

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

**RPC
Representatives**

Bethany:
Mary Shurtleff
(Secretary)

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Peter Goletz

Hamden:
Richard Szczypek

Madison:
Christopher Traugh
(Chair)

Meriden:
David White

Milford:
Mark Bender

New Haven:
Kevin DiAdamo
(Vice Chair)

North Branford:
Douglas Combs

North Haven:
James Giulietti

Orange:
Paul Kaplan

Wallingford:
Vacant

West Haven:
Christopher Suggs

Woodbridge:
Peggy Rubens-Duhl

AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, April 11, 2013 RPC Meeting, 5:15pm @ SCRCOG
Offices: 127 Washington Avenue, North Haven, CT 06473

1. Administration

1.1. Minutes of the March 14, 2013 RPC Meeting **1**

2. Statutory Referrals – April Action Items

2.1. Town of North Haven: Proposed Zoning Regulation Amendment to add Section 2.4.1.3 – Medical Epicenter Elderly Residential Zone. Submitted by: Private Applicant. Received: March 11, 2013. Public Hearing: May 6, 2013. **3**

2.2. Town of Prospect: Proposed Zoning Regulation Amendment to Section 2.4.4 – Expansion of Nonconforming Structure. Submitted by: Town of Prospect. Received: March 11, 2013. Public Hearing: April 17, 2013. **11**

2.3. Town of Bethany: Proposed Zoning Regulation Amendment to add Section 23 – Bethany Open Space Housing District. Submitted by: Private Applicant. Received: April 1, 2013. Public Hearing: April 3, 2013. Requested comment period to be open to receive RPC comments. **14**

2.4. City of Milford: Proposed Zoning Regulation Amendments to Definitions (Article XI) and Minimum Off-Street Parking Requirements (Figure 1). Submitted by: City of Milford. Received: April 3, 2013. Public Hearing: TBD. **23**

3. Other Business

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

DRAFT - Not yet approved by the Commission

MEETING MINUTES

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

Present: Christopher Traugh, Kevin DiAdamo (conclusion of 2.1), Charles Andres, Peggy Rubens-Duhl, James Giulietti, Christopher Suggs, Mark Bender, Richard Szczypek, David White, Doug Combs (2.1), Eugene Livshits

1 Administration

1.1 Minutes of the February 14, 2013 RPC meeting.

Motion to accept the minutes as presented: Mark Bender. Second: Christopher Suggs. Vote: Unanimous.
Abstentions: Peggy Rubens-Duhl, David White, Richard Szczypek

2 Statutory Referrals

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

The staff recommendation was amended to state impacts on habitat and ecosystem of the Long Island prior to inter-municipal impacts.

By resolution, the RPC has determined that 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 impacts to the habitat and ecosystem of the Long Island Sound and negative inter-municipal impacts if the development is located within 500 feet of an adjacent municipality.

Motion to Accept as Amended: Mark Bender. Second: Christopher Suggs. Vote: Majority. Oppose: Richard Szczypek. Abstain: Kevin DiAdamo

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

2.2 City of New Haven: Proposed Zoning Map Amendment regarding the property known as 130 Amity Road

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

Motion: Richard Szczypek. Second: James Giulietti. Vote: Unanimous. Abstain: Kevin DiAdamo, Peggy Rubens-Duhl

2.3 City of Meriden: Proposed Zoning Regulation Amendment to Section 213-25 C (Accessory Uses in the General Commercial and Highway Commercial Districts)

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

Motion: Richard Szczypek. Second: Christopher Suggs. Vote: Unanimous.

2.4 Town of Clinton: Proposed Zoning Regulation Amendment to Section 17.4.5 (Use of Other Base Flood Data)

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

Motion: Peggy Rubens-Duhl. Second: Christopher Suggs. Vote: Unanimous.

Motion to Adjourn: Mark Bender. Second: Christopher Traugh. Vote: Unanimous.

Referral 2.1: Town of North Haven

Subject:

Proposed Zoning Regulation Amendment to add Section 2.4.1.3 – Medical Epicenter Elderly Residential Zone

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 has proposed to add Section 2.4.1.3, *Medical Epicenter Elderly Residential Zone* (MEERZ), to the Town of North Haven's Zoning Regulations. Housing units in the MEERZ will be specifically designed to meet the needs of persons 55 years or older. The following are a few of the provisions in the proposed zone.

- A special permit must be issued in order for MEERZ Facility to be constructed.
- Location Requirements:
 - The MEERZ must be located within 750 feet of a medical development that is at least 120,000 square feet in area and affiliated within a CT licensed hospital.
 - A MEERZ Facility must have at least one access or driveway from an existing State Highway.
 - Public bus transportation must pass along the street that provides the main access to the MEERZ Facility or the Facility must be located within one-half mile of a train station.
 - A MEERZ Facility must be located within 2,000 feet of an existing Wellness Center.
- Standards:
 - The minimum lot area applicable to the MEERZ is 160,000 square feet
 - The maximum density of family dwelling units per acre is 35.
 - The total number of housing units in any parcel cannot exceed 150.
 - The total number of housing units shall be in harmony with the overall plan of the North Haven Housing Authority.

- Additional Requirements:
 - A MEERZ Facility is required to be connected to both public water supply and a municipal sanitary sewer system.
 - The first floor of a MEERZ Facility will include at least 1,000 square feet of medical office space intended to provide basic medical services.
 - Residents of a MEERZ Facility will have access to a Community Building of no less than 2,400 square feet in area.
 - A minimum of one off-street parking space per unit is required.

Communication: In researching this proposal, I spoke with the Planning Staff in North Haven and notified the adjacent municipalities in the South Central Region.



TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET

NORTH HAVEN, CONNECTICUT 06473



REPLY TO: **PLANNING & ZONING COMMISSION**

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

March 7, 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 2.4.1.3 – Medical Epicenter Elderly Residential Zone (MEERZ)

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 6 May 2013.

Very truly yours,

Alan A. Fredricksen
Land Use Administrator
AAF/ai

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

Enclosures

4-8-13 Date of Receipt
Fee and date paid

P13-09 File Number
Approval date

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

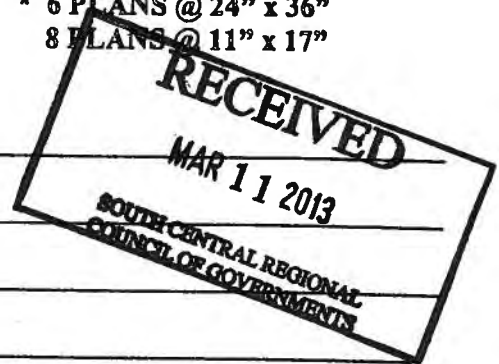
(ADDRESS OF BUILDING OR BLOCK MAP, BLOCK & LOT NUMBER) ZONE TOTAL SQUARE FOOTAGE

THIS APPLICATION IS FOR AND MUST INCLUDE THE FOLLOWING:

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

* 6 PLANS @ 24" x 36"
8 PLANS @ 11" x 17"

TITLE OF PLAN: _____



Date and most current revision date of plan: _____

- ____ CAM site plan review (Submit 14* copies)
- Amend zoning regulations 2.4.1.3(new) Section to be amended (Submit 8 copies of proposed amendment)
- ____ Proposed zone change (Submit 14* copies of location map)
- ____ Special Permit _____ Cite regulation that authorized the special permit
- ____ Fill permit (Submit 14* copies)
- ____ Excavation permit (Submit 14* copies)
- ____ Permit to grade or regrade the property (Submit 14* copies of a certified plan showing existing grades and proposed grades)

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

Does the property for which this application is submitted:

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

RECEIVED

MAR 5 2013

TOWN of NORTH HAVEN
LAND USE AND DEVELOPMENT

ENGINEER'S NAME

John Orsini

Print Applicant's Name

Applicant's Address

Applicant's Phone Number Fax Number

John Orsini
Applicant's Signature

ENGINEER'S PHONE NUMBER

FAX NUMBER

John Orsini

Print Owner's Name

1180 No. Colony Rd., Wallingford, CT

Owner's Address

(203) 949-7440

Owner's Phone Number

John Orsini
Owner's Signature

2.4.1.3 Medical Epicenter Elderly Residential Zone (MEERZ): Housing units specifically designed for the needs of, and provide alternative housing choices for, a person 55 years or older residing in a community which is located within 750 feet of a medical development at least 120,000 square feet in size affiliated with a CT licensed hospital, which medical development provides a variety of medical services, with the following further provisions:

(a) Requirements Applicable to MEERZ Housing Units:

Minimum Lot Area, Sq. Feet	160,000
Maximum Density Family Dwelling Units per Acre	35
Minimum Lot Width, Feet	200
Minimum Front Yard, Feet	60
Minimum Side Yard, Feet	50
Minimum Rear Yard, Feet	60
Maximum Building Coverage, % including Accessory buildings	35
Maximum Height, Feet	50
Minimum Floor Area Per Unit, Sq. Feet	500

- (b) For the purposes of computing the permitted number of dwelling units in a MEERZ Facility, only so much of the lot shall be included as lies within a space whose average greater dimension does not exceed three times its average lesser dimension.**
- (c) In no case shall more than 150 units be built on any one parcel of land.**
- (d) Each MEERZ Facility shall be connected to a municipal sanitary sewer system and serviced by a public water supply.**
- (e) Off-street parking facilities, including carports, shall be provided at one space per unit minimum.**

- (f) Access to a MERZ Facility shall be from an existing or proposed public street, with at least one access or driveway from an existing state Highway. Driveways shall be as approved by the Planning & Zoning Commission. In case of corner lots, the driveway, or driveways shall be located not less than 150 feet from the intersection of the nearest street lines. Driveways entering streets at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible. Driveways shall be not less than 30 feet in width. Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet, tangent to the driveway and to the curb or to the outer edge of the shoulder of a road having no curb. The Planning and Zoning Commission may require that separate driveways be designated and suitably marked for entrance only or for exit only.**
- (g) The construction of the project and structure of the building(s) shall comply with the applicable State of Connecticut or Federal codes and requirements .**
- (h) The total number of units allowed in this zone shall be in harmony with the overall plan of the housing authority of the Town of North Haven.**
- (i) At least 1000 sq. ft. of medical office space intended to provide basic medical services shall be located on the first floor of any such Facility.**
- (j) No permit for any MEERZ Facility as permitted under this subsection shall be issued until a SPECIAL PERMIT has been issued and the plans therefore shall have been approved by the Planning and Zoning**

Commission after a public hearing upon due notice pursuant to Section 8-3c of the Connecticut General Statutes. The applicant shall submit to the Commission full plans for the entire project, showing the layout of buildings, proposed driveways and their relation to traffic on public streets, walks, sanitary sewers, storm drainage and other utilities, parking spaces, accessory buildings, community building, and all other pertinent features including a landscape plan showing the location, size and type of all landscape elements, together with plans elevations, and other pertinent drawings of all buildings, indicating the area of land, spaces for various purposes, the dimensions and floor areas of all buildings and yards and of all family dwelling units. Such plans shall include the entire area of the lot. Notwithstanding the aforesaid or the provisions of Section 8.7.6, a buffer strip greater than ten (10') feet in width shall not be required along the side and rear lot lines.

(k) Any MEERZ Facility shall have a Community Building of no less than 2400 sq. ft. in area, which building will be available for use by the residents of the Facility.

(l) Occupancy restrictions. Occupancy within a MEERZ Facility shall be restricted as follows:

(1) A person who is 55 years of age or older (on "age-qualified person");

(2) A spouse, companion or relative of an age-qualified person residing in a dwelling unit with the age-qualified person;

- (3) The spouse, companion or relative of a deceased age-qualified person who had formerly resided in the dwelling unit or who has entered into a long-term care facility, provided that if any surviving spouse, companion or relative of a deceased age-qualified person shall remarry or cohabit with then the occupancy requirements of subsections (1) and (2) above must be met.**
- (4) No unit may be occupied by a resident who is younger than 18 years of age. No unit may be occupied by more than three residents.**
- (m) Each MEERZ Facility must be located within 2000 feet of an existing wellness Center as defined in Section 3.2.1.9 of the Zoning regulations.**
- (n) No MEERZ Facility may be approved or constructed unless public bus transportation passes along the street that provides the main access point to such Facility or unless such Facility is located within one-half mile of an existing or approved railroad station.**
- (o) Notwithstanding the requirements set forth in section (a) above and section 8.13.2.2.8, Accessory detached carports (open on at least three sides) shall be allowed within ten (10') feet of the side yards and five (5') feet of the rear yard.**

Referral 2.2: Town of Prospect

Subject:

Proposed Zoning Regulation Amendment to Section 2.4.4 – Expansion of Nonconforming Structure

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 Prospect has proposed a Zoning Regulation Amendment to Section 2.4.4 (Expansion of Nonconforming Structure). The following Language was added to the sub-section: “No structure which does not conform to these regulations regarding building height, percentage of lot coverage and front yard, rear yard and side yard setback requirements shall be enlarged unless such enlarged portion conforms to the regulations applying to the district in which it is located”.

Communication: In researching this proposal, I spoke with the Planning Staff in Prospect and notified the adjacent municipalities in the South Central Region.

TOWN OF PROSPECT
LAND USE DEPARTMENT
36 CENTER STREET
PROSPECT, CT 06712

TEL: 203/758-4461 FAX: 203/758-4466

EMAIL: landuse02@yahoo.com



March 12, 2013

Via Electronic Mail

Eugene Livshits (elivshits@scrcog.org)
South Central Council of Governments

Dear Mr. Livshits:

In accordance with Section 8-3b of the Connecticut General Statutes please be advised that the Planning and Zoning Commission of the Town of Prospect has scheduled a public hearing on a proposed amendment to Prospect's Zoning Regulations Section 2.4.4 Expansion of Nonconforming Structure. A copy of the proposed amendment is attached.

The public hearing on the proposed amendments has been scheduled for Wednesday, April 17, 2013 at 7:30 p.m. in the lower level conference room of the Prospect Town Hall located at 36 Center Street, Prospect, CT.

If you have any questions you can contact me at the above number.

Sincerely,

William Donovan

William Donovan
Land Use Inspector

Existing Section 2.4.4

2.4.4 Expansion of Nonconforming Structure

No nonconforming structure shall be expanded above the level at which such structure existed on the date on which it became nonconforming by virtue of these Regulations. No nonconforming structure may be extended to any property not owned by the owner of the nonconforming structure on the date on which it became nonconforming by virtue of these Regulations.

Proposed revision to Section 2.4.4 (highlighted in yellow)

2.4.4 Expansion of Nonconforming Structure

No nonconforming structure shall be expanded above the level at which such structure existed on the date on which it became nonconforming by virtue of these Regulations. No structure which does not conform to these regulations regarding building height, percentage of lot coverage and front yard, rear yard and side yard setback requirements shall be enlarged unless such enlarged portion conforms to the regulations applying to the district in which it is located. No nonconforming structure may be extended to any property not owned by the owner of the nonconforming structure on the date on which it became nonconforming by virtue of these Regulations.

Referral 2.3: Town of Bethany

Subject:

Proposed Zoning Regulation Amendment to add Section 23 – Bethany Open Space Housing District

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 has proposed to add Section 23, *Bethany Open Space Housing District* (OSHD), to the Town's Zoning Regulations. The permitted uses in the OSHD, which is a floating zone, are residential dwelling units (maximum of six units per building) and accessory structures/uses determined by the Commission to be secondary to the residential use. The number of bedrooms per buildable acre cannot exceed four, while the number of housing units per buildable acre cannot exceed one and a half. In a Drinking Water Supply Watershed Zone, the number of bedrooms per buildable acre cannot exceed two. Applications for an OSHD require the submission of a Zoning Map Amendment, Site Plan, and Special Exception Application. If there is any affordable housing component in an application, an Affordability Plan that is in accordance with CGS 8-30(g) must also be submitted. An OSHD must be a minimum of 20 acres and cannot exceed 35 contiguous acres. Developments in the OSHD must protect the Town's public drinking water supply watersheds. Additionally, such developments must satisfy all stormwater, wastewater, and drinking water requirements on site.

The total maximum building coverage is 15% of the parcel. An OSHD must be designed to permanently protect and preserve open space, which must comprise at least 50% of the total site area. The location of open space areas must be contiguous with existing open spaces and in areas with the highest probability of connecting with future open spaces, or where existing agricultural production land exists. The minimum number of parking spaces is 1.5 spaces per one bedroom unit and 2 spaces for one two bedroom unit or larger. Handicapped parking will be provided in accordance with the Connecticut Basic Building Code. All roads within an OSHD will be maintained by a common association.

Communication: In researching this proposal, I spoke with the Planning Staff in Bethany and notified the adjacent municipalities in the South Central Region.

PROPOSED AMENDMENT TO THE BETHANY ZONING REGULATIONS

TO ADD SECTION 23 – OPEN SPACE HOUSING DISTRICT

Section 23

SECTION 23 – Bethany Open Space Housing District (OSHD)

23.1 Purpose:

The purposes of the Open Space Housing District (OSHD) are: (1) to provide flexibility in development of residential property in order to preserve and protect open space and other valuable natural, scenic, historical and man-made resources; (2) to reduce infrastructure costs and impervious surfaces; and (3) to promote development that is environmentally responsible, energy efficient, compatible with surrounding areas and in harmony with natural site features.

23.2 Permitted Uses:

23.2.1 Residential dwelling units.

23.2.2 Accessory structures and uses that are determined by the Commission to be secondary to the above permitted primary residential uses, such as common building(s) for use by all residents, and facilities for farming and farm related uses, maintenance, utilities, administration, off-street parking, storage and indoor or outdoor recreation, such as swimming pools and tennis courts.

23.2.3 Housing may be in the form of detached and/or attached dwelling units up to a maximum of 6 units per building.

23.2.4 A home occupation use may be permitted as a Special Exception use, but non-resident employees are not permitted to work on site, except for care-givers, farm workers or other employees directly associated with the operation and maintenance of the development.

23.3 Definitions:

23.3.1 **Buildable Area.** For purposes of these OSHD regulations, buildable area shall consist of the sum of all portions of a development parcel not comprised of wetlands, watercourses or land with a slope greater than twenty-five (25) percent, which portions are contiguous, but may be separated by a roadway, and not less than one acre in area.

23.3.2 **Dwelling Unit.** A group of connected rooms designed and constructed to provide kitchen, sleeping, bathroom and living areas.

23.3.3 **Open Space and Recreation area.** Land, including trails, which are specifically set aside for passive recreation or other open areas such as lawns, fields and forests, all of which are specifically designated on a site plan. Driveways, roads, parking areas, detention basins and septic areas will not be considered open space unless such improvements are directly related to the use of that open space.

23.4 Procedure for establishing an OSHD:

23.4.1 An Open Space Housing District (OSHD) is hereby established as a floating zone. An application for an OSHD development shall be submitted to the Commission for a contiguous parcel of land, located in any zone that meets all

the required standards and requirements set forth and referenced in this section. Such application can only be submitted by the property owner or their designated agent.

- 23.4.2 All development within the approved OSHD shall be constructed strictly in accordance with the maps, plans, drawings and documents approved by the Commission after the required public hearing. Any additions or modifications to the approved maps, plans, drawings and documents shall be made only after approval by the Commission. However, the Commission may approve minor additions or modifications without holding another public hearing. Only the Commission may make the determination as to whether an addition or modification will be considered minor.
- 23.4.3 No application for an OSHD shall be approved by the Commission unless it finds that:
 - 23.4.3.1 The application provides for the continued protection of safe drinking water supplies from the public drinking water supply watersheds located in the Town; and
 - 23.4.3.2 The topography, soils and other natural features of the property are proven capable of accommodating the proposed development without detrimental impact to the site or area giving specific consideration to the physical configuration and the density of the proposed development;
 - 23.4.3.3 The application and plans conform to the standards and requirements contained herein and/or referenced in Section 23 of these regulations. The Commission may attach conditions or modifications to any OSHD approval in order to assure compliance with the above-referenced standards so as to adequately protect the health, safety and welfare of the residents of the development and of the Town of Bethany.

23.5 Application and Decision Process:

- 23.5.1 No application for an OSHD may be found complete and approved unless the applicant has paid the application fee and technical consultant fees, which are described in Section 23.10, prior to the public hearing on the application.
- 23.5.2 Application for an OSHD shall be made to the Commission in the form of a Zoning Map amendment, Site Plan in accordance with Section 23.8, and Special Exception application, all of which shall all be heard at the same time. The Zoning Map amendment application shall not be approved unless the accompanying Site Plan and Special Exception are also ready to be approved by the Commission as well.
- 23.5.3 In order for the application to be deemed complete, if any affordable housing is contemplated, the applicant shall submit an "Affordability Plan" in accordance with CGS 8-30 (g), which shall:
 - 23.5.3.1 Describe how the regulation regarding affordability will be administered. The plan shall include provisions for administration of and compliance with the provisions of this Section, Section 23.9, notice procedures to the general public of the availability of

the affordable units, identification of those units, specific procedures for verification and yearly confirmation of occupant's income and compliance with the affordability requirements. Include documents, such as draft deeds of conveyance, which will be used in the administration of the affordability restrictions, and any explanations that are to be provided to the unit occupants concerning such restrictions.

- 23.5.4 Site Plan preparation shall conform to all requirements of Section 10, Site Development Plans, of the Zoning Regulations unless a requirement is specifically exempted by the Commission, as provided for in these regulations. Applications shall also comply with any other applicable and relevant sections of the Bethany Zoning Regulations.
- 23.5.5 All OSHD applications shall conform to all requirements for a Special Exception found in Section 4.4 and 4.5, including all public hearing and abutting property owner notification requirements to all property owners within 500 feet of any portion of the property.
- 23.5.6 Decision: After the conclusion of the public hearing, the Commission shall decide, within the time limits set forth in the CGS, whether the application, including the site plan, meets the requirements of these regulations. Upon such a finding it shall approve or deny the request for establishment of the OSHD zoning map amendment on the subject property. If the OSHD request is approved, the Commission may then approve or modify and approve the site plan as presented.
- 23.5.7 The Commission may require financial security in a form acceptable to the Town Attorney and Commission and in an amount acceptable to the Commission as specified in these regulations, for work to be performed as shown on the approved site plan, or for any other proposed public improvements.
- 23.6 General Requirements:
- 23.6.1 All OSHD applications shall be for contiguous parcels of land, which may be separated by a roadway, not larger than thirty-five (35) acres in size. The minimum parcel size shall be twenty (20) acres, which may contain smaller property lots to accommodate project sections or phases.
- 23.6.2 The Commission may retain outside professional consultant(s) to review and comment on any technical data presented to it in an application. The Commission may require additional specific testing of soils as it deems necessary to make a final decision regarding density of dwelling units for the subject application. The applicant shall pay the costs for this soil testing and analysis, as described in Section 23.6.4.3.
- 23.6.3 The number of bedrooms per buildable acre shall be determined by detailed soil testing and certification by the design engineer that the soils will support the proposed development for the foreseeable future. In no case shall the number of bedrooms per buildable acre exceed four (4) or the number of housing units per buildable acre exceed one and one half (1.5). The maximum density of bedrooms proposed within any Drinking Water Supply Watershed

- Overlay Zone shall be two bedrooms per buildable acre.
- 23.6.4 Water, Sanitary, Stormwater Management, Utility Services and Other Construction Improvements:
- 23.6.4.1 Applicants are advised that no development shall be designed so as to require the creation or use of a Water Pollution Control Authority as defined by the CGS, at the time of application or at any time in the future.
- 23.6.4.2 An OSHD shall be entirely capable of satisfying all stormwater, wastewater and drinking water requirements on-site, based on the site's verifiable soil and water conditions. Documents required as part of the OSHD application shall clearly name the owner as the responsible party for any failure of the wastewater or drinking water systems. Said owner shall be identified as the party solely responsible for the maintenance, repair or replacement of these systems should any such failure occur. If the owner of the property should ever wish to transfer this responsibility, it must request and receive approval by the Commission prior to any change in responsibility. The Commission may approve of such a transfer upon its receipt of information sufficient to insure these ongoing responsibilities will not fall to the Town.
- 23.6.4.3 The applicant shall be required to reimburse the Town of Bethany for the cost of a peer review of the site testing and design of the subsurface sewage disposal system by an independent consulting engineer reporting to the Commission. The applicant shall pay the Town of Bethany for the full cost of such peer review prior to the Commission's acting on the application. The proposed design for the treatment of on-site wastewater must be determined by the peer review engineer to satisfy all the technical requirements and current standards of the Connecticut Department of Energy and Environmental Protection, Water Compliance Division, that apply to the following aspects of community subsurface sewage disposal systems: construction, installation, maintenance, hydraulic capacity and wastewater renovation.
- 23.6.4.4 At the time of application, the applicant shall submit a comprehensive report by a Licensed Professional Engineer on the availability of water and sanitary services in accordance with the standards and requirements set forth in the Bethany Zoning Regulations or the State Health Code or other applicable regulations.
- 23.6.4.5 All dwelling units shall be served by a subsurface sewage disposal system and water system approved by the Town Health Officer and, where required, by the State Department of Health or the State Department of Energy and Environmental Protection.
- 23.6.4.6 No building permit for the construction of housing units shall be issued until the Town Sanitarian and/or the State Department of Health has approved the quantity and quality of the water supply for the housing units; and it must be shown that said water usage

- shall not adversely affect the existing water supply of adjoining properties.
- 23.6.4.7 Water supply for the purpose of fire suppression shall be provided subject to the approval of the Fire Marshal with advisory referral to the Volunteer Fire Department of the Town of Bethany. Said supply shall also include all necessary easements and shall meet all requirements for access, supply quantity and use.
 - 23.6.4.8 The applicant's engineer shall submit a comprehensive stormwater drainage analysis and improvement plan showing no increase in the peak rate of off-site runoff, as well as an erosion and sedimentation control plan in accordance with all applicable sections of the Bethany Zoning Regulations.
 - 23.6.4.9 All electric, telephone, cable television and other utility wires, cables and conduits shall be installed underground unless waived by the Commission because of impracticality based on test hole information.

23.7 Development Standards:

When acting to approve an application for an Open Space Housing District development, the Commission must find that the proposed Open Space Housing District development, if approved, will not significantly detract from the predominantly rural character of the Town of Bethany.

An Open Space Housing District development shall be laid out to permanently protect and preserve the open space and achieve a reasonable combination of the following criteria:

1. Efficient and economical construction and maintenance of streets, utilities, and public services;
2. Preservation of agricultural parcels of significant size;
3. Preservation of all or part of an existing forest, field, pasture and/or other land to maintain distances between residential and active agricultural uses;
4. Provide for pedestrian access between properties and open spaces intended to facilitate networking of trails for pedestrians, bicycles and horseback riding;
5. Location of open space areas primarily in areas that are contiguous with existing open space areas and in areas with the highest probability of connecting with future open spaces or where existing agricultural production land exists;
6. Preservation of scenic views and vistas as seen from public roads;
7. Lay out of streets in a curvilinear fashion and design of streets and homes to maximize passive solar energy techniques; and
8. Preservation of historic properties and sites and their environs.

An Open Space Housing District development shall be in conformance with the Bethany Town Plan of Conservation and Development. In particular, the development shall:

1. Maintain the unique rural character of Bethany;
2. Be in harmony with the natural environment;
3. Utilize green building principles;
4. Promote high quality rural life;
5. Be in conformance with the core principles of sustainable and responsible development;

6. Utilize Low Impact Development storm-water management practices;
7. Provide housing alternatives that allow for economic diversity among Bethany residents.

Density of Bedrooms: The maximum number of bedrooms per buildable acre shall be determined by detailed soil testing and certification by the design engineer that the soils will support the proposed development for the foreseeable future.

Frontage: The subject parcel shall contain a minimum of least 100 feet of property with frontage on a Town road.

Width: The minimum width of the property at any point shall be 100 feet.

Coverage: The total maximum building coverage allowed for an OSHD is 15% of the parcel.

Stormwater: The applicant must show, by engineering certification at the time of application and prior to the issuance of any certificate of occupancy, that there will be no increase in the rate of stormwater runoff from the subject property to any abutting property and that any runoff to any abutting property will have no increased adverse impact to the abutting property for any storm event.

Setbacks: All structures shall be set back a minimum of 50 feet from any public road or property line that abuts a different owner, and a minimum of 10 feet from interior road or interior project lot boundaries. Parking lots may, if adequately screened, be set back a minimum of 25 feet from a property line.

Perimeter Buffer: Not less than 50 feet around the entire project site that is either densely planted or naturally vegetated, except for: entrance ways built to Interior Road standards; interior project lot boundaries; trails for pedestrians, bicycles and horseback riding; areas adjacent to industrial, commercial or other non-residential uses; and areas where similar open space or use is immediately adjacent and an intermediate buffer would not be appropriate for property separation.

Building Height: All building heights, as measured according to Section 1.2 of these regulations shall not exceed 2½ stories or 35 feet, whichever is less.

Parking and Access: The amount of required on-site parking shall be 1.50 spaces for a one-bedroom or smaller unit and 2.00 spaces for a two-bedroom or larger unit. Handicapped parking shall be provided, in size number and location, in accordance with the Connecticut Basic Building Code. Driveways shall be arranged in a safe manner and shall provide for adequate access for all emergency type vehicles. Parking areas shall, at a minimum, be suitably landscaped in accordance with the illustration contained in Section 10-1.

Roads and Parking standards: Interior roads shall be owned and maintained by the development through a common association. Interior roads shall be approved by the Town of Bethany Engineer and Fire Marshall for adequacy and safety in relation to normal and emergency vehicle access, as applicable for the development plan details and private ownership and maintenance responsibilities. Interior roads shall remain private roads that are maintained by the development. The project may not request that the Town of Bethany consider receiving these interior roads as town roads at any time in the future unless these roads have been constructed in full compliance with town road requirements.

Open Space and Recreation Areas: Open space and outdoor recreation areas shall be shown on the site plan and identified as to use and location and shall comprise not less than fifty percent (50%) of the total site area. These areas shall be permanently restricted open space, farmland, conservation area or other area restricted from future development.

23.8 Site Plan Requirements:

- 23.8.1 Site plans submitted as part of an OSHD application shall be in compliance with Section 10 of these regulations unless stated otherwise in this section.
 - 23.8.2 The site plans submitted as part of an OSHD application must contain an overall development plan at a scale not less than 40 feet equals one inch.
 - 23.8.3 The site plans must show accurate field measurements of existing and proposed topography and all soils on the site by type. These plans must be signed and sealed by properly authorized professionals.
 - 23.8.4 The plans for the structures for an OSHD must contain accurate general architectural plans with enough specific detail to show the design, general construction and specific finish materials to be used on all structures in the development.
 - 23.8.5 If the applicant has already received approval from the Inland Wetlands Commission, then those approved set of plans must be submitted to the Planning & Zoning Commission as part of their application. If the Inland Wetlands Commission has not acted on an application, then the same set of plans that were submitted to the Inland Wetlands Commission must be submitted to the Planning & Zoning Commission as part of their application.
 - 23.8.6 Building and Building Spacing: The minimum construction standards and spacing between buildings shall be in compliance with any applicable local, state or federal building and fire codes.
 - 23.8.7 Signs: The number and size of signs allowed shall be in accordance with Section 7 of these regulations.
 - 23.8.8 Exterior lighting shall be provided and maintained by the property owner in all areas of the site where needed for safety of the vehicular and pedestrian traffic. All exterior lighting shall be properly installed full cutoff lighting and shall be low level unless a need for other intensity is demonstrated. All exterior lighting glare shall be shielded from roads and abutting properties.
 - 23.8.9 Refuse collection areas shall be screened and supplied with covered receptacles.
 - 23.8.10 Mail boxes shall be covered from the elements.
 - 23.8.11 Sidewalks must be constructed so as to address pedestrian safety issues and must be a minimum of 4 feet wide.
 - 23.8.12 All utilities shall be installed underground.
- 23.9 Fees:
- 23.9.1 Fees are as described in this section and elsewhere (9.6.4.3, 9.10.2, 9.5.1) in these regulations.
 - 23.9.2 The minimum application fee shall be \$750. The Commission may charge additional fees at any time during the application process to retain outside consultants to review any critical aspects of projects and their components. The additional fees may be required for projects whose size, complexity and/or potential impact require specialized assistance and expertise. Said fees shall be determined by the Commission. The Commission may require the applicant to deposit an amount equal to 150% of the estimated Commission's

consultant fees. The applicant shall be reimbursed any unused funds.

23.10 Summary of items required by the Commission

- 23.10.1 Documents to be submitted at time of application, (12 sets):**
 - 23.10.1.1 Complete application package including fee.**
 - 23.10.1.2 Complete site plan.**
 - 23.10.1.3 Complete narrative explaining the application.**
 - 23.10.1.4 Complete technical information on soils testing with narrative explanation.**
 - 23.10.1.5 All required draft deeds, easements and restrictions.**
 - 23.10.1.6 All required proof of notification to neighbors.**
 - 23.10.1.7 Bond estimate documents, with backup.**

Referral 2.4: City of Milford

Subject:

Proposed Zoning Regulation Amendments to Definitions (Article XI) and Minimum Off-Street Parking Requirements (Figure 1).

Staff Recommendation:

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

Background:

The City of Milford has proposed Zoning Regulation Amendments to Article XI, *Definitions*, and Figure 1, *Minimum Off-Street Parking Requirements*. Regarding Article XI, a definition for Health Club/Gymnasium has been added: “A place where exercise/physical training/indoor sports take place on either an individual or group basis that may or may not utilize equipment of any kind.”

The proposed revisions to the table of minimum off-street parking requirements effect Multiple Family Dwellings and Health Clubs/Gymnasiums. The parking requirements for Multiple Family Dwellings, which apply to the Milford Center Design Development District and Corridor Design Development District 2, have been lowered due to the fact that these districts have access to mass transit. The changes are as follows:

Multiple Family Dwellings	Minimum Parking Spaces per Dwelling Unit	
	<i>Original</i>	<i>Proposed</i>
a. Efficiency bedroom units	2	1-1.5
b. One bedroom unit	2	1.5-2
c. Two bedroom units	3	2-2.5
d. Three bedroom units	3	2-2.5

The minimum required parking spaces for health clubs/Gymnasiums would decrease from one space for every 50 square feet to one space for every 125 square feet.

Communication: In researching this proposal, I spoke with the Planning Staff in Milford and notified the adjacent municipalities in the South Central Region.

City of Milford, Connecticut



TO: Eugene Livshits, Regional Land Use Planner

FROM: David B. Sulkis, Milford City Planner

A handwritten signature in black ink, appearing to read "D. Sulkis".

DATE: April 3, 2013

RE: Referral of Proposed Milford Planning and Zoning Regulation Change

We would appreciate if the enclosed proposed regulation change could be added to the agenda of the next South Central Regional Council of Governments meeting to be held on Thursday, April 11, 2013.

Enclosed please find:

1. A proposed change to the Parking Calculation Table in the City of Milford Zoning Regulations. The proposal is to lower the required parking for residential development in two zones that have access to mass transit; and to lower the parking requirement for health clubs/gymnasiums, and;
2. The addition of **Health Clubs/Gymnasiums** to Article XI – Definitions, of the Milford Zoning Regulations.

Thank you for your consideration.

C: Mark Bender, Chairman

Post-It® Fax Note	7671	Date	4/3/13	# of pages	3
To	Eugene Livshits	From	David Sulkis		
Co./Dept.	SCCR PA	Co.	Milford P&Z		
Phone #		Phone #	(203) 783-6670		
Fax #		Fax #			

Proposed language for a definition to be added to Article XI – Definitions

Section 11.2:

Health Club/Gymnasium – A place where exercise/physical training/indoor sports take place on either an individual or group basis, that may or may not utilize equipment of any kind.

Figure 1: Minimum Off-Street Parking Requirements

Type of Building or Use	Minimum Required Parking Spaces
(1) One Family Dwellings	2 spaces
(2) Two Family Dwellings	4 spaces
(3) Multiple Family Dwellings	
(a) Efficiency bedroom units	2 space minimum per dwelling unit <i>(1-1.5 in MCDD and CDD-2)</i>
(b) One bedroom unit	2 space minimum per dwelling unit <i>(1.5-2 in MCDD and CDD-2)</i>
(c) Two bedroom units	3 space minimum per dwelling unit <i>(2-2.5 in MCDD and CDD-2)</i>
(d) Three bedroom units	3 space minimum per dwelling unit <i>(2-2.5 in MCDD and CDD-2)</i>
(4) Housing for elderly	1 space per dwelling unit
(5) Home occupation or accessory professional or home office	2 spaces in addition to dwelling requirements.
(6) Places of assembly, including but not limited to churches, auditoriums, theaters, and stadiums	1 space for each 4 fixed to seats or equivalent gross floor area. (50 sf/space)
(7) Food and beverage establishments including, but not limited to restaurants, outdoor luncheonettes, soda fountains, clubs (public and private), coffee houses, and fraternal organizations	1 space for each 75 sq. ft. of gross floor area, including service areas if any.
(8) Take Out Restaurants	1 space for each 250 sq. ft.
(9) Taverns, Cafes	1 space for each 50 sq. ft. of gross floor area including outdoor service areas, if any
(10) Health Clubs, <i>Gymnasiums</i>	1 space for each 50 <i>125</i> sq. ft.
(11) Hotels, motels and boarding houses	1 space for each rooming unit, plus required parking for facilities used for eating, drinking, assembly, and other such uses.
(12) Automotive services, including but not limited to gas stations, auto accessories, auto repair, auto body and paint shop, muffler installation, tire and engine and transmission overhaul shops	1 space for each 250 sq. ft. of gross floor area; or 3 spaces per bay, lift or equivalent for customer and employee parking only, whichever is greater.
(13) Vehicular dealerships including, but not limited to, those which sell new and used: motor vehicles, trailers, watercraft and mobile homes.	1 space for each 250 sq. ft. of gross floor area, or 1 space for each 1,500 sq. ft. of open sales display lot, whichever is greater.
(14) Open or outdoor businesses, including but not limited to those businesses, which sell new and used: motor vehicles, trailers, mobile homes; building supplies, machinery, equipment, swimming pools, nurseries and garden supplies.	1 space for each 250 sq. ft. of enclosed sales floor area plus 1 space for each 1,000 sq. ft. of open sales display lot area.
(15) Boat docks, marinas and boat yards	1 space for each boat dock or mooring facility.
(16) Appliance, carpet, furniture, electrical, heating, plumbing and glass retail sales	1 space for each 500 sq. ft. of gross floor area.

Changes are in ***Bold and Italics.***