheshire Assessor’s records.
3. For a map change, the applicant must submit an **affidavit at least ten (10) days** before the hearing stating that notification has been sent to all abutting property owners (including those across the street). The affidavit shall confirm that the notice was mailed at least **fifteen (15) days prior to the hearing and shall list the names, property addresses and mailing addresses**, if different from property addresses. Notification to property owners shall be in the form of letter or postcard and shall specify the date, time, and place of the public hearing.

4. A base fee of $560.00* and a Public Hearing Fee of $175.00 is payable by check to “Collector, Town of Cheshire” in the amount of $735.00.

*This includes a $60.00 State of Connecticut Fee.

Petitioner's Name __________ Matthew J. Bowman  
(Print or Type)

Petitioner's Address __________ 422 Maple Avenue, Cheshire, CT 06410

Petitioner's Signature _______ See below

Telephone Number _______ 203-272-3561 FAX # ______ N/A

Owner's Name _______ N/A

Petitioner's (Print or Type)

Owner's Signature __________

Agent, if other than applicant, to be contacted with regard to this application.

Name _______ Anthony J. Fazzone, Esq.

Address _______ One Town Center, Cheshire, CT 06410

Telephone Number _______ 203-250-2222 FAX # ______ 203-250-7388

******************************************************************************************

This application must be filed in the Planning Office at least seven (7) days prior to the regular Planning & Zoning Commission meeting date.

Disclaimer: Additional information may be required, please contact the Planning Office for complete application packets.
<table>
<thead>
<tr>
<th>PERMITTED USES</th>
<th>ZONING DISTRICTS</th>
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<tbody>
<tr>
<td></td>
<td>R-80</td>
</tr>
<tr>
<td>1B. Accessory second dwelling on lots containing one (1) dwelling unit and not more than two (2) dwellings per lot, provided each dwelling meets the requirements of Section 32, Schedule B for Minimum Lot Area Square Footage Per Dwelling Unit and Minimum Setbacks from Street Line, Side Line and Rear Line for the zone in which the lot is located, and subject to the following conditions:</td>
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<tr>
<td>1. The existing lot shall not be subdivided or re-subdivided in the future without complying with all requirements of these regulations, including but not limited to the separate requirements for each dwelling relating to Minimum Lot Frontage and Minimum Lot Width for the zone in which the lot is located.</td>
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<td>2. Unless the requirements of Item 1 above are met, the lot and dwellings are to be held in the same ownership.</td>
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<td>3. The accessory second dwelling shall be located to the rear or the side of the primary dwelling so as to be subordinate to the primary dwelling, and shall not exceed fifty percent (50%) of the Lot Coverage of the main dwelling and shall not exceed one and one-half (1 1/2) stories in size.</td>
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<td>4. The second dwelling shall be occupied only by family members (including in-laws of the lot owners), guests, caretakers and other domestic help employed by the lot owner(s).</td>
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<td>5. All dwellings shall be in compliance with Section 52.3 requiring that each dwelling have a proper permit for sanitation.</td>
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PLANNING DEPARTMENT
TOWN OF CHESTER
84 SOUTH MAIN STREET
CHESHIRE, CT 06410