AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, February 14, 2013 RPC Meeting, 5:15pm @ SCRCOG

Offices: 127 Washington Avenue, North Haven, CT 06473

1. Administration

1.1. Minutes of the January 10, 2013 RPC Meeting

2. Statutory Referrals – February Action Items


2.2. Town of North Haven: Proposed Zoning Regulation Amendment to add Section 8.15 – Affordable Housing Opportunity Development (AHOD). Submitted by: Private Applicant. Received: January 18, 2013. Public Hearing: March 4, 2013

2.3. Town of Orange: Proposed Zoning Regulation Amendment to define and regulate Fun Houses, Haunted Houses and Other Similar Attractions. Submitted by: Town of Orange. Received: February 01, 2013. Public Hearing: March 05, 2013


2.5. Town of East Haven: Proposed Zoning Regulation Amendments to add Mixed Income Housing District. Submitted by: Private Applicant. Received: January 30, 2013. Public Hearing: February 6, 2013 (Requested Comment Period to be Extended)

3. Other Business
MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, January 10, 2013 Meeting

Present: Christopher Traugh, Kevin DiAdamo, Mary Shurtleff, Charles Andres, David White, Peggy Rubens-Duhl (during 2.2), James Giulietti, Christopher Suggs, Mark Bender, Eugene Livshits

1 Administration

1.1 Minutes of the December 13, 2012 RPC meeting.

Motion to accept the minutes as presented: Mark Bender. Second: Mary Shurtleff. Vote: Unanimous. Abstentions: James Giulietti

2 Statutory Referrals

2.1 Town of Prospect: Proposed Zoning Regulation Amendments to Bonding Provision in response to Public Act 11-79

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.

2.2 Town of Hamden: Proposed Zoning Map Amendments to 2200 Whitney Avenue (R-4 to T-4) and Hightop Circle area (R-4 to R-5)

By resolution, the RPC has determined that the proposed Zoning Map 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.


2.3 City of New Haven: Proposed Zoning Regulation Amendments pertaining to the BD-1 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: Christopher Traugh. Second: Christopher Suggs. Vote: Unanimous.
3 Other Business

3.1 Nomination of Officers and Executive Committee Members:

Chairman: Christopher Traugh, Madison
Vice Chairman: Kevin DiAdamo, New Haven
Secretary: Mary Shurtleff, Bethany

Executive Committee: Christopher Traugh, Madison
Kevin DiAdamo, New Haven
Mary Shurtleff, Bethany
Charles Andres, Branford
Peggy Rubens-Duhl, Woodbridge
Mark Bender, Milford
Christopher Suggs, West Haven

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

Motion to Adjourn: Mark Bender. Second: Kevin DiAdamo. Vote: Unanimous.
Referral 2.1: Town of Guilford

Subject: Proposed Zoning Map and Regulation Amendments to add the Town Center South 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 any impacts to the habitat or ecosystem of the Long Island Sound. The proposed regulations are consistent with the Regional Plan of Conservation and Development as it promotes denser, context sensitive, mixed use development and a diversity of housing types and price levels in close proximity to the train station.

Background:
The Town of Guilford has proposed Zoning Regulation Amendments add the Town Center South Overlay Zone District. As part of the proposal, a Zone Change is proposed as well and the attached map can be viewed in your agenda packet. The Zoning Map amendment is not within 500 feet of an adjacent municipality in the South Central Region. The purpose of the district is to guide new development in accordance with the Town Center South Plan which was completed in 2007. The district encourages development of a mixed use, higher density, transit-oriented neighborhood in close proximity to the train station. The development will need to be pedestrian friendly and environmental and historic preservation are important aspects of development in the district. The densities in the district should not exceed 6 units per acres. For development to occur in the proposed district a special permit is required. Parking is to be designed for the needs of the particular use with shared parking encouraged. The impervious surface cover should not exceed 80% and any adverse impacts associated with the high coverage should be mitigated through low impact development practices as identified in the “Guidance Document for Low Impact Development Best Management Practices”, the development will also need to be in accordance with the Town’s Coastal Resilience Plan 2013. There are several additional standards for obtaining a Special Permit which can be reviewed in the agenda packet. Diversity and affordability are encouraged as part of the development in the proposed district.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.
From: Planning Zoning [mailto:planning.zoning@ci.guilford.ct.us]
Sent: Thursday, January 17, 2013 3:16 PM
To: Eugene Livshits
Subject: upcoming amendments and map revision

Eugene
Please see the attached map and amendment proposal. These are scheduled for public hearing on March 6 and we anticipate a large turn out. We would like your comments. This is an overlay zone.

As always, thanks for you attention to this matter.

Donnette Stahnke
Planning and Zoning Administrative Assistant
50 Boston St.
Guilford, CT 06437

Phone: 203-453-8039
Fax: 203-453-8034

CONFIDENTIALITY NOTICE: The contents of this email, all related responses and any files and/or attachments transmitted with it are CONFIDENTIAL and are intended solely for the use of the individual or entity to whom they are addressed (or authorized to receive for the addressee). This email may contain legally privileged information and may not be disclosed or forwarded to anyone else without authorization from the originator of this email. If you have received this email in error, please notify the sender immediately and delete all copies from your system. Messages to or from the Town of Guilford may be subject to the Freedom of Information Act (Conn. Gen. Stat. sections 1-200 et seq.)
Proposed Amendment; Guilford Zoning Code

Add a new Article to the Zoning Code as follows;

Article XXXI – Town Center South Overlay Zone District

273-250 - District Created. There is hereby created an overlay zone district know as the Town Center South Overlay Zone District (TCSOZD), said district shown on the Zoning Map.

273-251 - Purpose. The purpose of the TCSOZD is to encourage and guide new development within the District in accordance with the Town Center South Plan, January 2007 which is part of the Town of Guilford Plan of Conservation and Development, 2002. The purposes of the TCSOZD are as stated in the Plan;

- Encourage the development of a mixed-use, higher density, transit-oriented neighborhood in proximity to the train station.
- Promote increased service on Shore Line East and the creation of in-town shuttle bus and taxi services.
- Enhance pedestrian opportunities and safety in TCS with sidewalks, walkways, greenways, and traffic calming.
- Encourage environmentally appropriate economic development in the TCS area.
- Preserve historic resources.
- Encourage beautification and redevelopment along the Whitfield St. corridor
- Preserve the village character and scale of TCS.
- Promote infrastructure improvements.
- Protect tidal marshes, the shoreline, Sluice Creek and all other fragile ecosystems.
- Enhance open spaces and access to Long Island Sound for active and passive recreation.

273-252 – Uses Allowed by Special Permit. New development may be allowed on any lot by Special Permit in accordance with this Article and Article X. Notwithstanding the uses allowed in the underlying zone new uses may be established subject to these requirements and criteria. Housing, retail use, and offices are particularly encouraged including mixed use developments. All projects shall be evaluated on a case by case basis in accordance with the TCS Plan and the following standards.

273-253 – Standards for Special Permit Developments.

1. Residential Densities – In general higher density residential use is encouraged not to exceed 6 units/ acre of land.
2. Building Height – No building shall exceed 60 feet in height. Building height in excess of 40 ft. may be allowed especially in consideration of increased freeboard (height above sea level) requirements associated with anticipated sea level rise.
3. Retail Use and Intensity – Retail uses will be permitted when primarily serving the needs of transit users and the immediate neighborhood. No single retail use shall exceed 10,000 sq. ft.
4. Offices – Offices are encouraged in appropriate locations especially when users are arriving by transit.
5. Parking – Parking requirements shall be designed to meet the needs of the particular use. Shared parking shall be encouraged and transit use should obviate the need to provide excessive parking.

6. Coverage - A high building coverage ratio is generally encouraged with total impervious coverage not to exceed 80%. In order to mitigate adverse impacts associated with impervious coverage, the use of low impact development practices as described in “Guidance Document for Low Impact Development Best Management Practices”, dated 12/15/09 as it may be amended. Applicants shall complete “A Check List to Guide Low Impact Development Best Management Practices.”

7. Sea Level Rise – New development shall be in accordance with the Town’s Coastal Resilience Plan 2013. New development shall respect the potential for substantial sea level rise and for increasing coastal storm frequency.

8. Design; Site, Landscape, and Building – All aspect of design shall be of the highest quality with designers including architects striving for the best possible design solutions.

9. Wetland Preservation and Migration – Preservation of Tidal Wetlands and making provisions for wetland migration landward in recognition of sea level rise shall be observed.

10. Sewage Disposal – Innovative solutions to sewage disposal needs are encouraged including high technology systems and sharing of sewage disposal capacity among multiple sites.

11. Diversity and Affordability – A diversity of housing sizes and price levels is encouraged.

273-254 – Procedures. Uses allowed by Special Permit in 273-252 shall follow the application procedures described in Article X. In addition the following additional steps are required;

1. All applications shall give notice in accordance with 273-99 to property owners within 100 feet of the lot on which the use is proposed.

2. Applications involving the use of shared sewage disposal systems or public systems shall be referred to the Board of Selectmen (or their designee, e.g. the Director of Health or the WPCA).

3. Applications within any Town of Guilford Historic District shall be referred to the Historic District Commission prior to any Public Hearing pursuant to this Section. All other applications shall be referred to the Design Review Committee.

4. For any application for housing greater than 50 units, or offices of more than 20,000 sq. ft. a traffic study prepared by a qualified traffic engineer shall be prepared. This requirement may be waived upon a recommendation of the Town Engineer and the Chief of Police.
Referral 2.2: Town of North Haven

Subject: Proposed Zoning Regulation Amendment to add Section 8.15 – Affordable Housing Opportunity Development (AHOD)

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 proposed regulations only allow single family detached homes, just at a higher density which will not diversify the housing stock in the Town of North Haven. The limitation of the higher density development away from the Town’s center and to a low density R-40 District and the RA-40 District is inconsistent with the Regional Plan of Conservation and Development.

Background:
A private applicant in the Town of North Haven has proposed Zoning Regulation Amendments to add Section 8.15 – Affordable Housing Opportunity Development. The purpose of the proposed district is to encourage affordable housing by providing opportunities for a diversity of housing types and sizes. A minimum of thirty percent of the units must be deed restricted as affordable units in accordance with CT Statute 8-30g. The amendment defines both a market rate dwelling and an affordable housing dwelling. Permitted uses are limited to single family detached homes in a common interest community subject to approval of a site plan application. The AHOD zone is limited to a R-40 or RA-40 and have direct access to a State Highway. The parcel must be a minimum of 10 acres and maximum of 25 acres. The maximum density within the zone is 7.5 homes per acre with 2 parking spaces per home. The maximum impervious surface coverage is 45%. The RA-40 Zone permits multi-family dwelling units at density of 8 units per acre. Affordable housing is important and should be encouraged, but the proposed regulations limit the affordable housing development to lowest density residential district in the Town of North Haven. This is inconsistent with the Regional Plan of Conservation and Development which encourages the development of Affordable Housing in areas of a town/city with appropriate infrastructure in place.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.
January 11, 2013

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 8.15 - Affordable Housing Opportunity Development (AHOD)

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 4 March 2013.

Very truly yours,

Alan A. Frédricksen
Land Use Administrator
AAF/ai

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

Enclosures
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)
X Amend zoning regulations New Text 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:
Yes Lie within 500’ of an adjoining municipality or will traffic or water drainage impact an adjoining municipality
N/A Lie within the Coastal Area Management boundary
N/A Contain any wetlands and/or watercourses
N/A Lie within the Aquifer Protection Zone
N/A Lie within the Channel Encroachment Zone
N/A Lie within the floodplain or floodway
N/A Lie within 50’ of the Quinnipiac River or Muddy River

RECEIVED
JAN 8 2013
TOWN OF NORTH HAVEN
LAND USE AND DEVELOPMENT

ENGINEER’S NAME
Bernard Pellegrino, Esq.
Print Applicant’s Name
475 Whitney Avenue, New Haven, CT 06510
Applicant’s Address
(203) 787-2225 (203) 777-2096
Applicant’s Phone Number Fax Number

ENGINEER’S PHONE NUMBER FAX NUMBER

Print Owner’s Name
Owner’s Address
Owner’s Phone Number
Owner’s Signature

Applicant’s Signature
SECTION 8.15 (NEW)
AFFORDABLE HOUSING OPPORTUNITY DEVELOPMENT (AHOD)

8.15.1 Purpose: The purpose of Affordable Housing Opportunity Developments are to 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.

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

8.15.2.1 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.

8.15.2.2 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).

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

8.15.4 AccessoryUses: 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.

8.15.5 General Development Standards: The following standards shall apply:

8.15.5.1 Location of an AHOD: An AHOD shall meet the following location requirements:

1) The underlying zone is R-40 or RA-40; and
2) An AHOD have direct access to a State Highway, as defined by the State of Connecticut Department of Transportation.

8.15.5.2 Parcel Size: The AHOD shall have a minimum size of 10 acres and a maximum size of 25 acres.

8.15.5.3 Density: The maximum density for the number of Single family detached homes in an AHOD shall be 7.5 homes per acre.
8.15.5.4 **Number of Bedrooms:** No home in an AHOD shall have more than four (4) bedrooms.

8.15.5.5 **Dimensional Requirements:** The following dimensional requirements shall apply to an AHOD regardless of the underlying zone:

1) Front Yard Setback: 50 feet
2) Side Yard Setbacks: 20 feet each
3) Rear Yard Setback: 20 feet
4) Maximum Building Height: 35 feet
5) Maximum Impervious Surface Coverage: 45%
6) Maximum Building Coverage: 25%

8.15.5.6 **Off-Street Parking:** 2 parking spaces per home shall be provided.

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

8.15.5.8 **Internal Streets and Roadways:** All internal streets and roadways created as part of an AHOD 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.

8.15.6 **Housing Standards and Affordability Requirements:** The following standards shall apply:

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

8.15.6.2 The Affordable housing dwelling units shall be dispersed throughout the AHOD.

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

8.15.6.4 The calculation of the maximum monthly payment for an 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.
8.15.6.5 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.

8.15.6.6 **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.

8.15.6.7 **Affordability Housing Marketing Plan:**

1) In conjunction with an application for Site Plan approval, the applicant shall submit an “Affordability Plan” for the AHOD development.

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.”

8.15.7 **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/AHOD.zoning text12.21.12
Referral 2.3: Town of Orange

Subject: Proposed Zoning Regulation Amendment to define and regulate Fun Houses, Haunted Houses and Other Similar Attractions

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

Background:
The Town of Orange has proposed a Zoning Regulation Amendment to define and regulate Fun Houses, Haunted Houses and Other Similar Attractions. The definition of the term is included in the agenda packet and the use shall not occur more than 2 calendar days per year at any location. It is only permitted in the RES – Residential District. Approval is required from the Orange Fire Marshall, Zoning Enforcement Officer, and any other applicable departments as determined by the ZEO.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.
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 upon the initiative of the Orange Town Plan & Zoning Commission.  
To Amend the Orange Zoning Regulations to define and regulate FUN HOUSES,  
HAUNTED HOUSES AND OTHER SIMILAR ATTRACTIONS.

Dear Mr. Amento:

In accordance with the Connecticut General Statutes, enclosed for your review are proposed amendments to the Orange Zoning Regulations. A public hearing on this matter is tentatively scheduled for March 5, 2013.

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

A. General: The paragraphs which follow define and explain certain words used in these Regulations. Other words used in these Regulations shall have the meaning commonly attributed to them. Doubts as to the precise meaning of words in these Regulations shall be determined by giving due consideration to the expressed purpose and intent of these Regulations.
B. As used in this chapter, the following terms shall have the meanings indicated:

FUN HOUSES, HAUNTED HOUSES AND OTHER SIMILAR ATTRACTIONS -- Any indoor or outdoor structure, facility, attraction and/or use, for the gathering of persons for the purpose of entertainment or amusement with the following design: The structure and/or use would include a maze, series of rooms, passageways, or labyrinth; where participants would “walk past” various devises, scenes, and theatrical productions, that would frighten, bewilder and/or amuse. This use is permitted only in the Residential RES District. Said uses shall not occur more than two (2) calendar days per year at any location. Such uses require the approval of the Orange Fire Marshall, Zoning Enforcement Officer, and any other applicable Municipal Departments as determined by the Z.E.O.
Referral: Wallingford

Subject: Proposed Zoning Regulation Amendments to Wall Signs and Article VII – Site Plan and Special Permit Review and Approval

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

Background:
The Town of Wallingford has proposed Zoning Regulation Amendments to Wall Signs, which added the following to 6a: Except as permitted by Section 6.9.E.6.b. The rest of 6a has not been changed and the language can be reviewed in the background material. 6b would be a new provision applicable to Wall Signs and states that “Wall signs in the IX District and Interchange District (I-5) shall be attached to the face of the building in a place parallel and flush to such face, but shall not extend or project more than 12 inches from the building and shall not extend higher than the building parapet and shall not be higher than the third (3rd) story of the building.”

The rest of the amendments are to Article VII – Site Plan and Special Permit and Approval. The revision to Section 7.1 – Site Plan adds a provision on Administrative Approvals. There are several amendments, which will now allow the Town Planner to waive the requirement to include any of the Site Plan information required in this section if it does not pertain to the proposal. Previously, the Commission or the Town Planner with the consent of the Commission could waive requirements that were not applicable to the proposal.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.
LEGAL NOTICE

The Wallingford Planning and Zoning Commission will hold the following public hearing at their meeting of Monday, February 11, 2013, in the Robert Earley Auditorium, Town Hall, 45 South Main Street:

7:00 p.m.
1. #409-12 – Special Permit for Masonicare to construct a vehicle storage building at 73 Masonic Avenue.

7:15 p.m.
2. #401-13 – Special Permit Revision for Tyrrell to modify the approved outdoor go-kart track location at 984 North Colony Road.

7:30 p.m.
3. #403-13 – Special Permit for Beaumont to construct a display/office building at 180 South Main Street (Wallingford Historical Society)

7:45 p.m.
4. #403-13 – Special Permit for 1086 North Colony, LLC to modify and construct an addition onto the building at 1086 North Colony Road for retail and deli use.

8:00 p.m.
5. #501-13 – Zoning Text Amendment to §6.9 ("Signs") for Verna Properties to allow for increased wall sign height in the IX and I-5 Zones

8:15 p.m.
6. #901-13 – Zoning Text Amendment to §7 ("Site Plan and Special Permit Review and Approval") for the Planning and Zoning Commission to modify/clarify application and review procedures

WALLINGFORD PLANNING AND ZONING COMMISSION

J.P. VENOIT, SECRETARY

DATED AT WALLINGFORD
January 25, 2013

PUBLICATION DATES
January 29, 2013
February 5, 2013
Proposed Amendment to Sign Regulation  (Changes underlined) :

6. Wall Signs

a. Except as permitted by Section 6.9.E.6.b, wall signs shall be attached to the face of the building in a place parallel and flush to such face, but shall not extend or project more than 12 inches from the building and shall not extend higher than the parapet in the case of a one-story building; and in the case of other buildings, they shall not extend above the sill of the windows of the second story. In no case shall any wall sign extend more than 15 feet above the mean finished grade.

b. Wall signs in the IX District and Interchange District (I-5) shall be attached to the face of the building in a place parallel and flush to such face, but shall not extend or project more than 12 inches from the building and shall not extend higher than the building parapet and shall not be higher than the third (3rd) story of the building.
ARTICLE VII

Site Plan and Special Permit Review and Approval

7.1 SITE PLAN

A. For all non-residential uses of land or buildings including any changes of use or expansion, and for all residential uses requiring four or more off-street parking spaces, a Site Plan review and approval shall be required before any Building Permit may be issued.

B. All applications for Special Permits shall include a Special Permit site plan containing all of the required information listed in §7.4, as part of the Special Permit application package. This plan which shall be reviewed as part of the Special Permit application. A Special Permit plan shall contain all the information listed in §7.4.

C. The Commission Chairperson and Town Planner shall have the authority to waive the necessity for Commission approval for changes of use in existing buildings, if the change of use does not affect existing parking, circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of Site Plan review.

D. The Commission Chairperson, with the consent of the Commission, shall have the authority to waive the necessity for Commission approval for minor expansions of existing buildings if the expansion does not affect existing parking, circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of Site Plan review.

C. Administrative Approvals: The Commission shall have the authority to waive review at a public meeting and thus approve administratively, applications for: changes of use of existing buildings where the proposed use is a permitted use; parking areas; or/and minor modifications to site layout; and/or minor expansions of existing buildings. If provided that the expansion and/or modification does not significantly impact or cause concern regarding existing parking, circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan review.

7.2 SITE PLAN OBJECTIVES

In reviewing a Site Plan application, the Commission shall take into consideration the health, safety and welfare of the public in general, and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to ensure the accomplishment of the following general objectives:

A. Town Plan of Development - That the proposed Site Plan shall be in general conformance with the intent of the Town Plan; however, the Town Plan shall not take precedence over specific provisions of the Zoning Regulations.

B. Public Safety - That all buildings, structures, uses, equipment, or
material shall be accessible for fire and for police protection.

C. Traffic and pedestrian access - That all proposed traffic and pedestrian access ways shall not create traffic hazards and shall be adequate, but not excessive in number; adequate in width, grade alignment, and visibility; adequate in distance from street corners, places of public assembly and other access ways; and adequate in design for other similar safety considerations. Pedestrian access shall include public sidewalks.

D. Circulation and parking - That adequate off-street parking and loading space shall be provided to prevent on-street and off-street traffic congestion; that all parking spaces, maneuvering area shall be suitably identified; that entrances and exits shall be suitably identified and designed to specific use radii; that the interior circulation system shall be adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas shall be provided with suitable bumber guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission to adequately protect life and property; and that provision shall be made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

E. Landscaping and screening - That the landscaping of the site shall comply with the purpose and intent of §6.14; that existing trees are preserved to the maximum extent possible; and that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential areas and public right-of-ways.

F. Lighting - That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation. That glare from the installation of outdoor lights and illuminated signs shall be properly shielded from the view of adjacent property and public rights-of-way.

G. Public health - That all utility systems shall be suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water, or land pollution.

H. Environmental features - That the development of the site shall preserve sensitive environmental land features such as steep slopes, wetlands and large rock outcroppings and shall attempt to preserve public scenic views or historically significant features.

I. Drainage - The design of storm water drainage systems shall be such as to minimize soil erosion and maximize absorption of pollutants by the soil, runoff from impervious areas shall be attenuated to reduce peak flow volume and sediment loads to predevelopment levels.

J. Water Quality - That all buildings, structures and uses shall be designed to protect the quality of Wallingford's surface and groundwater resources.

§7.3 PROCEDURE

A. Application for Site Plan Approval shall be made to the Commission on a form prescribed by the Commission one day prior to a regular meeting and
shall be accompanied by plans, elevations and any other data necessary to show the detail of the proposed use of land or buildings, as outlined in §7.4. A minimum of sixteen copies of the supporting information shall be submitted with an application. Prior to submission of a formal Site Plan application, the applicant may meet with the Town Planner to discuss the Site Plan application. If the Commission or Town Planner deems it appropriate, they may waive the submission of specific information identified in §7.4.

B. The Commission shall act to approve, reject, or approve with conditions within the time limits established by §8-7(d) of the Connecticut General Statutes 10/01/03.

C. Before approval shall be granted by the Commission under this section, the applicant may be required to post a bond in accordance with §8.10.

D. The Commission shall refer any Site Plan application to any Town Department or other agency the Commission deems appropriate, and may request any such department or agency to submit a written report to the Commission a minimum of 72 hours prior to the meeting on matters that are of concern to it in connection with its own responsibility.

E. After approval, the applicant shall submit six copies of the approved Site Plan, showing any required revisions. Any conditions of approval shall be so noted.

F. Any applicant having obtained approval of a Site Plan shall complete all work within the time limits established by §8-3 of the Connecticut General Statutes. All site plans shall be developed and used in accordance with the plans approved by the Commission, as well as any conditions of approval attached to those plans. 09/19/92 09/19/09

G. Application for amendments to an approved Site Plan shall be made in the same manner as the original application, except that including possible Administrative Approval for minor modifications in accordance with §7.1C and 7.3I, may be approved by the Commission Chairperson. Changes or amendments to an approved Site Plan after commencement of construction may be approved in the filed by the Town Engineer or the Town Planner, or their designee, if the Town Engineer, Town Planner, or their designee deems them to be minor in nature and compliant with all regulations; such changes must be filed in the office of the Town Planner. If the change or amendment is deemed major by the Town Planner, it will be considered at a special or regular meeting of the Commission. If changes or amendments to the approved plan are made without notice to the Commission or to its designee, then in such event, the Commission or its designee may deny a Certificate of Zoning Compliance or other necessary approvals for the building or other construction involved. 09/13/08

H. All conditions and improvements shown on an approved Site Plan shall remain with the property, as long as the use indicated on the approved Site Plan shall still be in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

I. The Commission Chairperson and the Town Planner shall have the authority to waive full Commission approval for changes of use of existing buildings and for minor expansions of existing buildings and parking areas if all members of the Commission feel that the requested change is minor. These administrative approvals shall not be approved unless all members of the
Commission have a minimum of seven (7) days to review the plans. A request by any Commissioner during that seven (7) day review period shall place the Site Plan or Change of Use on a Planning and Zoning Commission agenda for discussion and action by the entire Commission. If no request is made during that seven (7) day period, the Site Plan or Change of Use will be approved. 10/19/03

An applicant wishing to request Administrative Approval in accordance with §7.1C must submit a letter with the appropriate application; this letter shall request Administrative Approval consideration and provide a summary of proposed uses and site modifications. An Administrative Approval shall not be approved unless, and until, all members of the Commission have a minimum of fourteen (14) days to review the application and other submitted information. During this fourteen (14) day review period, should any Commissioner consider the application not minor in nature, consider the application to significantly impact the considerations noted above, and/or to otherwise request, the application shall not receive Administrative Approval and shall be placed on a Planning and Zoning Commission meeting agenda for discussion and action by the entire Commission. If no such request is made during the review period, the application shall receive Administrative Approval.

§7.4 SITE PLAN INFORMATION

For all uses requiring Site Plan Approval, a Site Plan application shall include a minimum of sixteen sets of the following information, maps and plans:

All maps shall include an accurate Class A-2 Survey of the property prepared by a land surveyor registered in the State of Connecticut. All Site Plans shall be prepared, signed and sealed by a Connecticut registered engineer, architect, surveyor or landscape architect, whichever is appropriate. All plans shall be prepared at a scale of one inch equals not less than 20 feet or, no more than 40 feet, on sheets not to exceed 24 inches by 36 inches. During the approval process, maps shall be submitted with the proper seals and may contain the statement:

"THIS DOCUMENT HAS BEEN PREPARED AS PART OF THE TOWN OF WALLINGFORD (I.W.W.C., T.P.Z., OR Z.B.A.) APPLICATION PROCESS AND CAN NOT BE CONSIDERED FINAL NOR USED FOR CONSTRUCTION PURPOSES UNTIL ALL NECESSARY APPROVALS HAVE BEEN ATTAINED"

All final maps shall be properly signed and sealed. 02/14/99

A. Site Plan map: The Site Plan map shall illustrate the existing and proposed development of the property and shall include the following information:

1. General information:
   a. Name and address of the applicant and owner of record as listed on the Town's land records, and applicant's interest in property.
   b. Date, north arrow, and numerical and graphical scale.
   c. A key map showing the subject property in relationship to adjoining and nearby streets, at a scale of 1 inch = 1,000 feet.
   d. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, open spaces, wetlands and
other elements as they relate to the requirements these of Regulations.

2. The property:
   a. The boundaries and area of the property and names of all abutting owners, including those across the street.
   b. Location, width, and purpose of all existing and proposed easements and rights-of-way on the property.

3. Building and uses:
   a. Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences, and walls.
   b. Location of all existing and proposed uses and facilities not requiring a building such as but not limited to, swimming pools, tennis courts, light standards, tanks, transformers, dumpsters and recycling containers.

4. Parking, loading, and circulation:
   a. Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps.
   b. Location, arrangement, and dimensions of loading docks, loading and unloading areas.
   c. Location and dimensions of pedestrian walkways, entrances, and exits.

5. Signs and lighting:
   a. Location, size, height, orientation and plans of all signs.
   b. Location, size, height, orientation and design of any outdoor lighting.

6. Utilities:
   a. Location and design of all existing and proposed sanitary sewers, storm drainage, water supply facilities, septic tanks, leaching fields and refuse collection areas, as well as other underground and above ground utilities.

B. Topographic map: The topographic map shall illustrate the existing and proposed conditions of the property and shall illustrate the following information:

1. The boundaries and area of the property.
2. Location, width, and purpose of all existing and proposed easements and rights-of-way on the property.
3. Existing and proposed contours with intervals of 2 feet, referred to USGS MSL datum including all provisions for erosion control.
4. Location of all existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features, and, where appropriate, the mean high water line, the wetlands boundary, the flood hazard area, the aquifer boundary, slopes over 25%, and stream encroachment lines.
5. The approximate amount of earth products to be filled or removed from the site, if the amount exceeds 100 cubic yards.

C. Open Space and Landscaping Plan: The Open Space and Landscaping Plan shall illustrate the existing and proposed landscape development of the property and shall include the following information:

1. Size, arrangement, uses, and dimension of all open spaces on the site.
2. Location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving, or other materials proposed.
3. Location of existing trees with a trunk caliper of six inches or more
and the species except in densely wooded areas where the foliage line shall be indicated.

4. Location of all existing watercourses, wetlands, rock outcrops and other significant physical features.

5. Location of open space areas shown on an approved Master Concept Plan, in accordance with §4.10.f, if applicable. All sites located within a subdivision for which a Master Concept Plan has been approved shall be governed by the open space delineation shown on that plan.

D. Architectural plans: For all Special Permit uses, unless waived by the Commission, the applicant shall submit preliminary architectural drawings showing elevations of all proposed buildings and structures in addition to a sketch of the proposed building(s) in relation to existing neighboring buildings. For uses requiring only Site Plan approval, such architectural plan shall be submitted for informational purposes.

E. Staging plan map: In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development for the entire property shall be submitted at the same scale as the Site Plan.

F. Sedimentation and erosion control plan: All applications shall contain the information required under §6.18.

G. Other information: The applicant shall submit any other information deemed by the Commission to be necessary to determine conformity with the intent of these regulations, including, but not limited to variances, Inland Wetlands permits, Health Department permits.

H. Exceptions: The Town Planner, with the consent of the Commission Chairperson, may make exceptions to the Site Plan information required in this Section if the construction or alteration or change of use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting, or other considerations of Site Plan review.

The Town Planner may preliminarily waive the requirement to include any of the Site Plan information required in this Section if such information does not pertain to the proposal; or is not necessary to determine compliance with the regulations for the proposal; or will have no impact or negligible impact on the Site Plan objectives set forth in these Regulations. The Town Planner shall note on the application, or in an otherwise designated format, those requirements which have been waived or modified; such note shall serve as notification to the Commissioner of such preliminary waiver. Unless the Commission requires the inclusion of any waived requirement(s), approval by the Commission shall be deemed to include approval of the waiver of the requirements preliminarily waived as determined by the Town Planner.

§7.5 SPECIAL PERMITS

A. Applicability.

1. A Special Permit shall be required for all uses specifically listed in these regulations.

2. No Building Permit for any use requiring a Special Permit shall be issued by the Building Official except after public notice and hearing
in accordance with General Statutes and upon authorization of the Commission.

3. When the use of land or a building or structure existed prior to the adoption of these regulations which is only allowed hereafter upon approval as a Special Permit, such existing use shall be considered a permitted use, provided the provisions of this section shall apply to all proposed changes to such existing use.

4. Where two or more Special Permit uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these regulations, or in case of two or more Special Permit uses in the same building, whichever requirements shall be more restrictive.

B. Criteria for Evaluating a Special Permit: The Commission shall consider and evaluate each and every application for a Special Permit by applying, at a minimum, the following criteria:

1. Appropriateness of location or use:
   a. The size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Plan of Development, the specific zone and the neighborhood;
   b. The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood;
   c. The capacity of adjacent streets to handle peak traffic loads and hazards created by the use;
   d. The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties;
   e. Unusual topography of the location, the nature, location, and height of buildings, walls, stacks, fences, grades and landscaping of the site;
   f. The extent, nature and arrangement of parking facilities, entrances and exits;
   g. Problems of fire and police protection;
   h. The preservation of the character of the neighborhood;
   i. The availability of adequate sewerage and/or water supply;
   k. All other standards prescribed by these Regulations.

2. Conformance: Conformance with the Wallingford Zoning Regulations and, where applicable, the Wallingford Subdivision Regulations and any applicable laws, codes or ordinances.

3. Safety, Health and Environment: Accessibility for emergency vehicles and equipment; proper utility, drainages, driveways and similar specifications; pedestrian access, mobility and safety; impact on the environment shall be considered.

4. Overall Design, Architectural Treatment and Aesthetic Character: The basic design of the proposed uses, buildings or development; the relationship between the buildings and the land; the relationships between uses and between buildings and structures; the overall physical appearance of the proposed use, building or development and its subsequent compatibility with surrounding development and the neighborhood.

Findings as to design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any
neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, commercial or other purposes, and, by so doing, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas, produces degeneration of property with attendant deterioration of conditions in the area affecting the health, general safety and welfare of the community, and destroys a proper relationship between the taxable values of real property in the area and the cost of municipal services provided thereto.

5. In the case of a public utility structure, the public necessity for the utility service provided and technical constraints necessitating the location of the proposed facility within the subject area.

C. Procedure - Application for a Special Permit shall be made to the Commission and shall include:

1. A statement describing the existing and proposed use or uses.
2. A Special Permitsity plan, including the information contained in §7.4, except as such information may be waived in accordance with §7.4.H.
3. Such other information as the Commission may require to determine compliance with the intent and purpose of this regulation.

D. Public Hearing and Notice: The Commission shall hold a hearing on all applications for a Special Permit, and shall publish a notice of said hearing in a newspaper of general circulation in accordance with §10.2.A herein and §8-3c of the Connecticut General Statutes. The Commission shall also give notice of any such hearing at least 10 days prior to the date of the hearing to the applicant filing the application.

1. In addition to published notice, each applicant for a Special Permit shall provide notice of such hearing to the public using the following methods:
   a) The applicant shall erect or cause to have erected a sign(s) on the property affected by the proposed Special Permit at least 10 days prior to the public hearing on such Special Permit. If more than one street abuts the property, a sign shall be erected next to, and shall be clearly visible from, each abutting street. Each sign shall be a minimum of four by five (4 X 5) feet with black lettering no smaller than three by one-half (3 X 1/2) inches on a white background. Each sign shall be weather resistant, securely fastened or staked, be clearly visible from the streets abutting the applicant’s property and be maintained as such until the day following the public hearing. For purposes of this section only, street shall include unaccepted streets for which the Town has no maintenance responsibility and shall include any streets shown on a subdivision plan approved by the Commission on which the bond for required public improvements has been posted and on file in the Town Clerk’s office. The sign shall contain the following information:

   PUBLIC NOTICE

10/18/03
AN APPLICATION FOR A SPECIAL PERMIT FOR A (TYPE OF USE) HAS BEEN FILED WITH THE PLANNING AND ZONING COMMISSION. A PUBLIC HEARING WILL BE HELD ON SAID PETITION ON (DATE OF HEARING) IN TOWN HALL. FOR MORE INFORMATION, CONTACT THE WAILINGFORD PLANNING DEPARTMENT AT 294-2090.

b) A report from the Zoning Enforcement Officer attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of an applicant to comply with this requirement may be grounds for automatic denial of the Special Permit, with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign.

c) Each application for a Special Permit shall include a list, prepared by the applicant, of the names and mailing addresses of the owners of all of the properties abutting the applicant's property as shown in the most recent records on file in the Town Tax Assessor's Office (or the actual owner of record if otherwise known to the applicant). Abutting property owners shall include owners located directly across the streetline as well as contiguous property owners. The applicant shall mail notification of said pending application to at least one owner of each such property ten (10) to fifteen (15) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission. Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Planning Office along with the above said list of property owners, not less than five (5) calendar days prior to the hearing date. Failure to comply with any of the procedures required herein shall be deemed valid basis for denial of a Special Permit request.

07/14/01

d) A property which does not abut a street must comply with §7.5.D.1.c only.

E. Any applicant having obtained approval of a Special Permit shall complete all work within the time limits established by § 3-3 of the CT General Statutes. All Special Permits shall be developed and used in accordance with the plans approved by the Commission, as well as any conditions of approval attached to those plans.

09/19/09

F. Conditions and safeguards: Any conditions or safeguards, attached to the granting of a Special Permit, shall remain with the property, as long as the Special Permit use shall still be in operation. These conditions and safeguards shall continue in force regardless of any change in ownership of the property.

G. Revocation: Any authorized Special Permit shall be subject to revocation by the Commission if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit shall not be strictly adhered to by the applicant.

H. Amendments or modifications: Applications for Special Permit amendments which are necessitated by site conditions or which are deemed to be in the public interest shall be made in the same manner as the original application; except that amendments which are found to be of a minor nature or which do not materially alter the Special Permit as determined by the Commission may be authorized with Commission approval only, without another public hearing.
I. Time period and expiration: Any applicant having obtained approval of a Special Permit shall complete all work within the time limits established by §8-3 (Site Plan) or §8-26C (Subdivision) of the CT General Statutes, except that the Commission may set other time limits on the permit and/or require periodic renewal of the permit without a public hearing if appropriate for the particular Special Permit use. Expired Special Permits shall be considered not valid.

J. Continuance: Notwithstanding any other provision of these regulations, when an amendment is adopted to these zoning regulations or boundaries of zoning districts, a Special Permit which shall have been approved according to the regulation in effect at the time of filing, shall not be required to conform to such amendment provided:

1. Construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, recreational facilities, etc., shall have commenced within 12 months from the effective date of the Special Permit approval.

2. If the applicant shall not adhere to these conditions, the Special Permit shall be reconsidered by the Commission and declared void. Notification thereof shall be filed with the Town Clerk and applicant so notified.

K. The Commission—Town Planner may preliminarily waive the requirement to include any of the required site plan information, or any other written or graphic information or reports specified for any of the uses requiring a Special Permit if such information or reports do not pertain to the proposal; or are not necessary to determine compliance with the regulations for such use; or will have no impact or negligible impact on the Special Permit objectives set forth herein. The Town Planner shall note on the application, or in an otherwise designated format, those requirements which have been waived or modified; such note shall serve as notification to the Commission of such preliminary waiver. Unless the Commission requires the inclusion of any of the waived requirement[s], approval by the Commission shall be deemed to include approval of the waiver of the requirements preliminarily waived as determined by the Town Planner. 04/16/94
Referral: Town of East Haven

Subject: Proposed Zoning Regulation Amendments to add Mixed Income Housing District

Staff Recommendation:
The proposed Zoning Text Amendment to establish a Mixed Income Housing District exempts the development from the provisions of Section 31 of the East Haven Zoning Regulations, which requires approval of a temporary special exception for excavation, grading, filling, material removal, blasting and related activities. Section 31 regulates the above mentioned activities (excavation of earth materials, blasting, grading) in order to minimize surface runoff, prevent injury to adjoining properties, preserve distinctive natural features and protect the ecological process.

The proposed provision to make Section 31 non-applicable to the proposed Mixed Income Housing District may cause negative inter-municipal impacts if the development is located within 500 feet of an adjacent municipality and negative impacts to the habitat and ecosystem of the Long Island Sound.

Background:
A private applicant in the Town of East Haven has proposed a Zoning Regulation Amendment to add the Mixed Income Housing District and Zoning Map amendment to delineate the district. The review is for the text amendment as the mapping component is not within 500 feet of a municipality in the South Central Region.

The purpose of the district is to increase the economic diversity of housing types with maximum sale restrictions in accordance with CT Statute 8-30g. Permitted uses are limited to single family residential dwellings in a common interest ownership community in compliance with CT Statute 8-30g subject to additional standards in Section 30A.

A site must meet the following conditions prior to being rezoned to a Mixed Income Housing District: Zoned R-3 and/or PEFD, undeveloped, parcel of 15 to 20 acres, 500 feet of combined frontage on a public street and at-least two points of ingress and egress to a public street and access to public sewer and water. The single family use is permitted by site plan approval with a maximum density of 7 residential units per acre with 30 percent of the units set aside in
accordance with CT Statute 8-30g. A clubhouse and land clearing, grading and/or earth and rock excavation when related to site preparation for the district and in accordance with the grading plan approved by the Commission are additional uses permitted by site plan approval.

The bulk standards for the site are 20 percent maximum building coverage as a percent of combined parcel area; 45 percent maximum combined building coverage, parking, driveway as percent of combined parcel area; 35 feet maximum height. The proposed Zoning Amendment outlines site plan standards as applicable to internal roadways, driveways, sidewalks, parking, utilities, and outdoor lighting. Additional standards include Sediment and Erosion Control compliant with Section 47 of the regulations and stormwater management compliant with Section 48 of the East Haven Zoning Regulations.

The section on Earth Materials and Removal exempt the proposed district from the provisions of Section 31, which requires “approval of a temporary special exception for excavation, clearing, grading, filling, material removal…” if the operations are necessary in connection with the construction or improvements and the changing contours in an approved Mixed Income Housing Development conducted in accordance with the construction and grading plan in a site plan approved by the Commission. The section does state that the bonding requirements of Section 31.4.5, Standards, conditions of Section 31.5 and provisions of Section 31.6 (inspections and period inspections) need to be met.

**Communication:** In researching this proposal, I notified the adjacent municipalities in the South Central Region.
EAST HAVEN PLANNING AND ZONING COMMISSION  
TOWN OF EAST HAVEN

[X] APPLICATION FOR SITE PLAN APPROVAL  
[ ] APPLICATION FOR MODIFIED SITE PLAN APPROVAL  

Fee: __________________  Date of Submission__________________

BEFORE COMPLETING THIS APPLICATION, PLEASE REVIEW ALL PERTINENT SECTIONS  
OF THE EAST HAVEN ZONING REGULATIONS FOR COMPLIANCE. THE APPLICANT IS  
SOLELY RESPONSIBLE FOR THE COMPLETENESS AND ACCURACY OF THIS  
APPLICATION; AND THE COMMISSION RESERVES THE RIGHT TO DENY ANY  
APPLICATION ON THE BASIS OF AN INCOMPLETE OR INACCURATE APPLICATION.

THE UNDERSIGNED HAS FILED AN APPLICATION FOR A ZONING PERMIT (ATTACHED), AND HEREBY MAKES  
APPLICATION TO THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAST HAVEN FOR APPROVAL  
OF A SITE PLAN OR MODIFIED SITE PLAN UNDER THE TERMS OF THE EAST HAVEN ZONING REGULATIONS.

[1] NAME OF APPLICANT: Autumn View LLC

(203) 484-7000

[3] SITE LOCATION OR ADDRESS: 92, 100, 110, 118, 126, and 180-242 Strong Street

[4] ASSESSOR CARD INFO:  
(ATTACH ASSESSOR’S CARD TO THIS APPLICATION) (see Exhibit A attached)  
ZONING DISTRICT: R-3 (2.34 acres) and PEFD (14.75 acres); see Exhibit B, attached,  
for Map, Block, Parcel of subject properties

SIZE OF PARCEL: Seven parcels combined are 17.09 acres

development in a common interest ownership community with workforce housing in accordance  
with General Statutes § 8-30g

[6] CITE THE PARTICULAR USE FOR WHICH A SITE PLAN APPROVAL IS REQUESTED  
SCHEDULE "A" (PERMITTED USES),

LINE: Not applicable. Application for Zone Change and Text Change from R-3 zone to  
Mixed Income Housing zone filed concurrently with this application.

IS THIS APPLICATION ACCOMPANIED BY THE FOLLOWING – (see Overview Letter of  
Shipman & Goodwin)  
A. STATEMENT OF USE [X] YES [ ] NO
B. SITE DEVELOPMENT PLAN [X] YES [ ] NO
C. ARCHITECTURAL (BUILDING) PLANS [X] YES [ ] NO
D. TRAFFIC REPORT [X] YES [ ] NO
E. STORMWATER MANAGEMENT PLAN [ ] YES [ ] NO
F. SEDIMENTATION & EROSION CONTROL PLAN [X] YES [ ] NO

[8] IS THIS APPLICATION BEING FILED IN CONJUNCTION WITH ANY OTHER APPLICATIONS FOR APPROVAL? IF YES, PLEASE SPECIFY. Applications for zone change and text change from R-3 and PEFD zones to Mixed Income Housing Zone

NOTE: THE PLANNING AND ZONING COMMISSION WILL DECIDE ON THIS APPLICATION. THE APPLICANT, OR HIS AGENT(S) SHOULD MAKE THEMSELVES AVAILABLE TO THE COMMISSION IN ORDER TO PRESENT INFORMATION ILLUSTRATING HOW THE PROPOSED SITE PLAN, USE, BUILDINGS AND STRUCTURES AND/OR FACILITIES CONFORM TO THE GENERAL STANDARDS OF THE REGULATIONS.

ALL STANDARDS SPECIFIED IN CHAPTERS 33 AND 34 ARE IN ADDITION TO ALL OTHER REQUIREMENTS OF THE ZONING REGULATIONS IN THE PARTICULAR ZONING DISTRICT IN WHICH THIS PROPOSAL IS TO BE LOCATED. THE COMMISSION IS DEEMED TO BE AUTHORIZED, BY THIS SIGNED APPLICATION, TO INSPECT THE SITE. THE COMMISSION IS FURTHER AUTHORIZED TO OBTAIN INFORMATION ON ITS OWN INITIATIVE; BUT WILL NEED TO RELY UPON THE DATA PRESENTED TO IT BY THE APPLICANT AND/OR HIS STAFF OR AGENTS.

IN CERTAIN INSTANCES, THE APPLICANT MAY BE GIVEN "ADMINISTRATIVE APPROVAL FOR A PROPOSAL, WITH THE KNOWLEDGE AND CONSENT OF THE COMMISSION AND SUBJECT TO ANY CONDITIONS MODIFICATIONS OR BONDING DEEMED NECESSARY BY THE COMMISSION AND/OR ITS TECHNICAL STAFF.

THE UNDERSIGNED APPLICANT, BY HIS SIGNATURE HEREBY ATTESTS THAT THE INFORMATION CONTAINED HEREIN, WITH THE APPROPRIATE ATTACHMENTS HERETO, ARE CORRECT AND COMPLETE.

SIGNATURE OF APPLICANT: [Signature] DATE 12-19-12

By: Timothy S. Holmstead, Esquire
Shipman & Goodwin LLP
Duly Authorized

SIGNATURE OF APPLICANT: _______________________________ DATE __________

SIGNATURE OF AUTHORIZED AGENT: __________________________ DATE __________

PROPERTY OWNER'S SIGNATURE: [Signature] DATE 12/21/2012

By: Vicki R. Imperato, Individually / President of Statewide Construction Corp. / Managing Member of Autumn View LLC
Duly Authorized

36
PROPOSED AMENDMENTS TO ZONING REGULATIONS OF EAST HAVEN TO CREATE A NEW MIXED INCOME HOUSING ("MIH") DISTRICT

A. Amend ARTICLE II DISTRICT REQUIREMENT, SECTION 21 DISTRICTS to:

1. Insert into Paragraph 21.1, following Tech Park/Economic Development District, the following district and map code:

   Mixed Income Housing District MIH

B. Amend ARTICLE II DISTRICT REQUIREMENTS, SECTION 23 PURPOSE OF DISTRICTS to:

1. Add 23.25, as follows:

   Mixed Income Housing District

   This district is designed to increase economic diversity of housing types in East Haven by encouraging the development of single family homes in a common interest ownership community and in compliance with long-term maximum sale price restrictions in accordance with General Statutes § 8-30g.

C. Amend Schedule "A" Permitted uses to add:

   SINGLE FAMILY RESIDENTIAL DWELLINGS IN A COMMON INTEREST OWNERSHIP COMMUNITY IN COMPLIANCE WITH GENERAL STATUTES § 8-30g SUBJECT TO THE ADDITIONAL STANDARDS IN SECTION 30A.

   MIH

   S (subject to site plan approval)

D. Amend ARTICLE II DISTRICT REQUIREMENTS by establishing a new Section 30A, as follows:

SECTION 30A
MIXED INCOME HOUSING DISTRICT (MIH)

30A.1 Purpose

   This district is designed to increase economic diversity of housing types in East Haven by encouraging the development of single family homes in a common interest ownership
community and in compliance with the long-term maximum sale price restrictions in accordance
with General Statutes § 8-30g.

30A.2 Mixed Income Housing District

To be eligible for rezoning to Mixed Income Housing, the parcel or parcels proposed for
re zoning must:

(a) Be currently zoned R-3 and/or PEFD;

(b) Be currently undeveloped;

(c) Have a total parcel size, when combined, of no fewer than fifteen (15) and no
more than twenty (20) acres;

(d) Have at least 500 feet of combined frontage on a public street and at least two
points of ingress and egress to a public street; and

(e) Have access to public sewers and water supply.

30A.3 Uses Permitted by Site Plan Approval

(a) Single family residential dwellings in a common interest ownership community
with a total density of not more than seven (7) residential units per gross acre,
with thirty percent (30%) of the units set aside in accordance with General
Statutes § 8-30g and Sections 30A.6 and 30A.7 of this MIH Regulation;

(b) Clubhouse; and

(c) Land clearing, grading, filling and/or earth and rock excavation when clearly
related to the site preparation for the MIH development in accordance with a
grading plan approved by the Commission as part of the site plan application for
the MIH development. Such work may include the temporary stockpiling of
material on the site and removal of excess excavated materials not required for
on-site reuse.

30A.4 Dimensional Standards

(a) Lot-Related Standards (for parcels combined for MIH development).

Maximum building coverage as a percent
of combined parcel area 20%

Maximum combined building coverage, parking,
driveway as a percent of combined parcel area 45%
(b) Principal Building Standards

<table>
<thead>
<tr>
<th>Maximum height</th>
<th>35 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum stories</td>
<td>2 stories</td>
</tr>
<tr>
<td>Minimum setback from street line</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum setback from curb (internal roadway)</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum setback from rear property line</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum setback from side property line</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum distance between dwelling-units</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

30A.5 Site Plan Standards

(a) Internal roadways and entrances/ exits for the development shall be:

(1) Twenty-six (26) feet wide;

(2) Surfaced with bituminous concrete or other suitable non-erodible surface; and

(3) Laid out so as to prevent traffic hazards and nuisances.

(b) Driveways shall be:

(1) Eighteen (18) feet wide;

(2) At least twenty (20) feet long from curb to garage; and

(3) Be surfaced with Class II Asphalt

(c) Sidewalks shall:

(1) Have a minimum width of four (4) feet.

(2) Be provided on one side of each internal roadway;

(3) Be bituminous concrete, brick or other surface acceptable to the Commission; and

(4) Have handicapped accessible ramps at all crosswalks.
(d) Parking:

(1) Each dwelling unit shall have a two-car garage.

(2) One (1) parking space shall be provided for every one hundred (100) square feet of clubhouse area.

(e) Utilities:

(1) All MIH developments shall be served by municipal sanitary sewers and public water supply; and

(2) Utilities, including, but not limited to, electric, telephone, gas, water and sanitary sewers shall be located underground, except that, for MIH units with direct driveway access onto existing roadways, utilities may be located overhead.

(f) Outdoor lighting shall be provided and maintained at all access points to streets and elsewhere where required for the safety of vehicular or pedestrian traffic.

(g) Earth materials excavation and removal:

(1) The provisions of Section 31 requiring approval of a temporary special exception for excavation, clearing, grading, filling, material removal, blasting and related activities shall not apply to necessary operations in connection with the construction or improvements and the changing of contours in an approved MIH development conducted in accordance with the construction and grading plans in a site plan approved by the Commission under these MIH Regulations.

(2) Although no temporary special exception is required, the excavation, clearing, grading, filling, material removal, blasting and related activities conducted pursuant to site plan approval for an MIH development shall nonetheless meet the following standards of:

(a) The bonding requirements of Section 31.4.5 of the Regulations;

(b) Standards and conditions of Section 31.5 of the Regulations; and

(c) Provisions of Section 31.6 of these Regulations relating to inspections and periodic inspections.

(h) Sediment and erosion control:

(1) The site plan shall comply with Section 47 of these Regulations.
(i) Stormwater management:

(1) The site plan shall comply with Section 48 of these Regulations.

30A.6 Standards and Regulations for Maximum Sale/Resale Price

A development in a Mixed Income Housing District shall be a "set aside development" in compliance with General Statutes § 8-30g and with the definition of "set aside development" in these Regulations.

30A.7 Mixed Income Housing Unit Requirements

The purpose of the Mixed Income Housing District is to facilitate a residential community containing both market-rate and price-restricted dwellings that comply with General Statutes § 8-30g. The following requirements shall apply to MIH homes:

(a) MIH homes shall be of a construction quality that is comparable to a baseline specification for market-rate homes within the community. The site plan for the development shall identify the locations within the community of the MIH homes.

(b) The MIH homes shall be built and offered for sale on a pro rata basis as construction proceeds.

(c) Calculation of the maximum sale price of MIH homes, so as to satisfy General Statutes § 8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development in effect on the day of sale.

(d) An MIH home shall be occupied only as an owner's principal residence. Leasing of MIH homes shall be prohibited.

(e) At the same time that the market-rate homes in a Mixed Income Housing District are first advertised to the general public, notice of availability of the MIH homes shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of East Haven, by providing notice to the East Haven Town Council, the East Haven Town Clerk, and the East Haven Planning and Zoning Commission, and through the procedures outlined in the affirmative fair housing marketing plan in the Housing Affordability Plan.

(f) Each deed for an MIH home will contain substantially the following provision:

For the duration of this covenant or restriction, this dwelling unit may be sold only to a household or family whose annual income is equal to or less than eighty percent (80%) or sixty percent (60%), as applicable, of the median income as defined in section 8-30g-1(10) of the Regulations of Connecticut State Agencies.
(g) The forty (40) year affordability period shall be calculated separately for each MIH home in a Mixed Income Housing District development, and the period shall begin on the date of occupancy of the MIH home.

(h) A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the East Haven Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.