

SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission

**RPC  
Representatives**

**Bethany:**  
Michael Calhoun

**Branford:**  
Charles Andres

**East Haven:**  
Vacant

**Guilford:**  
Walter Corbiere

**Hamden:**  
Ryszard Szczypek

**Madison:**  
Christopher Traugh

**Meriden:**  
David White

**Milford:**  
Benjamin Gettinger

**New Haven:**  
Kevin DiAdamo  
(Chair)

**North Branford:**  
Frances Lescovich

**North Haven:**  
James Giulietti  
(Secretary)

**Orange:**  
Vacant

**Wallingford:**  
Vacant

**West Haven:**  
Christopher Suggs

**Woodbridge:**  
Peggy Rubens-Duhl

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Thursday, March 12, 2015 RPC Meeting at 5:15pm in the SCRCOG Offices:  
127 Washington Avenue, North Haven, CT 06473

**AGENDA**

**1. Administration**

1.1. Minutes of the February 12, 2015 RPC Meeting **1**

**2. Action Items**

2.1. Town of Clinton: Proposed Zoning Regulation Amendment to Add Definitions for “Common Green Space” and “Tract.” Submitted by: Private Applicant. Received: January 30, 2015. Public Hearing: March 30, 2015. **2**

2.2. Town of Clinton: Proposed Zoning Regulation Amendment pertaining to Multiple Dwelling Units in Commercial Structures. Submitted by: Town of Clinton. Received: January 30, 2015. Public Hearing: March 30, 2015. **6**

2.3. Town of Clinton: Proposed Zoning Regulation Amendment to Add Section 10.5 (Village Residential Development). Submitted by: Town of Clinton. Received: January 30, 2015. Public Hearing: March 30, 2015. **10**

2.4. Town of Clinton: Proposed Zoning Regulation Amendments to Section 24 (Schedule of Uses). Submitted by: Private Applicant. Received: January 30, 2015. Public Hearing: March 30, 2015. **17**

2.5. Town of Madison: Proposed Zoning Regulation Amendments pertaining to Commercial Agriculture and Activities, Uses, and Events that are allowed on Farms. Submitted by: Private Applicant. Received: February 23, 2015. Public Hearing: March 19, 2015. **23**

2.6. Town of Hamden: Proposed Zoning Regulation Amendment to the Definition of “Dormitory.” Submitted by: Town of Hamden. Received: February 24, 2015. Public Hearing: April 15, 2015. **37**

2.7. Town of Southington: Proposed Zoning Regulation Amendments pertaining to the Sale of Alcoholic Beverages, Industrial Zones, and Wireless Telecommunication Facilities. Submitted by: Town of Southington. Received: March 1, 2015. Public Hearing: March 17, 2015. **42**

**3. Other Business**

*The agenda and attachments for this meeting are available on our website at [www.scrco.org](http://www.scrco.org). Please contact SCRCOG at (203) 234-7555 for a copy of agenda in a language other than English. Auxiliary aids/services and limited English proficiency translators will be provided with two week's notice.*

*La Agenda y Adjuntos para esta reunión están disponibles en nuestro sitio web en [www.scrco.org](http://www.scrco.org). Favor en contactar con SCRCOG al (203) 234-7555 para obtener una copia de la Agenda en un idioma distinto al Inglés. Ayudas/servicios auxiliares e intérpretes para personas de Dominio Limitado del Inglés serán proporcionados con dos semanas de aviso.*

**DRAFT - Not yet approved by the Commission**

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, February 12, 2015 Meeting

**Present:** Kevin DiAdamo, James Giulietti, Christopher Suggs, Peggy Rubens-Duhl, Michael Calhoun, Charles Andres, David White, Richard Szczypek, Fran Lescovich, Christopher Traugh, Eugene Livshits

**1 Administration**

1.1 *Minutes of the January 8, 2015 RPC meeting.*

Motion to accept the minutes as presented: Michael Calhoun. Second: David White. Vote: Unanimous.

**2 Statutory Referrals**

2.1 *Town of North Branford: Proposed Zoning Regulation Amendments to Storage of Liquid Natural Gas (LNG)*

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.

Motion: Richard Szczypek. Second: Peggy Rubens-Duhl. Vote: Unanimous. Abstain: Fran Lescovich, Christopher Traugh

**Motion to add a referral from the Town of Guilford pertaining to an Open Space Grant Letter of Support to the RPC Agenda:** James Giulietti. Second: Benjamin Gettinger. Vote: Unanimous.

2.2 *Town of Guilford: Open Space Grant Application by the Guilford Land Conservation Trust for Acquisition of a 17.5 Acre Parcel in Westwoods Forest*

By resolution, the RPC has determined that the Guilford Land Trust's acquisition of the 17.5 acre parcel off of Dunk Rock Road in Westwoods forest is consistent with the Regional Plan of Conservation and Development (POCD). The proposed application is consistent with the important goals identified in the Regional POCD of protecting environmentally sensitive land and passive open space recreation areas and maintaining comprehensive sustainable local habitats and ecosystems.

Motion: James Giulietti. Second: Christopher Suggs. Vote: Unanimous.

**3 Other Business**

3.1 *Discussion of RPC Vacancies.*

Motion to Adjourn: Kevin DiAdamo. Second: Richard Szczypek. Vote: Unanimous.

## **Referral 2.1: Town of Clinton**

### **Subject:**

Proposed Zoning Regulation Amendment to Add Definitions for “Common Green Space” and “Tract”

### **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 add definitions for “common green space” and “tract.”

Common green space is defined as “land designated as common area within subdivisions, Village Residential Developments, Planned Residential Developments, Housing Projects for the Elderly, or similar developments, set aside and used for passive and active recreation by residents of the development.”

A tract is defined as “a parcel of land which has not been divided or subdivided since October 5, 1964 submitted to the Commission to be subdivided.”

### **Communication:**

In researching this proposal, I notified the adjacent municipality in the South Central Region.

- 3.4.2 **Camper and Camp Trailers**: Any recreational vehicle primarily equipped, designed or converted as a temporary dwelling for camping, recreational and vacation uses. Such vehicle shall be eligible for registration, licensing and insuring for general use on the public highways. This definition shall include reference to travel trailer, pickup camper, motorized camper or tent trailer.
- 3.4.3 **Campground**: An area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes and is rented out as such to the public. This does not include any manufactured or mobile home parks or communities.  
(Amended 1/1/2012)
- 3.4.4 **CGS**: Connecticut General Statutes.
- 3.4.5 **Clinic**: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.
- 3.4.6 **Club**: A non-profit association or membership corporation whose object is the health and recreation of its members and which restricts the use of its premises, building or other facilities to its members and bona fide guests.
- 3.4.7 **Commercial Recreation Facility**: Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity.  
(Added 1/1/2015)
- (a) **Indoor Type A**: A Commercial Recreation Facility with a footprint of not more than seventy thousand square feet (70,000 sq. ft.) which includes, but is not limited to, the following types of activities: indoor pools, indoor ice rinks, indoor sports fields, indoor running/jogging tracks, indoor gymnasiums, indoor archery ranges, indoor shooting ranges.
- (b) **Indoor Type B**: A Commercial Recreation Facility with a footprint of not more than forty thousand square feet (40,000 sq. ft.) which includes but is not limited to, the following types of activities: arcades, laser tag, indoor rock climbing, roller skating rinks, indoor playscapes, skeeball.
- (c) **Outdoor**: A Commercial Recreation Facility which includes, but is not limited to, the following types of activities: golf driving ranges, miniature golf courses, go cart racing, outdoor skate parks, outdoor pools, outdoor tennis courts.
- 3.4.8 **Commission**: Clinton Planning and Zoning Commission.
- 3.4.9 Common Green Space: Land designated as common area within subdivisions, Village Residential Developments, Planned Residential Developments, Housing**

Projects for the Elderly, or similar developments, set aside and used for passive and active recreation by residents of the development.

~~3.4.9~~3.4.10 **Congregate Housing:** A dwelling(s) providing shelter and services that may include meals, housekeeping, and personal care assistance.

(Amended 1/1/2012)

~~3.4.10~~3.4.11 **Corner Lot:** A lot having lot lines formed by the intersection of two streets, whether public or private, and where the interior angle of intersection is one hundred thirty-five degrees (135°) or less.

### 3.5 "D"

#### 3.5.1 Day Care:

(a) **Adult Day Care:** A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four hour day.

(b) **Child Day Care:** A facility operated for the purpose of providing care, protection and guidance to ten or more individuals for a portion of a twenty-four hour day.

(c) **Family Day Care:** A facility operated for the purpose of providing care, protection and guidance for no more than nine individuals for a portion of a twenty-four hour day, as defined in CGS Section 19a-77(a)(3).

(Amended 1/1/2012)

3.5.2 **Dwelling:** A building containing one or more dwelling units. The residential building, together with no more than one (1) accessory building may be considered to constitute a single dwelling if designed for occupancy and so occupied by members of the same family.

(a) **Dwelling, Single-Family:** A building having only one (1) dwelling unit.

(b) **Dwelling, Two-Family:** A building having two (2) independent dwelling units. This definition does not include buildings with accessory apartments.

(c) **Dwelling, Multiple Unit:** A building containing three (3) or more independent dwelling units.

(Amended 1/1/2012)

(d) **Dwelling, Planned Neighborhood:** Two or more detached or attached buildings used as dwelling units located on a lot that is in a single ownership having yards, courts or facilities in common.

(Added 2/1/2015)

3.5.3 **Dwelling Unit:** A dwelling, or part of a dwelling, which include both kitchen and bathroom, occupied or intended to be occupied by one family for residential purposes, with independent outside access. Accommodations for transient lodging in a hotel or motel shall not be considered a dwelling unit.

~~3.20.3~~ 3.20.3 Tract: A parcel of land which has not been divided or subdivided since October 5, 1964 submitted to the Commission to be subdivided.

~~3.20.33.20.4~~ 3.20.4 Transient Lodging: A room, or rooms, comprising a single guest unit, for overnight occupancy, not to exceed fourteen (14) consecutive days in the 90-day period commencing with the first day of occupancy.

(Amended 7/1/2009)

~~3.20.43.20.5~~ 3.20.5 Travel Trailer/Camper: See "Camper and Camp Trailers".

~~3.20.53.20.6~~ 3.20.6 Towers, Communication: A structure erected and used for the receipt, relay or transmission of communication signals which may include a control building required for the facility. See Section 10 for further definitions pertinent to communication towers.

~~3.20.63.20.7~~ 3.20.7 Towers, Wind Generators: A structure erected and used for the generation of electricity by a means of a windmill, which may include a control building required for the facility.

~~3.20.73.20.8~~ 3.20.8 Trailer: A temporary home or office equipped with facilities for use as a temporary residence or office that is temporarily on a site.

(Amended 1/1/2012)

3.21 "U"

3.21.1 Uplands: All lands not designated as inland or tidal wetlands or flood hazard area.

(Amended 1/1/2012)

3.22 "V"

3.23 "W"

3.23.1 Wetlands, Inland: See "Inland Wetlands".

3.23.2 Wetlands, Tidal: See "Tidal Wetlands".

3.23.3 Watercourses: "Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive. (CGS Section 22a-38(16))

3.23.4 Work or Improvement(s): All physical improvements required by an approved Site Plan or Special Exception, and includes, but is not limited to, the construction of roads or driveways, storm drainage facilities, water and sewer lines, installation or telephone and electric services, planting of trees or other landscaping and installation of retaining walls or other structures. "Improvements" and "work" are used interchangeably in these Regulations.

3.24 "X"

## **Referral 2.2: Town of Clinton**

### **Subject:**

Proposed Zoning Regulation Amendment pertaining to Multiple Dwelling Units in Commercial Structures

### **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 special exception regulations pertaining to multiple dwelling units in commercial structures. The proposed regulations add a new section, 10.3, titled “Multiple Dwelling Units in Commercial Structures.” A multiple dwelling unit development consists of residential and commercial uses, provided that the mixture of such uses meets the specific needs of the respective location. A special exception may be granted for a multiple dwelling units in a commercial structure if (1) it is serviced by public water, (2) the first story facing the street contains a commercial use (if the story is completely above grade), and (3) none of the commercial uses are adult entertainment, tattoo parlors, or require special ventilation systems to remove harmful substances. Dedicated parking spaces for each residential and commercial unit are not required. However, there must be adequate public parking within 1,000 feet of the proposed development. New buildings must conform to the design standards for the underlying zoning district (if applicable). The inclusion of public amenities in the development (awnings, public seating, etc.) and LEED certified construction are encouraged. The sufficient inclusion of these aspects could lead to bonuses, including a reduction in the front setback requirement or an increase in the maximum height (to three stories).

The following documents must be submitted with the special exception application: (1) lighting plan, (2) sign design plan, (3) a streetscape rendering of the proposed front of the structure, and (4) a model lease for the residential units.

### **Communication:**

In researching this proposal, I notified the adjacent municipality in the South Central Region.

### 10.3 Multiple Dwelling Units in Commercial Structures

- 10.3.1 **Purpose:** The Town of Clinton is adopting the following special exception regulation to allow multiple dwelling units in commercial structures. The goal and purpose of this regulation is to craft a procedure for more flexible uses of land, while still remaining consistent with (a) the adopted Plan of Conservation and Development; (b) the zoning laws and standards of the State of Connecticut; and (c) the administrative standards set forth in these Regulations as a whole.

A Multiple Dwelling Unit development shall consist of both residential and commercial uses, as hereinafter permitted, in a balance that recognizes that these developments are designed to be integrated neighbors, encouraging non-vehicular access to services. Unlike the accessory apartment regulations, the goal of this regulation is to allow a mixture of commercial and residential uses to reflect the needs of the specific location, with the possibility of the residential use having a greater percentage of the square footage of the structure than the commercial use.

- 10.3.2 **Qualifications:** A Special Exception may be granted for a Multiple Dwelling Unit in a Commercial Structure may be granted provided that:

- (a) The structure must be serviced by public water.
- (b) The first story of the structure facing the street and completely above grade must be designated exclusively for commercial use. In the case of a structure with direct exterior access to a sub-grade level from the front, the sub-grade level may be either residential or commercial.
- (c) None of the commercial uses in the structure can be: adult entertainment (Section 10.xx), tattoo parlors, (Section 10.xx) or uses that require special ventilation systems to remove fumes or other harmful substances.

- 10.3.3 **Standards and Requirements:** A Special Exception for a Multiple Dwelling Unit may be granted provided that the following standards are met in addition to the standards, criteria and conditions stated in Section 9:

- (a) All residential units within each structure shall have a floor area of no less than six hundred fifty square feet (650 sq. ft.).
- (b) Transient lodging shall not be permitted. The minimum length of stay shall be 180 days. The applicant shall provide a copy of the written lease agreement or other rental agreement, inclusive of the specified duration, that will be required of tenants, as part of the application documentation. Upon the sale of the property, the new property owner shall file an updated model lease within thirty (30) days of the change in ownership.



- (c) Provisions for the removal of trash shall be provided. Trash collection areas shall be screened from the public right-of-way.
- (d) While dedicated parking spaces for each commercial and residential unit are not required, the applicant shall demonstrate that there is adequate available public parking within one thousand feet (1,000') of the proposed development.
- (e) Lighting shall be located in a manner which minimizes glare or direct lighting into residential units. All commercial lighting shall be extinguished within one hour of the close of business.
- (f) All new buildings shall conform to the design standards for the underlying zoning district, if any.

10.3.4 Amenity Bonus and Incentives:

- (a) Purpose: In the interest of promoting public amenities, innovative site design and a community-friendly neighborhood on land subject to this permit, the Commission, at the applicant's request, may approve any combination of incentives listed within this Section.
  - (1) The application must demonstrate conformance to the principle of this Regulation and the intent of this Section and each request must be submitted as a separate request for Commission determination.
  - (2) Approval will be based on whether or not the applicant demonstrates adherence to this Section, complies with the intent of the Plan of Conservation and Development, all other regulations required by the Town and State and must be in the interest of public health, safety and welfare.
  - (3) If the Commission determines that the applicant has not satisfied this burden of proof or compliance with this Section, the Commission may deny the request.
- (b) Recommended Amenities:
  - (1) Public amenities shall include, but are not limited to: window boxes, awnings, balconies, outdoor seating, "green" roofs, usable outdoor spaces, public seating and other outdoor furniture, reduction in impervious surfaces.
  - (2) LEED certified construction for homes and multifamily lowrise.

- (c) **Bonuses:** Upon adequate demonstration of conformance to the purposes set forth in Section 10.3.4(a) above, the Commission shall grant the following incentives:
- (1) A reduction in the front setback to allow for rear parking, or to otherwise create of sense of “street front” consistent with adjacent uses and setbacks.
  - (2) An increase in the maximum height consistent with allowing three (3) stories while creating a greater opportunity for: compliance with floor elevation requirements, sound buffering between commercial units and upper story residential units and more flexible architectural styles.

10.3.5 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) The following plans shall be submitted:
- (1) Lighting Plan
  - (2) Sign Design Plan
- (b) The following additional materials shall be submitted:
- (1) A streetscape rendering of the proposed front of the structure
  - (2) A model lease for the residential units

## **Referral 2.3: Town of Clinton**

### **Subject:**

Proposed Zoning Regulation Amendment to Add Section 10.5 (Village Residential Development)

### **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 special exception regulations for village residential developments (VRD). The intent of the proposed regulations (Section 10.5) is to allow for the arrangement of multiple dwelling units on larger lots in an effort to create a village atmosphere. A special exception for such a development may be granted if the tract of land to be considered for the VRD (1) is at least ten acres, (2) has a minimum frontage of twenty-five feet on an acceptable Town road, State road, or a road in an approved/proposed subdivision, and (3) is served by public water or a community water system.

The standards set forth in Section 9, Special Exception, are applicable to a VRD. There are additional standards that such developments must meet (The complete list is in Section 10.5.3). A lot created within a VRD must have an area of at least 40,000 square feet. Maximum ground coverage cannot exceed 80%. The parking regulations set forth in Section 29.11 do not apply. However, the applicant must demonstrate that parking is adequate for the proposed use. Streets within a VRD shall be constructed in accordance with the Town's Zoning Regulations, Town ordinance, and the Town's Construction and Development Standards. A minimum of thirty percent of the tract shall be preserved as open space (through deed or conservation easement). If possible, open space should be located in order to provide linkages to preserved open space on adjacent properties.

A special exception will not be granted until the Commission finds that the requirements stated in Section 10.5.4 are met. In addition to the special exception application, the following documents must be submitted: (1) lighting plan, (2) landscaping plan, (3) Parking analysis prepared by a Professional Engineer or Traffic Engineer, and (4) Sample common interest community documents, easements and/or shared driveway agreement documents.

### **Communication:**

In researching this proposal, I notified the adjacent municipality in the South Central Region.

**10.5 Village Residential Development (VRD)**

10.5.1 **Purpose:** The purpose of these Regulations is to allow for the arrangement of multiple dwelling units (dwellings) on larger lots in a way to focus development in one or more groupings or clusters of dwellings so as to create a village atmosphere, while still remaining consistent with the Plan of Conservation and Development, and promoting the health, safety and welfare of the town of Clinton.

10.5.2 **Qualifications:** A Special Exception for a Village Residential Development (VRD) may be granted provided that:

- (a) The minimum area of the tract of land to be considered for a VRD shall be no less than ten (10) acres.
- (b) The tract must have a minimum frontage of twenty-five feet (25') on an accepted Town road, State road, a road in an approved subdivision or to a road which is part of a proposed subdivision.
- (c) The tract shall be served by public water or a community water system approved by the Department of Energy and Environmental Protection and the Department of Public Health.

10.5.3 **Standards:** A Special Exception may be granted provided that the following standards are met in addition to the standards, criteria and conditions stated in Section 9:

(a) **Area, Bulk and Height:**

- (1) No lot created within a VRD shall have an area of less than forty thousand square feet (40,000 sq. ft.).
  - (i) No limited common element, exclusive use area or other restriction on the use of land created through the declaration of a common interest community and not as a division of land through the subdivision process or otherwise shall be considered a "lot" for the purposes of this Section.
- (2) Each lot shall include a minimum square of one hundred ten feet by one hundred ten feet (110'x110')
- (3) The maximum ground coverage shall not exceed eighty percent (80%).
- (4) The maximum building height shall not exceed the maximum permitted in the underlying zoning district.

- (5) **Setbacks:**
- |       |   |                    |
|-------|---|--------------------|
| (i)   | Minimum setback from front lot line                                   | Ten feet (10')     |
| (ii)  | Minimum setback from any lot line other than a front or rear lot line | Fifteen feet (15') |
| (iii) | Minimum setback from rear lot line                                    | Twenty feet (20')  |
- (6) **Perimeter setback:** The setback for the underlying zoning district shall apply.
- (b) **Building Standards:**
- (1) Each dwelling shall be served by a public water supply or a community water system approved by the Department of Energy and Environmental Protection and the Department of Public Health.
- (2) Utilities serving the dwelling shall be buried underground as feasible.
- (3) The minimum floor area for each dwelling shall be eight hundred fifty square feet (850 sq. ft.).
- (c) **Parking:** The provisions of Section 29.11 do not apply. The applicant must demonstrate that parking is adequate for the proposed use.
- (d) **Drainage:** The VRD shall provide for the maintenance or reduction of pre-development level drainage from the site upon completion.
- (e) **Landscaping:**
- (1) To the greatest extent possible, all mature trees shall be retained on-site. The Commission may require street trees (minimum three inch [3"] caliper) be planted on thirty foot (30') centers.
- (2) Utility terminal boxes and connections placed above ground shall be adequately landscaped to screen them from view and shall be shown on initial and final residential plans. The Commission recognizes that the utility companies have the final decisions as to locations and therefore the locations shown on the plans are the suggested locations.
- (3) Existing mature vegetation on the site shall be retained in areas not disturbed by construction. In areas disturbed by construction, or in areas where existing vegetation is sparse, new plant material (trees, shrubs) shall be provided as follows:

- (i) Shade trees, evergreen trees and flowering trees shall be planted in, or adjacent to, parking areas. At least one tree shall be planted for every three parking spaces, or fraction thereof, in locations approved by the Commission.
  - (ii) Trees and shrubs shall be planted around foundations and between structures in a manner approved by the Commission.
- (f) Open Space
- (1) A minimum of thirty percent (30%) of the tract shall be preserved as open space, through deed or conservation easement.
  - (2) Due to the unique and fragile coastal environment, the primary public good of open space within the CAM Review Zone is anticipated to be for conservation.
  - (3) Open space shall be located to provide linkage with reserved open space on adjacent properties wherever possible.
  - (4) Wherever possible, open space shall be located so as to preserve existing woodlands, farmland, unique natural features, stone walls and sites of historic, archeological or scenic value.
- (g) Common Green Space: Usable common green space is encouraged. Desirable features for green space include:
- (1) Walking paths, open fields, picnic areas and other park-like features.
  - (2) Landscaped and outdoor furnished spaces including reflective, playground, exercise course, picnic, amphitheater, playing table, court and field areas.
  - (3) Bicycle, walking and information paths and where they may be appropriate, platforms.
  - (4) Garden plots, and public swimming pools.
  - (5) Community notice boards and commemorative monuments within the open spaces listed above.
- (h) Street Standards:
- (1) All streets within the VRD shall be constructed in accordance with these Regulations, town ordinance and the Town of Clinton Construction and Development Standards.

- (2) All internal roadways and driveways shall be private roads and shall be maintained by the owner or HOA.
- (3) Emergency Vehicle Access
  - (i) All streets must provide adequate fire truck and emergency vehicle access.
  - (ii) Developers are encouraged to design roads and accesses that minimize the expanse of pavement through the employment of "natural" roadside surfaces that accommodate the extraordinary turning radii and clearances necessary for the maneuvering of emergency vehicles.
    - (I) Examples of natural roadside surfaces include but are not limited, grass over a road base, grass paver blocks, granite cobblestones and concrete brick pavers.
- (i) Sidewalks, Pedestrian and Bike Paths: These may be provided as deemed necessary by the Commission and consistent with the proposed aesthetic concepts.
  - (1) Concrete, brick pavers and pervious cinder walkways are examples of acceptable sidewalk construction.
  - (2) Where appropriate pedestrian paths shall be lighted at night consistent with the requirements of the Dark Skies Initiative and Model Lighting Ordinance.
- (j) All provisions of the Subdivision and Zoning Regulations which have not been modified or eliminated by this Section shall pertain to VRD lots, together with the requirements of Section 9, Special Exceptions.

10.5.4 Requirements: A Special Exception for a VRD shall not be approved until the Commission **finds** that the following requirements have been met:

- (a) The proposed dwellings are clustered in a manner that is in harmony with the natural site so as to promote the preservation of natural resources, unique natural and manmade site features, and scenic views.
- (b) The proposed dwelling layout contributes to the convenience of residential living and has a relationship to adjoining properties and neighborhoods that is harmonious with their character and serves to protect their values.
- (c) The purposes, qualifications and standards for a VRD have been met.

- (d) The provisions for traffic, water, stormwater and usable open space are adequate, do not overburden the existing streets, water and stormwater drainage facilities on- and off-site and do not create water problems off-site.
- (e) The site drainage and layout in terms of location of buildings and locations of residential uses provides for the safety of the residents.
- (f) The development and design of the VRD will not have a significant adverse effect on surrounding properties or property values in the area.
- (g) The proposed development will not have an adverse effect on the environment and, in particular, wetland and watercourse areas. In making this finding, the Inland Wetlands Commission regarding the development will be taken into account.
- (h) Where appropriate, the applicant has provided for continuing maintenance of parking areas, stormwater drainage facilities, open space and other infrastructure or amenities not to be accepted by the Town of Clinton.
- (i) The VRD is found to be consistent with the health, welfare and public safety needs of the community.
- (j) Performance standards and soil erosion control measures have been met.

10.5.5 Procedures: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) If the tract is being subdivided into lots, the approval of a VRD is a two-part process. An applicant must obtain Special Exception approval under these Regulations and must receive approval of a subdivision under the requirements of the Subdivision Regulations.
  - (1) The applicant shall submit all the required applications concurrently.
  - (2) The Commission may hold a single, combined public hearing on the application(s) for Special Exception and the application for subdivision approval.
  - (3) In accordance with Connecticut General Statutes, the Commission must vote separately on the applications for Special Exception(s) and for subdivision.
- (b) The following plans shall be submitted:
  - (1) Lighting Plan



- (2) Landscaping Plan
- (c) The following materials shall be submitted:
  - (1) Parking analysis prepared by a Professional Engineer or Traffic Engineer which demonstrates that the parking provided is adequate for the use.
  - (2) Sample common interest community documents, easements and/or shared driveway agreement documents.

## **Referral 2.4: Town of Clinton**

### **Subject:**

Proposed Zoning Regulation Amendments to Section 24 (Schedule of Uses)

### **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 Town of Clinton has proposed zoning regulation amendments to Section 24, Schedule of Uses, in order to add multiple dwelling units, planned neighborhood developments, and village residential developments.

#### *Residential Districts*

Multiple dwelling units are not permitted in any residential district. Planned residential developments and village residential developments are permitted, by special exception, in the R-30, R-20, R-15, and R-10 districts.

#### *Non-Residential Districts*

Multiple dwelling units and planned residential developments are permitted, by special exception, in all non-residential districts, except for the B-1 and IP districts. Village residential developments are permitted, by special exception, in all non-residential districts, except for the VZ, B-1, and IP districts.

### **Communication:**

In researching this proposal, I notified the adjacent municipality in the South Central Region.

## Section 24

### Schedule of Uses by District

**24.1 Residential:**

<u>Permitted Use</u>	<u>R-80</u>	<u>R-60</u>	<u>R-40</u>	<u>R-30</u>	<u>R-20</u>	<u>R-15</u>	<u>R-10</u>
24.1.1 Single-family detached dwelling; not more than one (1) residential structure per lot	P	P	P	P	P	P	P
24.1.2 Two-family dwelling with not more than one (1) residential structure per lot	X	X	X	SE	SE	X	X
<del>24.1.3 Multiple Dwelling Units</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
<del>24.1.4 Planned Neighborhood Developments</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>
<del>24.1.5 Village Residential Developments</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>
<del>24.1.32 Accessory Apartments</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>
<del>24.1.42 Accessory uses customary and incidental to the use of a lot, subject to Sections 26 and 29</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>24.1.52 Outdoor wood-burning furnace</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
<del>24.1.62 Customary home occupation in a dwelling</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>24.1.72 (a) Mini-estate subdivision</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>
<del>24.1.72 (b) Conservation subdivision</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>
<del>24.1.82 Rear lots</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>X</del>	<del>X</del>
<del>24.1.92 Planned Residential Development</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>X</del>	<del>X</del>	<del>X</del>
<del>24.1.10 Housing project for elderly persons, but not including mobile homes or trailers,</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>
<del>24.1.11 Homes for the aged, congregate housing, assisted living facilities and boarding homes for sheltered care, licensed by the State of Connecticut</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
<del>24.1.12 Hospitals, clinics, extended care facilities, long-term facilities, nursing/rest homes, sanatoriums and intermediate care facilities, licensed by the State of Connecticut</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>
<del>24.1.13 (Reserved for Future Use)</del>							

P - Zoning Permit from ZEO Required  
 SP - Site Plan approval from PZC Required  
 n/a - Not applicable

X - Prohibited in District  
 SE - Special Exception approval from PZC Required

<u>Permitted Use</u>	<u>R-80</u>	<u>R-60</u>	<u>R-40</u>	<u>R-30</u>	<u>R-20</u>	<u>R-15</u>	<u>R-10</u>
<del>24.1.14</del> <del>(Reserved for Future Use)</del>							
<del>24.1.15</del> Day Care Facilities for:							
(a) No more than nine (9) children	P	P	P	P	P	P	P
(b) More than nine (9) children	SE	SE	SE	SE	SE	SE	SE
(c) No more than fifteen (15) adults	SE	SE	SE	SE	SE	X	X
<del>24.1.16</del> Bed and Breakfast establishments	SE	SE	SE	SE	SE	SE	SE
<del>24.1.17</del> Motels	X	X	X	X	X	X	X
<del>24.1.18</del> <del>(Reserved for Future Use)</del> Hotels							
<del>24.1.19</del> (Reserved for Future Use)							
<del>24.1.20</del> Business and professional offices	X	X	X	X	X	X	X
<del>24.1.21</del> Financial institutions, including drive-up windows	X	X	X	X	X	X	X
<del>24.1.22</del> Retail establishments and personal service facilities, except Shopping Centers, Neighborhood Shopping Centers	X	X	X	X	X	X	X
<del>24.1.23</del> (a) Shopping Center	X	X	X	X	X	X	X
(b) Neighborhood Shopping Center	X	X	X	X	X	X	X
<del>24.1.24</del> Liquor Stores	X	X	X	X	X	X	X
<del>24.1.25</del> Medical Marijuana Producers and Dispensaries	X	X	X	X	X	X	X
<del>24.1.26</del> Massage Establishments <small>(Added 1/1/2015)</small>	P	P	P	P	P	P	P
<del>24.1.27</del> Tattoo parlors and/or body piercing salons (except ear piercing)	X	X	X	X	X	X	X
<del>24.1.28</del> Adult Entertainment Business	X	X	X	X	X	X	X
<del>24.1.29</del> (Reserved for Future Use)							
<del>24.1.30</del> Coffee houses, ice cream parlors, other food service establishments occupying not more than <del>one-two</del> thousand <del>three</del> hundred square feet ( <del>1,200-2,300</del> sq. ft.) where customers are served at counters, <del>with no more than ten (10) indoor seats, and no more than ten</del>	X	X	X	X	X	X	X

P - Zoning Permit from ZEO Required  
 SP - Site Plan approval from PZC Required  
 n/a - Not applicable

X - Prohibited in District  
 SE - Special Exception approval from PZC Required  
 Dated: 1/23/2015

Permitted Use	R-80	R-60	R-40	R-30	R-20	R-15	R-10
<del>(10) outdoor fifty (50) seats. Such uses include food service take-out service, but shall not include establishments where customers are served in motor vehicles, including drive-up windows</del>							
<del>24.1.31:</del> Restaurants and other food service establishments, where customers are served <u>only</u> when seated at tables or counters. Such uses may include a food take-out service incidental to the primary permitted use, but shall not include establishments where customers are served in motor vehicles including drive-up windows or primarily at food take-out counters.	X	X	X	X	X	X	X
<del>24.1.32:</del> Restaurants and other food service establishments where customers are served primarily at food take-out counters.	X	X	X	X	X	X	X
<del>24.1.33:</del> (Reserved for Future Use)							
<del>24.1.34:</del> (Reserved for Future Use)							
<del>24.1.35:</del> Indoor theaters and assembly halls	X	X	X	X	X	X	X
<del>24.1.36:</del> Outdoor recreation facilities limited to athletic fields, tennis courts, golf courses, swimming pools, skateboard parks, other than the facilities of the Town of Clinton	SE	SE	SE	SE	SE	SE	SE
<del>24.1.37:</del> Nature preserves and wildlife sanctuaries	P	P	P	P	P	P	P
<del>24.1.38:</del> Bowling alleys and billiard or pool halls	X	X	X	X	X	X	X
<del>24.1.39:</del> Commercial recreation facilities, indoor or outdoor, not otherwise specified	X	X	X	X	X	X	X
<del>24.1.40:</del> (a) Riding academies and boarding stables	SP	SP	SE	SE	X	X	X
<del>(b) Commercial kennels</del>	SE	SE	SE	SE	X	X	X
<del>24.1.41:</del> Veterinary hospitals	X	X	X	X	X	X	X
<del>24.1.42:</del> The keeping and raising of one (1) horse, pony, sheep, cow, goat, pig, burro, donkey, mule, llama or other similar animal for personal or family purposes as a pet	P	P	P	P	P	P	P

P - Zoning Permit from ZEO Required  
 SP - Site Plan approval from PZC Required  
 n/a - Not applicable

X - Prohibited in District  
 SE - Special Exception approval from PZC Required  
 Dated: 1/23/2015

24.2 Non-Residential:

	<u>VZ</u>	<u>IDZ</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>M</u>	<u>I-1</u>	<u>I-2</u>	<u>IP</u>
<b>24.2.1</b> <u>Permitted Use</u> Single-family detached dwelling; not more than one (1) dwelling per lot	P	X	X	SE	X	X	X	X	X	X
<b>24.2.2</b> Two-family dwelling with not more than one (1) dwelling per lot	SE	X	X	SE	X	X	X	X	X	X
<b>24.2.3</b> Multiple Dwelling Units <small>(Added 2/1/2015)</small>	<del>XSE</del>	SE	X	<del>XSE</del>	<del>XSE</del>	<del>XSE</del>	<del>XSE</del>	<del>XSE</del>	<del>XSE</del>	X
<b>24.2.4</b> Planned Neighborhood Dwellings <small>(Added 2/1/2015)</small>	<del>XSE</del>	SE	X	<del>XSE</del>	<del>XSE</del>	<del>XSE</del>	<del>XSE</del>	<del>XSE</del>	<del>XSE</del>	X
<b>24.2.5</b> <u>Village Residential Developments</u>	X	<del>SE</del>	<del>X</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>	<del>X</del>
<del>24.2.52</del> Accessory Apartments	SE	X	X	SE	SE	SE	X	X	X	X
<del>24.2.62</del> Accessory uses customary and incidental to the use of a lot, subject to Sections 26 and 29	P	P	P	P	P	P	P	P	P	P
<del>24.2.72</del> Outdoor wood-burning furnace	X	X	X	X	X	X	X	X	X	X
<del>24.2.82</del> Customary home occupation in a dwelling	P	X	X	P	P	P	X	P	P	X
<del>24.2.92</del> (a) Mini-estate subdivision	X	X	X	X	X	X	X	X	X	X
<del>24.2.92</del> (b) Conservation subdivision	X	X	X	X	X	X	X	X	X	X
<del>24.2.10</del> Rear lots	SE	X	X	SE	X	SE	X	X	SE	SE
<del>24.2.11</del> Planned Residential Development	X	X	X	X	X	X	X	X	X	X
<del>24.2.12</del> Housing project for elderly persons, but not including mobile homes or trailers,	SE	X	SE	SE	SE	SE	X	X	X	X
<del>24.2.13</del> Homes for the aged, congregate housing, assisted living facilities and boarding homes for sheltered care, licensed by the State of Connecticut	X	X	X	SE	X	SE	X	X	X	X
<del>24.2.14</del> Hospitals, clinics, extended care facilities, long-term facilities, nursing/rest homes, sanatoriums and intermediate care facilities, licensed by the State of Connecticut	X	X	X	SE	X	SE	X	X	X	X
<del>24.2.15</del> Day Care Facilities for:										
<del>24.2.15</del> (a) No more than nine (9) children	P	SE	P	P	P	P	X	X	P	X
<del>24.2.15</del> (b) More than nine (9) children	SP	SE	SE	SE	SE	SE	X	X	SE	X
<del>24.2.15</del> (c) No more than fifteen (15) adults	X	SE	SE	SE	SE	SE	X	X	SE	X

P - Zoning Permit from ZEO Required  
 SP - Site Plan approval from PZC Required  
 n/a - Not applicable

X - Prohibited in District  
 SE - Special Exception approval from PZC Required  
 Dated: 1/22/2015 1/29/2015

<u>Permitted Use</u>	<u>VZ</u>	<u>IDZ</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>M</u>	<u>I-1</u>	<u>I-2</u>	<u>IP</u>
<del>24.2.30:</del> (a) Coffee houses, ice cream parlors, other food service establishments occupying not more than two thousand three hundred square feet (2,300 sq. ft.) where customers are served at counters, <del>with no more than ten (10) indoor seats, and no more than ten (10) outdoor fifty (50) seats. Such uses include food service take-out service, but shall not include establishments where customers are served in motor vehicles, including drive-up windows</del>	SE	SP	SP	SP	SP	SP	SP	SP	SP	X
(b) With drive-up window.	X	SE	SE	SE	SE	SE	X	SE	SE	X
<del>24.2.31:</del> Restaurants and other food service establishments, where customers are served <u>only</u> when seated at tables or counters. Such uses may include a food take-out service incidental to the primary permitted use, but shall not include establishments where customers are served in motor vehicles including drive-up windows or primarily at food take-out counters.										
(a) With indoor seating for no more than sixty (60) people	SE	SP	SP	SP	SP	SP	SP	SP	SP	SP
(b) With indoor seating for more than sixty (60) people	X	SE	SE	SE	SE	SE	SE	SE	SE	SE
(c) With outdoor seating for no more than twenty (20) people. An outdoor eating area may be located in conjunction with a restaurant with indoor seating	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
<del>24.2.32:</del> (a) Restaurants and other food service establishments where customers are served primarily at food take-out counters.	X	SE	X	X	X	SE	X	X	X	X
(b) Drive-up Window	X	SE	X	X	X	SE	X	X	X	X
<del>24.2.33:</del> (Reserved for Future Use)										
<del>24.2.34:</del> (Reserved for Future Use)										
<del>24.2.35:</del> Indoor theaters and assembly halls										
(a) Occupying less than or equal to	SE	SP	SP	SP	SP	SP	X	X	X	X

P - Zoning Permit from ZEO Required  
 SP - Site Plan approval from PZC Required  
 n/a - Not applicable

X - Prohibited in District  
 SE - Special Exception approval from PZC Required  
 Dated: 1/29/2015

## **Referral 2.5: Town of Madison**

### **Subject:**

Proposed Zoning Regulation Amendments pertaining to Commercial Agriculture and Activities, Uses, and Events that are allowed on Farms

### **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:**

A private applicant in the Town of Madison has proposed zoning regulation amendments pertaining to commercial agriculture and activities, uses, and events that are allowed on farms. Section 3.2.3(f) has been revised so that the limitation of ten chickens/poultry, rabbits, or similar small animals shall not apply to a farm as long as they are housed in a building that is at least one hundred feet from a property line. A maximum of one hundred chickens/other poultry can be kept on an acre of a farm. Definitions for “agriculturally-related uses,” “non-agriculturally-related uses,” “farm,” and “farm store are proposed to be added to Section 12, Non-Conforming Buildings and Uses.

Special exception regulations for farms in a residential district have been proposed as a new section (3.11). The proposed regulations apply to non-agriculturally related uses, farm stores, and farmstays. Such uses can only be conducted and/or operated on a farm. As part of the special exception application, an annual operational plan for non-agriculturally related uses must be submitted to the Planning & Zoning Commission. An updated annual operational plan must be submitted to the Zoning Enforcement Officer by January 31 of each year.

### *Events*

Events held on a farm must comply with all state and municipal codes and regulations. No music concerts are allowed. Events can only occur between the hours of 9:00a.m. and 9:00p.m. Sunday through Thursday and 9:00a.m. and 11:00p.m. on Fridays and Saturdays.



### *Farmstays*

A farmstay may contain up to eight guestrooms, which could include any combination of farmhouse guestrooms, rooms in a converted barn, cabins, cottages, and/or other similar structures. The provision of all meals is a potential amenity.

### *Farm Stores*

Farm stores may be located on any farm that consists of at least five acres. A farm store may not exceed 1,000 square feet for farms of less than fifteen acres and may not exceed 1,500 square feet for farms of fifteen acres or more. There must be one parking space per 250 square feet of floor area. At least sixty percent of the products sold at a farm store must be agricultural goods produced on the farm upon which the store is located, or produced from products and materials from that farm. A farm store must be at least one hundred feet from any side or rear property line.

### **Communication:**

In researching this proposal, I notified the adjacent municipality in the South Central Region.

Please mail to:

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

# RPC Referral Submission Form

South Central CT Regional Planning Commission

### 1.) General Information:

Date Sent: 2/19/15

Subject: Proposed Regulation Change

Applicant Name: Field House Farm LLC

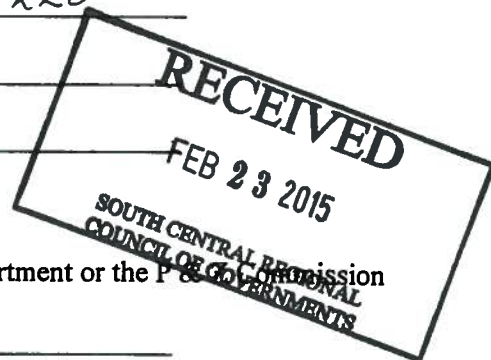
Property Address (if applicable): \_\_\_\_\_

Town/City: Madison

Referral is from a private individual

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

Public Hearing Date: \_\_\_\_\_



### 2.) Statutory Responsibility:

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

Application involves a proposed change to a town/city zoning regulation

If neither, applicant requests a voluntary RPC review for informational purposes

Material is for informational purposes only; an RPC resolution is not necessary

Other: \_\_\_\_\_

### 3.) Process:

Material sent "Return Receipt Requested" (as required by law)

Information on proposed change included

Existing language included (if applicable)

### 4.) Preferred contact regarding this RPC referral:

Name: David Anderson, Town Planner

Telephone Number: 203-245-5632

E-mail Address: andersond@madisonct.org

Comments: \_\_\_\_\_

Questions: (203) 234-7555

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



TOWN OF MADISON  
CONNECTICUT  
LAND USE OFFICE

8 CAMPUS DRIVE  
MADISON, CONNECTICUT 06443-2563  
(203) 245-5632  
FAX (203) 245-5613

February 19, 2015

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

RPC Referral  
South Central Regional Council of Governments  
127 Washington Avenue  
4<sup>th</sup> Floor – West  
North Haven, CT 06473-1715

**RE: #15-04. Regulation Amendment.** Applicant: Field House Farm, LLC. Request for Regulation Amendment to amend Secs. 3 and 19 of the Madison Zoning Regulations relating to commercial agriculture and activities, uses, and events that are allowed on farms.

To Whom It May Concern:

Pursuant to the Connecticut General Statutes, you are hereby notified of the pendency of the above referenced application before the Madison Planning and Zoning Commission. The application and text of the proposed regulation change is enclosed.

This application is scheduled to be heard by the Planning and Zoning Commission on Thursday, March 19, 2015, 7:30 p.m., in Meeting Room A, Madison Town Hall, 8 Campus Drive, Madison, Connecticut.

We look forward to your comments after your review.

Sincerely,

Mary R. Haburay  
Land Use Assistant

Enclosures

RPA-REG1



**MADISON PLANNING & ZONING COMMISSION**

TOWN OF MADISON  
Land Use Office, 8 Campus Drive, Madison, CT 06443  
203 245-5632

(FOR OFFICE USE ONLY)	
Appl. No.	<u>15-04</u>
Date Filed	<u>2/17/15</u>
Fee Paid	<u>\$ 500.00</u>
DEP Fee	<u>\$ 60.00</u>
Unique ID	<u>—</u>
Date of Receipt	<u>2/19/15</u>

- PETITION FOR REGULATION AMENDMENT**
- PETITION FOR ZONE BOUNDARY CHANGE**

**FILE**

1. LAND LOCATION AND DESCRIPTION (for Zone Boundary Change Petitions):
  - a. Street Address: \_\_\_\_\_
  - b. Map: \_\_\_\_\_ Lot: \_\_\_\_\_ Zoning District: \_\_\_\_\_ Total Acreage: \_\_\_\_\_
  
2. TITLE OF PROJECT: \_\_\_\_\_
  
3. PETITIONER:
  - a. Name: Field House Farm, LLC
  - b. Mailing address: 623 Green Hill Road, Madison CT 06443
  - c. Phone: (203)779-9187 Fax: \_\_\_\_\_
  - d. If corporation, list names and addresses of officers:  
Stephanie Lesnik, Managing Member, 623 Green Hill Road, Madison CT 06443
  - e. Interest in property: \_\_\_\_\_
  
4. RECORD OWNER (for Zone Boundary Change Petitions):
  - a. Name: \_\_\_\_\_
  - b. Mailing Address: \_\_\_\_\_
  - c. Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ email: \_\_\_\_\_
  
5. DESIGNATED CONTACT:
  - a. Name: Stephanie Lesnik
  - b. Mailing Address: 623 Green Hill Road, Madison CT 06443
  - c. Phone: (203)779-9187 Fax: \_\_\_\_\_ email: fieldhousefarm@hotmail.com
  
6. PROFESSIONAL ENGINEER:
  - a. Name: \_\_\_\_\_
  - b. Mailing Address: \_\_\_\_\_
  - c. Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ email: \_\_\_\_\_
  
7. LICENSED LAND SURVEYOR:
  - a. Name: \_\_\_\_\_
  - b. Mailing Address: \_\_\_\_\_
  - c. Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ email: \_\_\_\_\_

8. LICENSED ARCHITECT:

- a. Name: \_\_\_\_\_  
b. Mailing Address: \_\_\_\_\_  
c. Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ email: \_\_\_\_\_

9. LANDSCAPE ARCHITECT / LANDSCAPER:

- a. Name: \_\_\_\_\_  
b. Mailing Address: \_\_\_\_\_  
c. Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ email: \_\_\_\_\_

10. ATTORNEY:

- a. Name: Christopher M. McKeon  
b. Mailing Address: 105 Court Street, New Haven, CT 06510  
c. Phone: 203-777-5805 Fax: 203-777-5806 email: cmm@bvmlaw.com

11.  This Petition requests an amendment to the Zoning Map or to boundaries of certain Zoning Districts, and there is attached:
- A map clearly indicating the area to be reclassified and specifying the present classification and proposed new classification with existing and proposed boundaries;
  - A list, keyed to the map, of the names and addresses of the record owners of land within, and within 500 feet outside, the area to be affected by such reclassification;
  - Area computations, be record owner, for all parcels or portions of parcels within, and within 500 feet outside, the area to be affected by such reclassification;
  - A complete written description by metes and bounds or courses and distances, of the location of any new District boundary or boundaries proposed.

AND/OR

12.  This Petition requests an amendment to the text of the Regulations and there is attached:
- A full text of the proposed change in the Regulations, clearly indicating existing provisions to be repealed and new provisions to be enacted.

13. **SUBMISSION REQUIREMENTS include a complete and comprehensive statement of the reasons for any proposed change, including any special interest the Petitioner(s) may have in such change.**

14. **COASTAL BOUNDARY.** Petitions affecting land partially or fully within the Madison Municipal Coastal Boundary must be referred to CT DEP Office of Long Island Sound Programs.

Site  is  is not within the Coastal Boundary.

15. **ADJOINING MUNICIPALITIES.** Petitions affecting sites within 500 feet of, or affecting, an adjacent municipality require notification to that municipality and to the regional planning agency.

- Site is within 500 feet of an adjoining municipality.
- Site is not within 500 feet and will not impact any adjacent municipality.

16. WATER COMPANY NOTIFICATION. The applicant must provide written notice to the affected water company and to the CT Department of Public Health when any petition affects an aquifer protection area or watershed of that water company.

- Project is not within an aquifer protection area or watershed of a water company.
- Project is within an identified Level A Aquifer Protection Area or a water company watershed and that company and the CT DPH have been notified.

20. CONSERVATION COMMISSION INFORMATION.

a. Is the property enrolled in any local or state forest, open space or farm tax abatement program?  yes  no. If yes, then please describe:

b. Have any prior proposals and/or applications been submitted for this site?  yes  no. If yes, please describe (attach additional sheets if necessary).

c. Identify all known dedicated or managed open space (e.g., Madison Land Conservation Trust, Subdivision Open Space), and any conservation easements (e.g., Madison Land Conservation Trust, Nature Conservancy) and indicate locations on the Plan(s).

d. WATERSHED. Identify by name and number the Subregional Drainage Basin in which the property is located and indicate the boundaries on the Plan(s). \_\_\_\_\_ (Boundary maps are available for viewing in the Land Use Office or on the CT ECO website, [www.cteco.uconn.edu/index.htm](http://www.cteco.uconn.edu/index.htm).)

e. UNIQUE HABITATS/SPECIAL AREAS. Site  has  does not have Unique Habitats or Special Areas as identified by DEP and/or the Town of Madison Plan of Conservation and Development. (DEP information available at CT ECO website, [www.cteco.uconn.edu/index.htm](http://www.cteco.uconn.edu/index.htm). If yes, provide details and indicate the location on the Plan(s).

f. HISTORIC RESOURCES. Does the property contain any of the following? Check all that apply.

- Archaeologically significant sites  Stone walls
- Historically significant sites (e.g., iron works, mill sites)

Locate on the Plan(s) and describe in the space below. For information on archaeological sites, contact the Office of State Archaeology (State Archaeologist Nicholas Bellantoni, phone 860-486-5248, email [nicholas.bellantoni@uconn.edu](mailto:nicholas.bellantoni@uconn.edu)).

g. RECREATIONAL RESOURCES. Does the property contain, or is it adjacent to, any of following? Check all that apply.

Maintained trails

Recreational areas

Other: \_\_\_\_\_

Locate on the Plan(s) and describe in the space below. (Information may be obtained from the Madison Land Conservation Trust, the Regional Water Authority, the Madison Recreation Department, the Madison Plan of Conservation and Development.)

h. SCENIC RESOURCES. Does the property contain any scenic vistas, scenic areas, or scenic roads?  yes  no. If yes, locate on the Plan(s) and describe in the space below.

i. Attach any additional information which may be helpful to the Commission's review.

17. SIGNATURES REQUIRED ON THIS APPLICATION. The following is the legal agreement regarding this petition which must be signed by the applicant and by all property owners of property for which a zone boundary change is petitioned.

*The undersigned hereby applies for approval of the foregoing Zone Boundary Change and/or Regulation Amendment and declares that the statements contained in this application and in all documents and/or drawings submitted as part of same are, to the best of his/her knowledge and belief, true and accurate as presented.*

PETITIONER(S)

Stephanie P. Lesnik                      Stephanie Lesnik  
signature                                      print name                                      date

\_\_\_\_\_  
signature                                      print name                                      date

OWNER(S)

\_\_\_\_\_  
signature                                      print name                                      date

\_\_\_\_\_  
signature                                      print name                                      date

## PROPOSED REGULATION AMENDMENTS

### **Amendment to Section 3.2(3)** (new language in **bold** and underlined):

(3) Commercial Agriculture **and Agriculturally Related Uses**, forestry, truck or nursery gardening, including greenhouses incidental thereto, on lots of five acres or more.

### **Amendment to Section 3.2(5)9f)** (new language in **bold** and underlined):

f) On any approved lot, dogs, domestic cats and not more than ten chickens or other poultry or rabbits or similar small animals may be kept. Except for dogs and domestic cats, they shall be housed in a building or enclosure not less than 50 feet from any property line. **The limitation of ten chickens or other poultry or rabbits or similar small animals shall not apply to a Farm provided they are housed in a building that is 100 feet from any property line. On a Farm, not more than 100 chickens or other poultry per acre may be kept.**

### **New Definitions for Section 19:**

**Agriculturally Related Uses:** Events of limited duration on a Farm that are incidental to agricultural uses, including corn mazes, pick-your-own, educational programs and demonstrations for children and/or adults, farm kitchen cooking demonstrations, farm-to-table dinners with limited and seasonal menu items, hay and tractor rides, farm tours, petting zoos, and other similar uses.

**Non-Agriculturally Related Uses:** Activities, uses and events that are part of a Farm's total offerings, but are not necessarily incidental to Agriculture. Examples of such activities includes harvest festivals, weddings, banquets, and similar gatherings where the majority of the food served at the event is made with ingredients grown or raised by the host farmer(s). The purpose of this use is to allow Farms the opportunity to showcase their farm and crops, introduce the general public to the Farm, demonstrate their farming practices, and host community-oriented events that provide marketing opportunities to the Farm and help diversify farmers' incomes in a way that is low-impact on the land and neighboring property owners.

**Farm:** A parcel or parcels of land of 5 or more acres under single ownership and/or leasehold and used for agricultural purposes as defined by Connecticut General Statutes Section 1-1(q).

**Farm Store:** A permanent structure located on a farm and used for the year-round sale of agricultural products, services and activities.

**Farmstay:** A form of temporary overnight accommodation for paying guests on a working farm where guests are immersed in the farming experience and given the opportunity to participate in farm activities.



**Replace Section 3.4i:**

Non-Agriculturally Related Uses, Farm Stores, and Farmstays, all subject to the criteria set forth in Section 3.11.

**New Section 3.11:**

**3.11 SPECIAL USE REGULATIONS FOR FARMS IN A RESIDENCE DISTRICTS**

Non-Agriculturally Related Uses, Farm Stores, and Farmstays are subject to the following criteria and limitations:

- A. Non-Agriculturally Related Uses, Farm Stores, and Farmstays can only be conducted and/or operated on a Farm.
- B. Non-Agriculturally Related Uses are subject to the following limitations and criteria:
  - 1. An annual operational plan for non-agriculturally related uses shall be submitted to the Planning & Zoning Commission as part of the Special Exception Review application process. The annual operational plan shall indicate the number, type, and duration of events that are anticipated to be held during each month of the calendar year. Any Special Exception Permit issued for any non-agriculturally related uses shall be conditioned on compliance with an approved annual operational plan.
  - 2. An updated annual operational plan shall be submitted to the Zoning Enforcement Officer by January 31 of each calendar year. Minor changes to the annual operational plan may be approved by the Zoning Enforcement Officer. An increase of not more than 20% in the number or duration of events from the original operational plan approved by the Planning & Zoning Commission shall be considered a minor change. Any proposed changes that are not minor in nature shall be reviewed and approved by the Planning & Zoning Commission through submittal of a Special Exception Modification application. The Commission may waive the requirement for a public hearing.
  - 3. Unless otherwise approved by the Commission, all parking for such events must be entirely accommodated on the Farm.
  - 4. Events can only occur between the hours of 9:00a.m. and 9:00p.m. Sunday through Thursday and 9:00 a.m. and 11:00p.m. on Fridays and Saturdays.
  - 5. Events must comply with all state and municipal codes and regulations.
  - 6. No music concerts are allowed. Live or amplified music is only allowed in connection with an otherwise permissible Non-Agriculturally Related Use.

- C. **Farmstay:** A Farmstay may contain up to eight (8) guestrooms, which may include any combination of farmhouse guestrooms, rooms in a converted barn, cabins, cottages, and/or other similar structures. Amenities may include the provision of all meals.
- D. **Farm Stores:** Farm Stores are subject to the following limitations and criteria:
1. Farm stores may be located on any Farm meeting the minimum five (5) acre requirement.
  2. A Farm Store may not exceed 1000 square feet for Farms of less than fifteen (15) acres and may not exceed 1500 square feet for Farms of fifteen (15) acres or more.
  3. Parking Requirements: One space per 250 square feet of floor area.
  4. At least 60% of the products offered for sale at a farm store shall be agricultural goods produced on the Farm upon which the Farm store is located, or produced from products and materials from the Farm.
  5. No building or structure used as a Farm Store shall be located within 100 feet of any side or rear property line.
- E. **Signage:** In conjunction with the establishment of any use/activity within this Section, one free-standing sign not to exceed 12 square feet may be permitted on the Farm. Additionally, one temporary, seasonal sign not exceeding 9 square feet in size or 4 feet in height may be permitted.
- F. **Buildings and Structures:** All buildings and structures proposed for any use/activity contained within this Section shall require approval of a Special Exception Permit; however, Agricultural Buildings and Structures shall be permitted as of right.

Statement in Support of Proposed Amendments to §§ 3.2.3, 3.2(5)9f),3.4i, Addition of  
New Definitions in § 19 and New § 3.11

**INTRODUCTION:**

*"Farms and farmland remain cornerstones of many Connecticut communities, linking the past to the future through a landscape of fields and pastures, stone walls and weathered barns shaped by generations of hard-working farm families. This landscape, cherished by so many, is often taken for granted. Some of its benefits are obvious – the bounty of fresh fruits and vegetables in the spring and summer months; pumpkins, chrysanthemums and Christmas trees in the fall and winter; and milk and dairy products year-round. Other benefits are less obvious – the local revenue and jobs that farms provide, the recreational and tourism opportunities they create, the wildlife habitat and other environmental benefits they offer. Some benefits are easily quantified; many are not. The benefit that may be most valued by Connecticut residents – the ephemeral "quality of life" that farms help provide – unfortunately sometimes is only recognized after it's too late and the last farm in town has disappeared."*

**Planning for Agriculture: A Guide for Connecticut Municipalities. A Publication of American Farmland Trust and Connecticut Conference of Municipalities.**

The Applicant proposes text amendments to the Madison Zoning Regulations in order to allow farms in Madison the opportunity to showcase their farm and farm products and activities, introduce the general public to the farm, demonstrate farming practices and techniques, and host community-oriented events that provide marketing opportunities to the farm and help diversify farmers' incomes in a way that is low-impact on the land and neighboring property owners. In short, the true goal of the proposed amendments is to help preserve, protect and promote Madison's farms and farmland.

**SUMMARY OF PROPOSED AMENDMENTS:**

The specific amendments proposed can be summarized as follows:

- §19: Provides definitions of "agriculturally related uses," "non-agriculturally related uses," "farm," "farm store" and "farmstay."
- §3: Allows for "agriculturally related uses" as of right.
- §3.2(5)9f): Allow for keeping of chickens and other poultry on a farm limited to 100 per acre.
- §3.4i: Allows for "non-agriculturally related uses," "farm stores," and "farmstays" by Special Exception.
- New §3.11: Provides (1) Special Use Regulations for "non-agriculturally related uses," "farm stores," and "farmstays;" (2) limitations on farmstays; and (3) a signage allowance for farms.

The distinction between "agriculturally related uses" and "non-agriculturally related uses" is important. The insertion of a definition of agriculturally related uses is intended to expand the events and activities that are incidental to farming and typically occur on farms. These activities include corn mazes, pick-your-own, educational programs and demonstrations of farming activities, farm cooking demonstrations, farm –to-table dinners with limited and seasonal menu items, hay and tractor rides, farm tours, petting

zoos and other similar uses. Non-agriculturally related uses include uses and events that are part of a farm's total offerings but are not necessarily incidental to agriculture. Such uses and events include weddings, banquets and similar gatherings where the majority of food served at the event is made with ingredients grown or raised by the host farmer. The proposed regulations allow for agriculturally related uses to be permitted as of right, and non-agriculturally uses to be permitted only by special exception, and subject to special use regulations contained in a new §3.11.

A farmer that wishes to conduct non-agriculturally related uses on his or her farm is required to apply to the Commission for a special exception and as part of the application; the farmer must submit an operational plan detailing the number, type and duration of events that are anticipated during the calendar year. Additionally, an updated plan must be submitted by January 31 of each year. The Zoning Enforcement Officer shall have limited authority to permit a modification of an organizational plan but only to a limited extent (20%). Non-agricultural events are limited to certain hours, and all parking is required to be on site, unless otherwise permitted by the Commission.

If a farmer wants to operate a farm store, the proposed regulations limit the size of the store to 1000 square feet for farms less than 15 acres, and 1500 square feet for farms in excess of 15 acres. Additional limitations require: (a) one parking space per 250 square feet of farm store floor area; (b) at least 60% of the products offered for sale must be from the farm or produced from products and materials from the farm; and (c) any farm store must be located no closer than 100 feet from any side or rear property line.

The proposed new §3.11 also provides limitations for farmstays. Farmstays are limited to eight (8) guestrooms on any particular farm and must be for temporary accommodation of guests only.

### **CONSISTENCY WITH MADISON'S PLAN OF CONSERVATION AND DEVELOPMENT AND EXISTING REGULATORY SCHEME.**

In submitting this Application, we have reviewed the current Plan of Conservation and Development, the current Zoning Regulations, regulations enacted by other municipalities, and other sources including the publication quoted above in the Introduction. Connecticut General Statutes (CGS) §8-3 requires that in deciding on a proposed change to the Regulations "the commission shall take into consideration the plan of conservation and development, prepared pursuant to section 8-23, and shall state on the record its findings on consistency of the proposed...change..." Madison's Plan of Conservation and Development not only recognizes the undisputable fact that farms and farming are a key foundation of Madison's history (POCD, P.5), but it expressly provides that "[u]ndeveloped land (such as farms and forests) helps to maintain community character (POCD, p.22)." The maintenance and preservation of farms and farming in Madison (1) enhances community character and quality of life by preserving scenic and historic resources, (2) minimizes character detractors, (3) supports community pride and spirit, (4) provides for open space, and (5) enhances walking opportunities. Moreover, the maintenance and preservation of farms and farming will help guide development of other areas in town, protect natural resources and encourage sustainable practices. All of the foregoing are principles and/or recommendations of the Madison Plan of Conservation and Development.

Accordingly, the proposed amendments, and the purpose and intent of the same, are clearly consistent with the Plan of Conservation and Development.

The proposed regulation amendments are also consistent with the Town's existing regulatory scheme. The existing regulations: (1) allow for commercial agriculture in residence districts as a matter of right (§ 3.2(3)); (2) allow for storage of equipment and supplies when used for agriculture (§ 3.2(5)e); and (3) allow, by Special Exception, the sale and display of produce and other products of a farm (§ 3.4i). Additionally, in rural residential districts, the current regulations (1) allow for farm stands as of right, and (2) allow, by Special Exception, the use of property for stables, livery or boarding, as well as commercial greenhouses (§5.4). The proposed text amendments seek only to expand, develop and meaningfully control the agricultural uses already contemplated in our existing regulations.

**THE PETITIONER:**

The Petitioner, Field House Farm, LLC, is a family run farm located at 623 Green Hill Road, Madison. Its principal is Stephanie Lesnik. Utilizing the grounds of a 1720 farm house, Mrs. Lesnik has created a sustainable farm operation consisting of a large produce garden, chickens, heritage turkeys, Shetland and Hampshire sheep, Alpine goats, pigs, a llama, and a donkey. Field House Farm practices humane and responsible farming and animal care. It offers USDA processed beef and pork products as well as custom processed whole chickens. It also maintains a Farmer's Pledge status with the Northeast Organic Farming Association.

The mission of Field House Farm includes the education of our community regarding its food sources, as well as accountability regarding how food, animals, and our environment are treated. Field House Farm conducts many programs for children and adults to teach them the important differences found in local and naturally raised products. Being an active participant in processing and harvesting one's food helps us recognize and respect the effort and sacrifice needed to raise quality organic food for our local community.

It is the hope and intention of Field House Farm and Stephanie Lesnik that the proposed regulation amendments will enable the continued pursuit of their mission. Moreover, the proposed amendments will enable the growth and development of new agricultural programs, events, activities and attractions for Madison's residents and visitors.

## **Referral 2.6: Town of Hamden**

### **Subject:**

Proposed Zoning Regulation Amendment to the Definition of “Dormitory”

### **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 Town of Hamden has proposed a zoning regulation amendment to the definition of “dormitory.” The revised definition no longer limits dormitories to a “building occupied by 15 or more individuals meeting the definition of student...” The definition has been expanded to state that such facilities must have a resident assistant assigned by the school to monitor the behavior of the students living there.

### **Communication:**

In researching this proposal, I notified the adjacent municipalities in the South Central Region.



**Town of Hamden**  
Planning and Zoning Department

Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7070  
Fax: (203) 287-7075

February 20, 2015

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



Dear Mr. Amento;

Enclosed is the Proposed Zoning Regulation Amendment 15-947, Definition of "Dormitory". The Public Hearing date for this application is April 14, 2015.

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

Sincerely yours,

Stacy Shellard  
Administrative Assistant to Boards & Commissions

Enclosures



RECEIVED  
TOWN OF HAMDEN  
FEB 13 2012  
PLANNING AND  
ZONING DEPT.

Date of Filing 15-947  
Fee \_\_\_\_\_  
Date Paid \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Application # \_\_\_\_\_

**TOWN OF HAMDEN  
APPLICATION TO AMEND THE ZONING REGULATIONS**

**Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations**

APPLICANT Bernard Pellegrino, Esquire TELEPHONE 203-787-2225  
(Name)  
ADDRESS 475 Whitney Avenue, New Haven, CT 06510  
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: bp@pellegrinolawfirm.com

REGULATION TO BE:  AMENDED  ADDED or  DELETED:  
Article Number \_\_\_\_\_ Section \_\_\_\_\_ Group Use \_\_\_\_\_  
Section 830, Definition of "Dormitory"

CURRENT LANGUAGE See attachment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPOSED LANGUAGE See attachment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REASON FOR PETITION FOR CHANGE See attachment  
\_\_\_\_\_  
\_\_\_\_\_

Have there been any previous petitions for same or similar amendments?  YES  NO  
If YES, list name of applicant \_\_\_\_\_



SIGNATURE OF  
APPLICANT

*Bruce Payne*  
(Name)

TELEPHONE NO. (903) 787-2225

MAILING ADDRESS

Same as above

(Street No. and Name)

(Town and State)

(Zip Code)

If you require additional space to complete any of your answers, please attach to this document.

## Text Amendment to Zoning Regulations

### The Purpose or Reason for Petition for Change:

The purpose of this text amendment is to re-define the definition of a "Dormitory" as contained in Section 830 of the Zoning Regulations. The revised definition would permit all university owned and/or operated buildings used to house students to be permitted by Special Permit pursuant to Section 668 of the Regulations. It would further require that any such buildings permitted as a dormitory to require the university to assign a resident assistant to monitor the behavior of the students residing therein. Permitting all University owned/operated buildings used to house its students by Special Permit would replace the "student housing" permitting process currently used for some university buildings that receive a special permit for such buildings as a Dormitory under the revised definition. If approved, a number of those building could immediately be used to house additional students and others could later be remodeled or reconstructed to increase the number of students, thereby reducing the number of students presently living in non-university owned/operated houses in Town.

### The Current Definition of Dormitory:

Dormitory: (1) A building used for accommodating students with sleeping quarters with or without communal kitchen facilities and administered by an educational institution, college or university, trade school, training facility or similar entity. Dormitory includes fraternity and sorority houses. (2) Any building occupied by 15 or more individuals meeting the definition of student who were assigned to live in that building by an educational institution, college or university, trade school, training facility or similar entity shall be considered a dormitory under these regulations.

### The Proposed Amended Definition of Dormitory:

Dormitory: A building used for accommodating students with sleeping quarters with or without communal kitchen facilities and administered by an educational institution, college or university, trade school, training facility or similar entity. Dormitory includes fraternity and sorority houses. Any building occupied by individuals meeting the definition of student who were assigned to live in that building by an educational institution, college or university, trade school, training facility or similar entity shall be considered a dormitory under these regulations. All dormitories shall have a resident assistant assigned by the school to monitor the behavior of the students living therein.

## **Referral 2.7: Town of Southington**

### **Subject:**

Proposed Zoning Regulation Amendments pertaining to the Sale of Alcoholic Beverages, Industrial Zones, and Wireless Telecommunication Facilities

### **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 Town of Southington has proposed zoning regulation amendments pertaining to the sale of alcoholic beverages, industrial zones, and wireless telecommunication facilities. In Section 11-04.1, “duly organized school other than a public school” has been deleted from the list of uses that a building selling alcoholic beverages must be at least 400 feet (in a direct line) from. In Section 5-02.2, Special Permit Uses in Industrial Zones, subsection (h) “all development involving an area 4 acres or large, in size, and/or requiring in excess of sixty (60) parking spaces” has been deleted from the list of uses that require a require approval from the Planning and Zoning Commission after a public hearing subject to the provisions of Section 8, Special Permit Use. Section 11-18.1, which detailed the standards that a wireless telecommunication facility must adhere to, has been repealed because it is “obsolete and unenforceable.” Section 11-18.1 has been replaced with ten location preferences for siting commercial wireless telecommunication sites (listed in order of preference).

### **Communication:**

In researching this proposal, I notified the adjacent municipality in the South Central Region.

# PLANNING AND ZONING DEPARTMENT

MUNICIPAL CENTER - 196 NORTH MAIN STREET  
SOUTHINGTON, CONNECTICUT 06489

Phone: (860) 276-6248 - Fax: (860) 628-3511

Certified Mail: via email

February 27, 2015

RPC Referral  
South Central Regional COG  
127 Washington St., 4th Fl  
North Haven, CT 06473



RE: Proposed Zoning Regulation Amendments – Sections 11-04, 5-02 and 11-18 (ZA #584)

Dear Sir or Madam:

In accordance with the provisions of the Connecticut General Statutes, attached is a copy of proposed zoning text revisions to amend Sections 11-04, 5-02 and 11-18 of the Town of Southington Zoning Regulations.

The Planning and Zoning Commission anticipates opening the public hearing on this item on March 17, 2015. The complete file is available for review in the Planning Department, the Town Clerk's office and on the web page. If you have any questions regarding this proposal, please feel free to contact me at (860) 276-6248.

Respectfully,

A handwritten signature in blue ink, appearing to read "R. Phillips".

Robert A. Phillips, AICP  
Director of Planning and Community Development

enclosures

Please mail to:

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

# RPC Referral Submission Form

South Central CT Regional Planning Commission

### 1.) General Information:

Date Sent: 2/27/15

Subject: ZA # 584 - Revisions to Sections 11-04, 5-02, and 11-18

Applicant Name: Southington Planning + Zoning Commission

Property Address (if applicable): \_\_\_\_\_

Town/City: Southington

Referral is from a private individual

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

Public Hearing Date: \_\_\_\_\_

### 2.) Statutory Responsibility:

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

Application involves a proposed change to a town/city zoning regulation

If neither, applicant requests a voluntary RPC review for informational purposes

Material is for informational purposes only; an RPC resolution is not necessary

Other: \_\_\_\_\_

### 3.) Process:

Material sent "Return Receipt Requested" (as required by law) via email

Information on proposed change included

Existing language included (if applicable)

### 4.) Preferred contact regarding this RPC referral:

Name: Robert A. Phillips, AICP, Director of Planning + Community Development

Telephone Number: 860-276-6248

E-mail Address: Phillips R @ southington. org

Comments: Please respond via email ASAP - would like to open the public hearing on 3/17/15

Questions: (203) 234-7555

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

**PROPOSED SOUTHLINGTON ZONING REGULATION MODIFICATION  
DELETIONS IN BRACKETS. PROPOSED ADDITIONS IN BOLD UNDERLINE**

**THREE SECTIONS UNDER CONSIDERATION; 11-04, 5-02 AND 11-18**

**Drafted 2-26-15**

11-04      SALE OF ALCOHOLIC BEVERAGES

The following uses are permitted only when authorized as Special Exceptions by the Zoning Board of Appeals:

11-04.1      No building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used as permitted in Sections 4-01.32:

- A.      Within 400 feet in a direct line from any church, public school, [*duly organized school other than a public school*], charitable institution, hospital, or library, or the premises upon which any of the aforementioned classes of buildings are situated.

5-02      INDUSTRIAL ZONE I-2

5-02.2      Special Permit Use

Uses or additions thereto set forth in 5-01.2 shall require approval from the Planning and Zoning Commission after a public hearing subject to the provisions of Section 8 hereof:

- [*H. All development involving an area 4 acres or larger in size, and/or requiring in excess of sixty (60) parking spaces.*]

**REPEAL THE BELOW AS IT IS OBSOLETE AND UNENFORCEABLE:**

WIRELESS TELECOMMUNICATION FACILITIES

11-18.1      The Planning and Zoning Commission may grant a special permit authorizing the establishment of a wireless telecommunication facility for the following locations:

- a.      Parcels located in the Residential "R-80", Business "B", Industrial "I-1", and Industrial "I-2" zoning districts.
- b.      Publicly owned parcels in excess of eight (8) acres, except publicly owned school property.
- c.      Parcels in excess of eight (8) acres accommodating colleges/universities, hospitals or private schools.

**PROPOSED SOUTHLINGTON ZONING REGULATION MODIFICATIONS  
DELETIONS IN BRACKETS. PROPOSED ADDITIONS IN BOLD UNDERLINE**

**THREE SECTIONS UNDER CONSIDERATION; 11-04, 5-02 AND 11-18**

**Drafted 2-26-15**

A wireless telecommunication facility shall be deemed prohibited in all other zoning districts and locations, unless otherwise provided in Section 11-18.2 of these regulations. The establishment of a wireless telecommunication facility shall conform to Section Eight (8) of these regulations and shall comply with the following provisions:

- A. Prior to the establishment of any wireless telecommunication facility, the applicant must demonstrate that no structure contemplated under Section 11-18.2 is feasible. The Commission may require the technical expertise and/or study of an independent third party to substantiate that such co-location options are unavailable or not feasible. The cost of a third party technical study shall be incurred by the applicant.
- B. The Commission may permit a wireless telecommunication facility to extend to a height of not more than 175 feet as measured from adjoining grade.
- C. Communication towers used in conjunction with a wireless telecommunication facility shall be certified by a licensed structural engineer to conform to the latest structural standards and wind load requirements set forth in the State of Connecticut Building Code.
- D. No wireless telecommunication facility shall exceed a height equal to the linear distance to the nearest existing building. This provision shall not apply to a wireless telecommunication facility constructed on a parcel with an existing building; provided the property owner of such parcel supplies the Commission with a written waiver of such requirement.
- E. All wireless telecommunication facilities shall be located a minimum of 250 feet from any existing residential structure.
- F. All wireless telecommunication facilities shall comply with the required front, side and rear yard requirements set forth in Section Seven (7) of these regulations.
- G. A wireless telecommunication facility shall be designed and constructed to provide location for a minimum of three (3) carriers.
- H. No signs or external lights shall be installed on a wireless telecommunication facility unless required by the Federal Aviation Administration.

**PROPOSED SOUTHTON ZONING REGULATION MODIFICATION  
DELETIONS IN BRACKETS. PROPOSED ADDITIONS IN BOLD UNDERLINE**

**THREE SECTIONS UNDER CONSIDERATION; 11-04, 5-02 AND 11-18**

**Drafted 2-26-15**

- I. Communication towers used in conjunction with a wireless telecommunication facility shall have either a galvanized finish or be painted in a noncontrasting gray or blue color.
- J. Wireless telecommunication facility sites shall be enclosed with a security fence, a minimum of six feet (6') in height. The lower ten feet (10') of any communication tower shall be designed to prevent unauthorized access.
- K. The establishment of wireless telecommunication facilities shall be restricted to no more than three sites within the corporate boundaries of the Town of Southington. The Commission may authorize up to three communication towers on an approved site. This restriction shall not apply to co-located facilities as provided in Section 11-18.2 of these regulations.
- L. The location of all structures associated with a wireless telecommunication facility shall be subject to site plan approval in accordance with Section Nine (9) of these regulations.
- M. The applicant shall demonstrate that the proposed wireless telecommunication facility will not adversely impact neighborhood property values.
- N. The Commission may take into consideration the findings or recommendations of any state or regional agency.
- O. Cabinets and sheds housing equipment used in conjunction with a wireless telecommunication facility shall be subject to the following:
  - 1. Externally located cabinets shall not exceed an area of seventy-seven (77") inches in height by sixty inches (60") in width by sixty inches (60") in depth.
  - 2. Sheds used for the housing of telecommunications equipment shall not exceed 200 square feet in area nor exceed twelve (12) feet in height.
  - 3. The location of cabinets and sheds shall comply with the setback



**PROPOSED SOUTHLINGTON ZONING REGULATION MODIFICATIONS  
DELETIONS IN BRACKETS. PROPOSED ADDITIONS IN BOLD UNDERLINE**

**THREE SECTIONS UNDER CONSIDERATION; 11-04, 5-02 AND 11-18**

**Drafted 2-26-15**

requirements of the underlying zoning district.

- P. A wireless telecommunication facility site not used for twelve (12) consecutive months shall be removed by the service facility owner. This removal shall occur within ninety (90) days of the end of such twelve month period. Upon removal of the wireless telecommunication facility, the site shall be restored to its previous appearance and, where appropriate, revegetated to blend with the surrounding area.

11-18.2 The following structures associated with a wireless telecommunication facility shall be deemed permitted in all zoning districts subject to site plan approval in accordance with Section Nine (9) of these regulations. The location and manner in which such features are shielded shall be reviewed and approved by the Planning and Zoning Commission.

- A. Panel, whip and/or dish antennas not exceeding six feet (6') in height which are co-located on the roof of a nonresidential building. The Commission may require that such features be concealed by an architectural screen or parapet wall, whenever practical. The Commission may also consider the location of antennas on the building rooftop and require the shielding of ancillary wires and cabinets through the use of screening, wherever possible.
- B. Panel, whip and/or dish antennas which are co-located on existing nonresidential buildings.

Towers, utility poles, water tanks, light standards or bridges providing the following standards are met:

1. Such features shall not exceed the height of the existing structure by more than ten feet (10').
  2. Panel antennas shall not exceed sixty inches (60") in height by twenty-four inches (24") in width by nine inches (9") in depth.
  3. No dish antenna shall exceed three feet (3') in diameter.
  4. Antennas shall be painted in a noncontrasting color and shall be designed to match background surfaces.
- C. Cabinets and sheds housing co-located wireless telecommunication facilities shall be subject to Section 11-18.1 N of these regulations. Only cabinets shall

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be permissible on building rooftops in residential and business zones. The Planning and Zoning Commission may allow sheds on rooftops in industrial zones, if in the opinion of the commission, the size and design of the shed is in harmony with the building and it is determined that it will not have a detrimental effect on the aesthetics of the building or surrounding area.

**AND REPLACE WITH THE FOLLOWING:**

LOCATION PREFERENCES. The locations for siting commercial wireless telecommunication sites are listed in lines 1 through 10 below in order of preference:

1. Camouflaged within an existing building, flagpole, tower or similar structure.
2. Mounted and camouflaged on an existing building or structure.
3. Mounted on existing buildings and structures in commercial and industrial zones.
4. Mounted on an existing or previously approved tower without increasing the height of the tower.
5. Mounted on existing buildings and structures in residential zones.
6. Mounted on an existing or previously approved tower resulting in an increase in tower height.
7. Mounted on new towers at or less than 75 feet in height located in commercial or industrial zones.
8. Mounted on new towers more than 75 feet in height located in commercial or industrial zones.
9. Mounted on new towers at or less than 75 feet in height located in residential zones.
10. Mounted on new towers more than 75 feet in height located in residential zones.