AGENDA
To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, March 14, 2013 RPC Meeting, 5:15pm @ SCRCOG Offices: 127 Washington Avenue, North Haven, CT 06473

1. Administration
   1.1. Minutes of the February 14, 2013 RPC Meeting

2. Statutory Referrals – March Action Items
   2.4. Town of Clinton: Proposed Zoning Regulation Amendment to Section 17.4.5 (Use of Other Base Flood Data). Submitted by: Town of Clinton. Received: March 5, 2013. Public Hearing: April 1, 2013.

3. Other Business
MEETING MINUTES

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, February 14, 2013 Meeting

Present: Christopher Traugh, Kevin DiAdamo, Mary Shurtleff, Charles Andres, James Giulietti, Christopher Suggs, Mark Bender, Doug Combs, Eugene Livshits

1 Administration

1.1 Minutes of the January 10, 2013 RPC meeting.

Motion to accept the minutes as presented: Mark Bender. Second: Christopher Suggs. Vote: Unanimous.  
Abstentions: Doug Combs

2 Statutory Referrals

2.1 Town of Guilford: Proposed Zoning Regulation Amendments to add the Town Center South Overlay District

The staff recommendation has been amended to include a comment on incorporating bike parking.

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region 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 by promoting denser, context sensitive, mixed use development and a diversity of housing types and price levels in close proximity to the train station. The Commission may want to consider incorporating standards for bike parking within the proposed district.

Motion to Accept as Amended: Mark Bender. Second: Kevin DiAdamo. Vote: Unanimous.

2.2 Town of North Haven: Proposed Zoning Regulation Amendment to add Section 8.15 – Affordable Housing Opportunity Development (AHOD)

The staff recommendation was amended to include specific citations from the Regional Plan of Conservation and Development.

By resolution, the RPC has determined that the proposed Zoning Regulation Amendment’s promotion of affordable housing is encouraged by the Regional Plan of Conservation and Development (POCD) and should be promoted within the Town. The Regional POCD states the following: “Continue to promote affordable housing and diverse housing choices for all incomes and age groups in the South Central Region...”
with context sensitive developments” (Plan of Conservation and Development, South Central Region, page 29)

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 higher density development away from the Town’s center and to the low density R-40 District and RA-40 District is inconsistent with the following goal of the Regional POCD: “Continue to limit development and increased densities outside of the regional corridors with the exception of existing historic town centers and villages, particularly where public utilities, transportation, and employment infrastructure is not available or of an unsuitable capacity to support such development” (Plan of Conservation and Development, South Central Region, page 22).

Motion to Accept as Amended: Charles Andres. Second: Mark Bender. Vote: Unanimous. Recuse: James Giulietti, Kevin DiAdamo

2.3 Town of Orange: Proposed Zoning Regulation Amendment to define and regulate Fun Houses, Haunted Houses and Other Similar Attractions

By resolution, the RPC has determined that the proposed Zoning Regulation Amendment does not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.


2.4 Town of Wallingford: Proposed Zoning Regulation Amendments to Wall Signs and Article VII – Site Plan and Special Permit Review and Approval

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: James Giulietti. Vote: Unanimous.

2.5 Town of East Haven: Proposed Zoning Regulation Amendments to add Mixed Income Housing District

In the review of the proposed Zoning Regulation Amendment it was determined that additional information prior to the Commission providing official comments. The referral will be tabled to the March 14, 2013 RPC Meeting.

Motion to Table the referral until the March 14 Meeting: Christopher Traugh. Second: Charles Andres. Vote: Unanimous.

Motion to Adjourn: Mark Bender. Second: Mary Shurtleff. Vote: Unanimous.
Referral 2.1: Town of East Haven

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

Staff Recommendation: The Proposed Mixed Income Housing District’s promotion of affordable housing is consistent with the Regional Plan of Conservation and Development, which encourages “affordable housing and diverse housing choice for all incomes and age groups” (Plan of Conservation and Development, South Central Region, page 29).

The proposed provision to make certain portions of 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 exempts the proposed district from 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 and 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 spoke with the Planning Staff in East Haven and 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 IT'S TECHNICAL STAFF.

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

SIGNATURE OF APPLICANT:  [Signature]  DATE  12-19-12
By: Timothy S. Holister, Esquire
Shipman & Goodwin LLP
Duly Authorized

SIGNATURE OF APPLICANT:  
DATE

SIGNATURE OF AUTHORIZED AGENT:  
DATE

PROPERTY OWNER'S SIGNATURE:  [Signature]  DATE  12/4/2013
By: Vicki R. Imperato, Individually / President of Statewide Construction Corp. / Managing Member of Autumn View LLC
Duly Authorized
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 rezoning 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

Maximum height 35 feet

Maximum stories 2 stories

Minimum setback from street line 25 feet

Minimum setback from curb (internal roadway) 20 feet

Minimum setback from rear property line 15 feet

Minimum setback from side property line 15 feet

Minimum distance between dwelling units 15 feet

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.
ARTICLE III
TEMPORARY SPECIAL EXCEPTIONS

SECTION 31

TOPSOIL, SAND and GRAVEL

31.1 GENERAL: On any lot, there shall be no excavation, grading or removal of topsoil, clay, sand, gravel, stone or other natural material; or slashing of trees, or filling of land by blasting, or by use of power assisted machinery, or equipment except as authorized under section 31.3, or under a temporary special exception, granted by the Commission under the provisions of this Section. 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.

31.2 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 this Section is to regulate such site clearing, earth moving and stockpiling activities so as to:

[a.] 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.

[b.] prevent creation or exacerbation of safety hazards, such as sharp declivities, cliffs and unstable slopes.

[c.] preserve distinctive natural features such as rock outcrops and ridge lines.

[d.] 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:

[e.] protect the ecological process by preserving natural vegetative cover essential to maintenance of soil stability, micro-climate moderation and property values.
31.3 **AUTHORIZED EXCLUSIONS and EXEMPTIONS:** The requirement to obtain approval of a *temporary special exception* shall not apply to the following cases, when such excavation, grading, removal or slashing of trees, or filling of land is conducted and completed in such a manner as to cause no danger to the public health or safety, which includes, but is not limited to: stagnant water, soil erosion, water pollution or excessive drainage runoff.

31.3.1 necessary operations involving the filling or removal of earth materials, not exceeding *250 cubic yards* in any one calendar year that is in direct connection with landscaping and/or the changing of contours on a lot. Said amount may be increased to *500 cubic yards*, upon the approval of a duly authorized *zoning permit*. Such filling or removal shall be completed within the calendar year and the area affected shall be completely restored, re-graded and/or planted with suitable vegetation or landscape feature within the same calendar year.

31.3.2 necessary operations, not exceeding *1,500 cubic yards* in conjunction with the lawful construction or alteration on the lot of buildings and other structures, foundations, driveways, roads, trench work, off-street parking and loading areas, outside storage areas, storm drainage, utility services, fences, walls, wells, patios and terraces, swimming pools or any other bona fide construction project having a duly authorized *zoning permit* and building permit for the project.

31.3.3 necessary operations in connection with reasonable improvements on the lot solely for bona fide farming purposes; such as the construction of ponds, burying of stones and/or the relocation of natural materials on the lot to increase areas of farming; or, the normal installation or repair of a septic system, subject to the approval of the East Shore Health District and the Town Engineer.

31.3.4 necessary operations in connection with the construction or improvements and the changing of contours in an *approved subdivision* in accordance with the construction and grading plans approved by the Commission under the Subdivision Regulations of the Town of East Haven.

31.3.5 The normal maintenance and repair of roads and driveways, and the construction of new Town roads or any other use, including the stockpiling of street maintenance and landscaping materials, by the Town of East Haven or its authorized agent.
31.4 APPLICATION and PROCEDURES: Before the approval of any temporary Special Exception, the applicant shall prepare and submit eight [8] complete copies of an application for a Temporary Special Exception, containing a detailed statement of use, appropriate maps & plans prepared by, and bearing the seal of a licensed Land Surveyor, Assessor’s [field] cards for all properties to be affected and such permit fees as may be required for this submission.

31.4.1 Statement of Use: Eight [8] copies of a written statement describing the proposed activity in sufficient detail to determine compliance with the “permitted use” [Section 24] provisions of these Regulations. Said statement shall include:

[a.] the time period proposed for the completion, and site restoration of all work

[b.] the hours and days of the week the work will take place;

[c.] the type and total volume of materials to be deposited, removed or graded;

[d.] the total area to be “clear-cut”.

[e.] the details of any proposed blasting, crushing, or stockpiling of materials

[f.] the number and type of trucks and other machinery involved in the operation.

[g.] the proposed truck access through the surrounding neighborhood and the number of trucks per day and/or hour entering or leaving the site.

31.4.2 MAPS and PLANS: Eight [8] copies of maps and plans, prepared and stamped by a licensed, Professional Land Surveyor showing the following:

[a.] the boundaries of the property; its owners, the location, width and purpose of all existing and proposed easements and rights-of-way on the property; streets adjoining the site; the location of buildings and structures on the site.

[b.] a small scale map, drawn to the same scale as the Town’s Assessor’s Map of the area, showing the location of the site, the site’s acreage, names of all abutting owners within 100 feet [in all directions] of the site.

[c.] in the area of the proposed operation, and within 100 feet thereof, the existing and the proposed field verified contours at intervals of no more than two [2] feet [referred to “National Geodetic Vertical Datum” (N.V.G.D.)]; spot elevations at key locations and the areas of the site where earth materials may be stockpiled.
[d.] the location of all existing wooded areas, watercourses, wetlands, rock outcroppings, and other significant physical features and, where applicable, any wetlands boundary, 100 year flood line, floodway boundary and areas of slopes or depressions, 25 percent or greater.

[e.] areas of wetlands shall be field located by a certified soil scientist. No proposed operation under this section will be conducted within 200 feet of any watercourse, pond, or swamp

[f.] pertinent information regarding the existing and proposed drainage on the site.

[g.] the location of all existing buildings, structures, signs, fences, walls, paved areas, curbs, curb cuts, edges of pavement, sidewalks, light and utility poles, catch basins, manholes, hydrants and other similar physical features.

[h.] the proposed location of the vehicular access to and from the site.

[i.] a complete erosion and sediment control plan

[j.] complete details of the final site grading, stabilization and plantings at the conclusion of the operation.

31.4.3 PRIOR APPROVALS: Where, and whenever applicable, the applicant shall obtain and produce to the Commission, written approvals and/or documentation from:

[a.] The Town of East Haven’s Inland Wetland and Watercourse Commission.

[b.] The Town of East Haven’s Flood and Erosion Commission

[c.] The Town of East Haven’s Zoning Board of Appeals

[d.] The State of Connecticut’s Department of Environmental Protection

[e.] The Army Corps of Engineers.

31.4.3 OTHER: The Commission is further empowered to request the applicant submit any additional information that it deems necessary to decide on the application.
The Applicant may, by written request, identify certain, specific elements of the application requirements from which he requests an exemption, along with bona fide reasons for requesting said exemption.

The Commission is empowered, by resolution to waive the required submission of all or part of the information required in section 31.4 upon a finding that the information is not necessary to decide on the application.

31.4.4 APPLICATION and ASSOCIATED FEES: An application fee, in the amount of $250.00, plus a Publication Fee of $100.00 and an Inspection fee in the amount of $2.50 for each 1,000 cubic yards of material, or fraction thereof, to be excavated, or filled.

31.4.5 BONDING: The applicant shall file with the Commission, a performance bond in form, amount and surety approved by the Commission and the Town Engineer, to guarantee the faithful performance of the work to be undertaken in accordance with the provisions of this section.

That, upon completion of any operation approved and bonded under this section, the applicant may request and receive a return of his bond after the work, as approved is completed to the satisfaction of the Commission and it’s technical staff and after all affected areas have been restored and/or replanted or landscaped to the satisfaction of the Commission and it’s technical staff.

The Commission is authorized to a separate, additional bond in form and amount and with surety acceptable to the Town Engineer to protect the Town of East Haven from damages caused to Town roads, sidewalks, bridges, drainage facilities, curbs or landscaping as a result of the activities associated with this Section.

31.4.5a LIABILITY INSURANCE: The applicant shall obtain and maintain liability insurance with a limit of not less than $250,000 as to personal injury and $100,000 as to property damage and shall furnish a Certificate of Insurance to the Town Engineer and, in the event of a cancellation of such insurance, the temporary Special Exception shall terminate immediately and without any formal action of the Commission.

31.5 STANDARDS and CONDITIONS: The filling, excavation, grading, removal, blasting or any other activities authorized under
this section shall conform to the following standards and conditions, and before approving a "temporary Special Exception", the Commission shall find that the following standards and conditions are met:

31.5.1 General: That the operations and activities shall be carried out in conformity with the statement, maps and plans as approved by the Planning & Zoning Commission and within the exterior limits shown on the approved plans; and in conformity with the proposed contour plan, as approved.

31.5.2 Earth Slopes: All finished earth slopes resulting from the approved activities shall not exceed one foot of rise or decline for three feet of horizontal distance; or of a 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 the completion of the excavation or material deposit.

31.5.3 Rock Slopes: The Commission may approve finished rock slopes resulting from blasting or ripping at slopes no greater than five [5] feet rise for one foot of horizontal distance; provided that the following conditions are met:

[a.] the top of any permanent rock slope, greater than five [5] feet in height is protected by permanent fence, at least 5 feet in height and of a quality that is acceptable to the Commission, to prevent injury to the general public.

[b.] no blasted slope shall be located within 30 feet of any side or rear property line; or such a greater distance as the Commission may specify.

[c.] all blasting shall be conducted in a manner that is acceptable to the Fire Marshall, Town of East Haven.

[e.] 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 these Regulations and the approved plan.

[f.] there will be no excavation, grading or removal below an elevation of three [3] feet above any ledge.
31.5.4 Site Conditions During Operations: Slopes shall be maintained during construction so as not to exceed one [1] foot of rise for each two [2] feet of horizontal distance whenever constructed is suspended for a period of more than two weeks. There shall be no sharp declivities, pits or depressions and proper drainage shall be provided to avoid water stagnation, soil erosion and water pollution.

The Commission is empowered to require the entire construction area, or parts thereof, to be fenced by a fence of 6 feet in height or less and having suitable gates that are located a minimum of fifty [50] feet from the edge of the construction area to ensure public welfare and safety.

31.5.5 Adjoining Properties: The Commission may order 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, but are not limited to, appropriate screening, fencing, limitations on “on-site” stockpiling of excavated materials, and/or the presence of “watering mechanisms”

31.5.6 Processing Machinery: Except in Light Industrial Districts #1 [LI-1] and #2 [LI-2] no stone crusher, washer, grader, sifter or other machinery not required or necessary for excavation and/or the removal of material will be used.

31.5.7 Truck Access: Truck access to the site shall be so arranged as to minimize traffic hazards on the streets and a nuisance to surrounding properties. Such access on the site shall be maintained as to prevent wind and water erosion. Proper drainage shall be arranged so as to minimize traffic hazards on streets and to avoid being a nuisance to residents of the neighborhood. Tracking pads shall be installed utilized and maintained and all debris and/or residue on any Town street will be totally and completely removed nightly by the applicant, owner[s] and/or agent. All elements of the site’s *Erosion and Sediment Control Plan*, and any appropriate conditions of approval shall be maintained and utilized.

31.5.8 Disposal of Excavated Materials: The total volume of earth materials to be removed from a site, and it’s destination [if known] shall be identified in the Permit Application. If earth materials in excess of 250 cubic yards are to be transported outside of the Town of East Haven, it is the applicant’s responsibility to secure the proper authorization and/or permits for disposal at it’s ultimate location.
31.5.9 Stockpiles: All authorized stockpiles shall be contained within the permit area. No stockpile of earth materials shall be located within 50 feet of an wetland or floodway [designated on the National Flood Insurance Rate Map]

Any activity within a designated Flood Plain District also requires approval by the Town Engineer and a permit under the Town of East Haven's Flood Plain Ordinance.

Appropriate dust and erosion control measures shall be clearly described and maintained for the entire duration of the stockpile; any 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 and/or special exception for the primary use of the site [e.g. contractor yard], provided that:

[a.] the maximum volume [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, requirements and conditions of the Regulations and the approval are met

The Commission reserves the right to review and continuing stockpiles on a yearly basis and may require submission of a new special exception application if the actual circumstances differ from, and/or the volume of material stockpiled exceeds what was depicted on the original approval.

31.5.10 Fill Materials: Land clearing, construction and demolition debris, loose boulders may be used as clean fill, provided that the following requirements are met.

[a.] no constituent part of such fill shall exceed one [1] 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.

[d.] 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.
31.5.11 **Hours of Operation:** Within and adjacent to any residential areas, no blasting or operation of heavy vehicles or machinery shall take place before 7:30 A.M. or after 6:30 P.M. on Monday through Friday; nor before 8:30 A.M. or after 5:30 P.M. on Saturday or at any time on Sunday. The Commission is further empowered to further restrict or limit said hours of operation at any time if such limitations are deemed warranted to ensure the reasonable use and enjoyment of surrounding properties.

31.5.12 **Site Restoration:** All topsoil removed shall be stock-piled 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. This slope may be further modified by the Commission to a lesser slope, necessary for soil stability and reasonable re-use and development of the site.

[b.] the disturbed area shall be evenly graded with sufficient slopes to assure adequate drainage, preventing pools of stagnant water.

[c.] a layer of topsoil, six [6] inches in depth shall be replaced uniformly over the entire area, with any large stones removed. The area shall be seeded with "State Conservation Mix" or other suitable [pre-approved] perennial grass mixture, and maintained by mulching, repairing and reseeding until the entire area is stabilized with a dense cover of grass, with no danger of erosion, and approved by the Commission.

[exception, 31.5.13 c] this provision shall not apply to the area of ponds, nor to areas of exposed ledge existing prior to the work.

[d.] Excess topsoil may be removed from the site upon submission of a statement or documentation from a licensed, professional engineer or landscape architect certifying that sufficient topsoil remains on the site to accomplish the requirements of this section.
31.5.13 **Alteration of Conditions:** The Commission may adjust or modify or delete any standards or conditions set forth above if, in its sole judgement, such adjustment, modification and/or deletion is necessary to maintain the purpose of this Section.

31.6 **INSPECTIONS and PERIODIC INSPECTIONS:** The Commission, Town Engineer and Zoning Enforcement Officer, or their authorized agents shall, at all times, have reasonable access to the site 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.

31.7 **ENFORCEMENT and Penalties:** The Zoning Officer and/or Town Engineer and/or their agents are empowered to enforce any/all provisions of this section. Any noted violation by an authorized enforcement agent shall be abated immediately. The penalty for any violation of this section shall be a monetary fine in accordance with the provisions of Connecticut General Statute 8-12 [C.G.S. 8-12] and/or Section 53 of these Regulations and/or the immediate halt to the operations until such time that the violation[s] are abated.

31.8 **TOWN OPERATIONS:** Within the Town of East Haven, any filling/grading/material removing or stockpiling operations on any lot of any earth, loam, topsoil, sand, gravel, clay or stone that is conducted by the Town of East Haven, solely for municipal purposes, is permitted and all permit procedures and/or associated fees are waived. Said excavation, grading, removal or stockpiling however, shall meet and conform with the standards and conditions of Section 31.5 of these Regulations.

31.9 **MAINTENANCE of PONDS:** Whenever it is found necessary to maintain an existing pond, lake, retention and/or detention facility or other natural or "man-made" body of water to prevent eutrophication, or to remove accumulated siltation; and said maintenance will not change the original basic contours, depth or periphery of the body of water, such work may be done **without a temporary special exception** provided:

[a.] Appropriate approvals are obtained from the East Haven Inland-Wetland and Watercourse Commission;

[b.] The applicant/owner submits a written report to the
Commission containing the following:

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

[c] the Commission, upon review of the above information, finds that the proposed work is necessary, and does not fall within the purview of an "earth removal" operation.

[d] the Commission approves the above report, and notified the applicant of it's agreement as to the scope and purpose of said operation.

In the event that the Commission determines that the proposed operation exceeds normal maintenance and, the operation is, in fact, an earth removal operation; said Commission is empowered to order the owner/applicant to apply for a temporary special exception in accordance with the requirements of this Section

31.10 OVERALL LANDSCAPING DESIGN PLAN: In all instances covered under this section, the applicant shall provide a landscaping design that will provide vegetated buffers to help protect all on sight water resources, including (but not limited to) tidal wetlands, or other coastal resources and/or inland wetlands that are in need of protection from pollutants, erosion and stormwater runoff.
Referral 2.2: City of New Haven

Subject: Proposed Zoning Map Amendment regarding the property known as 130 Amity Road.

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

Background:
A Private Applicant in the City of New Haven has submitted a Proposed Zoning Map Amendment concerning the property known as 130 Amity Road. The Proposed Amendment would change the designation of a portion of the parcel from a Residential Zoning District (RS-2) to the General Business Zoning District (BA). The property consists of one parcel that is split between the RS-2 and BA Districts. A shopping center, known as the Amity Shopping Center, resides on the parcel. All uses permitted in the BA District are already allowed on the entire parcel. Information regarding the history of the property can be found in the Background Section.

The property known as 130 Amity Road is within 500 feet of the Town of Woodbridge.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.
February 12, 2013

I write pursuant to Sec. 8-7d(f) of the Connecticut General Statutes to inform you that the following item was received by the Board of Aldermen sitting as the Zoning Commission for the City of New Haven:

"From Attorney Anthony Avallone on behalf of Wellmakara, LLC submitting a zoning ordinance map amendment to change the designation of a portion of land known as 130 Amity Road (Map/Block/Parcel 431/1194/00200) and Bee Bee Road, a public city road, from a Residential Zoning District (RS-2) to a General Business Zoning District (BA)."

Enclosed for your convenience is a copy of this proposal.

Sincerely,

Albert Lucas, Director
Office of Legislative Services

AL/cp
January 15, 2013

Mr. Ron Smith
City Clerk
City of New Haven
200 Orange Street
New Haven, CT 06510

The Honorable Members of the Board of Aldermen
City of New Haven
165 Church Street
New Haven, Ct 06510

Re: Petition to Amend Zoning Ordinance Map (Grid #18) to change the designation of a portion of land known as 130 Amity Road (Map/Block/Parcel — 431/1194/00200), and Bee Bee Road, a public City Road from the Residential Zoning District RS-2 to the General Business Zoning District (BA)

Dear Mr. Smith and the Honorable Members of the Board of Aldermen:

Please be advised that I represent Wellmakara, LLC in regard to the attached "Petition for Amendment to the Zoning Ordinance Map".

Wellmakara, LLC is the owner of 130 Amity Road which has been utilized as a shopping center since 1963. The property has been and is bisected by BA (General Business) and RS-2 (Residential) zones. All uses permitted in a BA zone have been allowed on the entire property, even though a portion of the property is in a Residential RS-2 zone, which does not permit the shopping center. This was due to an administrative error in 1963 when the rear portion of the center was constructed.

This Petition to Amend, if granted, would change the zoning District designation of a portion of 130 Amity Road, and Bee Bee Road, a City public Road, all as more particularly described in Schedule A, and depicted on Schedule B of the attached Petition for Amendment to the Zoning Ordinance Map. If granted, the result would be that the entire center will be zoned BA and
the Eastern boundary of the new BA zone would align with the Western boundary of the abutting BB zone.

Enclosed please find the Petition for an Amendment to the Zoning Map (Grid #18) with a proposed Ordinance for the Board of Aldermen, adopting the requested amendment. Enclosed please find check for filing in the amount of $1,410.00. A copy of the submission is being delivered to the City Plan Commission.

Please do not hesitate to contact me at your earliest convenience if there are any questions or additional information you require.

Very truly yours,

Anthony Avallone
Schedule A

Amity Plaza

Zone Change Area

January 21, 2013

All of that tract or parcel of land, situated in the Town of New Haven, County of New Haven and State of Connecticut, containing a total of 421,163 square feet, more or less, or 9.67 acres, more or less, and more particularly bounded and described as follows;

Beginning at a point in the northwesterly highway line of Wilbur Cross Parkway (Route 15), said point being North 42°41'52" East a distance of 77.17 feet from a CHD monument found in said northwesterly highway line of Wilbur Cross Parkway (Route 15):

Thence running along land now or formerly Wellmakara, LLC, Tax Map 431, Block 1194, Lot 201, the following five (5) courses and distances: North 15°30'33" West a distance of 16.01 feet to a point, South 76°08'52" West a distance of 150.00 feet to a point, North 15°30'33" West a distance of 125.00 feet to a point, North 76°07'47" East a distance of 56.85 feet to a point, North 30°59'28" West a distance of 698.38 feet to a point on the New Haven, Woodbridge Town Line;

Thence running along land now or formerly Mildred D. McGovern and the New Haven, Woodbridge Town Line, North 16°53'12" East a distance of 59.74 feet to a point;

Thence running along land now or formerly United Illuminating Company and the southerly line of June Street, partially by each, and the New Haven, Woodbridge Town Line, North 67°21'32" East a distance of 225.96 feet to a point;

Thence running through land now or formerly Wellmakara, LLC, Tax Map 431, Block 1194, Lots 400 & 401, in a northeasterly direction along said New Haven, Woodbridge Town Line and the present Zoning Line a distance of 283 feet, more or less, to a point;

Thence running in a generally southerly and southeasterly direction along said present Zoning Line a distance of 764 feet, more or less, to a point on said northwesterly highway line of Wilbur Cross Parkway (Route 15);

Thence continuing in a southeasterly direction along said present Zoning Line a distance of 207 feet, more or less, to the approximate centerline of the Wilbur Cross Parkway (Route 15) right of way;

Thence running along said approximate centerline of the Wilbur Cross Parkway (Route 15) right of way a distance of 300 feet, more or less, to a point;

Thence running in a northwesterly direction perpendicular to said northwesterly highway line of Wilbur Cross Parkway (Route 15) a distance of 144 feet, more or less, to the point and place of beginning.
NEW HAVEN CITY PLAN COMMISSION REPORT

RE: 130 AMITY RD., Clarification of boundary between BA and RS-2 zones (Bronson & Hutensky - Amity Shopping Center).

REPORT: 1122-08

ACTION: No map correction required.

BACKGROUND:

Bronson and Hutensky Company, Inc. have requested a determination of the BA and RS-2 zone boundary in the quadrant northwest of the Wilbur Cross Highway, to the west of Amity Road in Westville. An application for zoning relief to renovate and expand the Amity Shopping Center is presently before the Board of Zoning Appeals. The proposal would allow a new 78,000 g.s.f. Stop and Shop market to be built in the present location of Mr. R. s., the center to be expanded by a total of +40,000 g.s.f., and the parking area and other existing facilities to be substantially upgraded.

Building permits for the shopping center were issued in 1960 and 1961 on the basis that the entire site was zoned BA. Review of available information indicates the rear portion of the center is within an RS-2 (single family residential) zone.

Clarification of zone boundary is requested as relief is necessary to renovate and/or expand the Amity Shopping Center if it is determined that the rear portion of the site is zoned RS-2, as it appears to be on the zoning map section.

PLANNING CONSIDERATIONS:

Section 64 of the New Haven Zoning Ordinance grants the Commission the responsibility to maintain, review, and interpret the zoning maps. Careful review of Section 1 of the Zoning Map shows the boundary between the RS-2 and BA zone is within the Amity Shopping Center parking lot, about 70 feet in front of the rear wing of the L-shaped complex. The rear portion of the center is in an RS-2 zone. The central question is whether the placement of this line is a mapping error.

Commission staff have reviewed zone map changes and appeals since the 1963 ordinance adoption, as well as pre-1963 zoning maps. No action has changed the boundary or granted relief since 1963. The present zone boundary predates the 1963 ordinance, and appears to be the midline of the former right-of-way of Frederick, a paper street abandoned at the time of construction of the Wilbur Cross Highway in the 1940s.

A review of map changes in the area since the 1928 adoption of zoning shows the area west of Amity Road was rezoned from Residence "B" to Business "A" in 1950, at the time of a widening of the Amity Road right-of-way. The 1964 general revision of the zoning ordinance categories were changed from Residence B to RS-2 (Single family zones) and Business A to BA (General Business zones).
No map or boundary description accompanied the 1949 rezoning application, save for a narrative requesting a change of zone from Residential "B" to Business "A" for "property fronting 413 ft. on the west side of Amity Road between the Woodbridge Town Line and the Wilbur Cross Parkway bridge over Amity Road" (CPC Minutes, Vol. II, p.244).

A review of historical tax maps in the office of the assessor has determined that the petitioner at the time of the 1949 filing owned only lands north of the Frederick Street right-of-way, therefore only the applicant's lands were redesignated BA in the 1950 rezoning action. Lands to the southwest were acquired separately at a later date but never rezoned. Issuance of the 1960 building permit for the rear portion of the shopping center was in error.

The Commission has determined that the zone boundary is correctly shown on the Section 1 map. As the center predates the present ordinance and has been in existence for nearly thirty years, the Commission finds a unique hardship exists because of an administrative error as development for single family detached use is not possible, and therefore supports the present application for a use variance as the most expeditious means to allow renovation and expansion of the existing center.

ADOPTED: October 3, 1990
David B. Greenberg Vice-Chairman

ATTEST:
John L. McIlhenny
Executive Director
September 19, 1990

City Plan Commission
95 Orange Street
New Haven, CT 06511

Attention: Mr. Bill Post

Dear Mr. Post:

Please be advised that this office has been retained to represent Bronson and Hutensky Company, Inc. in regards to a proposed purchase of the Amity Shopping Plaza. My clients have made application for zoning relief to the Board of Zoning Appeals in New Haven, for a Use Variance and a Special Exception regarding the number of parking spaces available on the site.

The Use Variance results from the apparent location of a portion of this shopping center in an RS-2 Zone. I say apparent because a portion of the existing shopping plaza was constructed in what the zoning maps reflect as an RS-2 Zone. The parcel of land upon which the shopping plaza was constructed is and has been one parcel of land. The northern portion of the site is designated as a BA Zone, and the rear portion of the parcel is designated RS-2. The zoning maps going back to the early 1950's reflects the division of the parcel into two separate and distinct zoning designations. A review of the records of the building department indicate that building permits were drawn for the construction of the entire shopping plaza, including permits for the construction of the retail shopping plaza on that portion of the parcel which is designated RS-2. These permits are dated October 24, 1960 and January 1961, a copy of which are attached. You will note that the zoning designation set forth on the building permits is BA.

I would respectfully request that the City Plan Commission review this matter and act within their jurisdiction to clarify that the entire parcel of land should be designated BA and that the zoning line be moved to a point consistent with the property line at the southern portion of the site.

- Continued-

1-
City Plan Commission

Your cooperation in this matter is greatly appreciated.

Very truly
Anthony V. Avallone

AVA: rrg
cc: Mr. McGuerty
APPLICATION TO ERECT COMMERCIAL OR INDUSTRIAL BUILDINGS

BUILDING DEPARTMENT

200 Orange Street

To the Building Department

Petitioners erect ____________________________ footings and foundations on walls.

Location: 130 Amity Road

Architect: Herbert Tannenbaum

Height: 2 sections

Roof Covered with: __________

Style of roof: __________

Rafters: __________

Cornice: __________

Size of girder: __________

Span: __________

Size of joist: __________

Span: __________

Design live load for floors: __________

Material of foundation wall: __________

Footings: __________

Wall thickness: __________

No. of exits: __________

Kind of heat: __________

Building line: __________

Lot Area: __________

Zoning regulations: __________

Yard: __________

Other Details: __________

__________________________

Cost: __________

For: __________

Approved by: __________

H. G. Falsey, Bitilditg Impactor

New Haven, Conn., 00

130 Amity Road

Classification: Commercial

Address: 415 Lexington Ave., N. Y. 17, N. Y.
<table>
<thead>
<tr>
<th>No.</th>
<th>62867</th>
</tr>
</thead>
</table>

**APPLICATION FOR Commercial or Industrial Building**

- Name: Amity Ed., Shopping Center, Inc.
- Location: 130 Amity Rd.
- Address of Authorized Agent: 

Signature: [signature]

Make oath that the statements herein are true and correct on this day of 19...
No 63138 - 0.49%  K W 0 a 9  Zoning District.

APPLICATION TO ERECT COMMERCIAL OR INDUSTRIAL BUILDINGS

BUILDING DEPARTMENT

.. 200 Orange Street  

FalSeY, Bolding hispecteti  

* an 311, -  

New Haven, Conn.

L'ocatlon  

130 Amity Road  

Amity Road Shopping Center  

342 Madison Ave., N.Y.

Address

Architecture  

Herbert Tannenbaum  

Address  

415 Lexington Ave., N.Y.

Owner  

51 direction

To be used for  

shoppping mentor

Dimensions  

1040' x 120'  

c 2 mtPl?fig0  

3"x10" and Snaar, and 2", tit-

Height

Roof Cover*Alt...Style of roof........... Rafters

Size of girder......Span........Size of joist  

concrete slacIN,

Material of foundation wall  

see per 4h 62867 -  

Design live load for floors.

Footings  

What pressure used in design

Wall thickness  

12", latalmc blacks

4 and 5 ( each AegV, sin hot air( gas fired)

No. of exits  

4 withly raltswatio trov&i. Inrstance

Building line  

Lot Area

Zoning regulations  

Other Details  

2.4.7WF94,"rain .w ith in terliediate,.14".3tF .3.0#  

F #

Cost S  

Fee 600.66  

Approved by
APPLICATION FOR
Commercial or Industrial
Building

No. 69138

Name: Amity M. Shopping Center
Location: 130 Amity Rd.

New Haven, Conn. 1-17-61

Pet

By

authorized agent for owner

Presented

Address of Authorized Agent

State that the statements herein are true and correct on this

.. day of 19

..

Notary Public
Referral 2.3: City of Meriden

Subject: Proposed Zoning Regulation Amendment to Section 213-25 C (Accessory Uses in the General Commercial and Highway Commercial Districts).

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:
A Private Applicant in the City of Meriden has submitted a Proposed Zoning Regulation Amendment to Section 213-25 C. Accessory Uses. This section applies to the General Commercial (C-2) and Highway Commercial Districts (C-3). The Proposed Zoning Regulation Amendment adds an accessory use allowing convenience stores/gas facilities to operate a check cashing service as long as the building has an area of at least 400 square feet. The provisions of Section 213-12, Schedule of land use, lot and bulk regulations, are applicable, as are the provisions of Section 36a-580 et. seq. of the Connecticut General Statutes (Nondepository Financial Institutions – Part IV Check Cashing Services).

The C-2 and C-3 Districts are within 500 feet of the Town of Wallingford.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.
City of Meriden, Connecticut  
Office of the City Council

February 14, 2013

Council of Governments of Central Naugatuck Valley  
60 North Main Street, 3rd Floor  
Waterbury, CT 06702

Central CT Regional Planning Agency  
255 North Main Street, Suite 304  
Bristol, CT 06010

Mid-State Regional Planning Agency  
P.O. Box 139  
Middletown, CT 06457

South Central Regional Council  
127 Washington Avenue, 4th Floor West  
New Haven, CT 06473

Dear Regional Planning Agency:

Per State Statutes, the City of Meriden hereby refers the following proposed zoning amendment for your review and comment. Enclosed please find the legal notice and resolution for the following:


Thank you for your consideration.

Respectfully,

Brian P. Daniels  
Chairman, Economic Development, Housing & Zoning

BPD/Inc  
Enc.  
cc: Dominick Caruso, Director of Development & Enforcement  
File: Regional Planning Letters
LEGAL NOTICE

Economic Development, Housing & Zoning Committee
Meriden City Council

The Economic Development, Housing & Zoning Committee of the Meriden City Council will hold a public hearing on Tuesday, March 19th, 2013 at 6:00 p.m. at City Hall in the City Council Chambers, Room 206, 142 East Main Street, Meriden, CT to consider the following:


At this hearing, all interested parties may appear and be heard and written communications will be received. The text of the resolution is on file for public review in the City Clerk's Office, Room 214, City Hall.

[Signature]
Brian P. Daniels, Chairman

TO BE PUBLISHED: MARCH 8TH AND MARCH 15TH, 2013
Pursuant to the provisions of Section 213-78, the undersigned, being duly sworn, hereby petitions the Meriden City Council, acting as the Zoning Commission, to amend Section 213-25 of the Meriden Zoning Regulations as follows in order to meet a public need:

Section 213-25:

C. Accessory uses.

(1) Notwithstanding the terms set forth in Section 213-12, convenience stores/gas facilities may operate a check cashing service pursuant and subject to the provisions of Section 36a–580 et. seq. of the Connecticut General Statutes within the building approved for such primary use provided such building is at least 400 square feet in area.

Prime 978, LLC is the owner of certain real property at which an approved convenience store/gas facility is being operated, i.e. 978 Broad Street, Meriden, CT.

PRIME 978 LLC

By: Nader Saleh, Member

Sworn and subscribed before me this 26 day of January, 2013.

Dennis A. Ceneviva
Commissioner of Superior Court
Referral 2.4: Town of Clinton

Subject: Proposed Zoning Regulation Amendment to Section 17.4.5 (Use of Other Base Flood Data).

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 Clinton has proposed a Zoning Regulation Amendment to Section 17.4.5, Use of Other Base Flood Data. The Proposed Amendment requires base flood elevation (BFE) data to be submitted with any application for new construction, substantial improvement, or other development in Zone A without a FEMA-published BFE (“un-numbered A Zone”). The BFE data can be obtained from a “federal, state, or other source, including data developed for subdivision proposals.” The Commission would use the data to determine if a proposed development meets the standards set forth in Sections 17.5, 17.6, 17.7, 17.8, and 17.9.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.
March 1, 2013

CERTIFIED MAIL

Eugene Livshits
SCRCOG
127 Washington Avenue 4th Floor West
North Haven, CT 06473-1715

Re: AR 13-020: Proposed Amendment to the Zoning Regulations: Section 17.4.5: Use of Other Base Flood Data.

Please be advised that the above referenced proposed amendment to the Clinton Zoning Regulations (please see the enclosed text) will be heard at a public hearing commencing on Monday, April 1, 2013 at 7:00 p.m. in the Green Room of the Andrews Memorial Town Hall.

Please forward any comments you may have to zoningwetlands@clintonct.org or to:

Planning & Zoning Commission
54 East Main Street
Clinton, CT 06413

If you have any questions, please contact this office at (860) 669-6133, Monday through Friday, or at zoningwetlands@clintonct.org.

Sincerely,

Jillia N. Pudem
Land Use Technician
17.4.5 **Use of Other Base Flood Data:** The Commission shall obtain, review, and reasonably utilize any base flood elevation data and any floodway data available from a federal, state or other source in order to administer Subsections 17.6.1: Specific Standards, Residential Construction and 17.6.2: Specific Standards, Nonresidential Construction. The Commission shall require base flood elevation (BFE) data to be provided with any application for new construction, substantial improvement or other development in Zone A without a FEMA-published BFE (unnumbered A Zones). The Commission shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring the new construction, substantial improvements or other development in unnumbered A Zones on the community’s Flood Insurance Rate Map (FIRM) meet the standards in Sections 17.5, 17.6, 17.7, 17.8 and 17.9.

17.4.6 **Alteration of Watercourses:** In the event of a proposal to alter or relocate a watercourse, the Commission shall:

(a) Notify adjacent communities, along with the Town’s appropriate commissions and the Department of Environmental Protection prior to any such alteration or relocation and shall submit evidence of such notification to the Federal Insurance Administration.

(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

17.4.7 **Interpretation of FIRM Boundaries:** If any questions should arise with regard to FIRM Boundaries, the ZEO shall interpret the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretation as provided in Section 17.11: Variance Procedures – Zoning Board of Appeals. If an applicant can show just cause that a structure is not flood prone due to circumstances, such as being situated on a knoll, said applicant, in addition and as an alternative to the provisions afforded in Section 17.11, may file for a Letter of Amendment (LOMA) from FEMA acknowledging said fact as a basis for issuance of a LOMA. To be effective as a waiver of the application of the FIRM Boundaries, the LOMA must describe the waiver with sufficient particularity so that the Commission can determine the precise area of applicability. Neither the Commission or the Zoning Board of Appeals shall make any determination that would relieve any requirement set forth in Section 17.

17.4.8 **See Section 4:** Application Requirements, Procedures and Decision Process for all other permit requirements.

17.5 **Provision for Flood Hazard Reduction:** In all areas of special flood hazards, the following standards are required: