

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

**RPC
Representatives**

Bethany:
Michael Calhoun

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Walter Corbiere

Hamden:
Ryszard Szczepke

Madison:
Christopher Traugh

Meriden:
David White

Milford:
Benjamin Gettinger

New Haven:
Kevin DiAdamo
(Chair)

North Branford:
Frances Lescovich

North Haven:
James Giulietti
(Vice-Chair)

Orange:
Vacant

Wallingford:
Vacant

West Haven:
Christopher Suggs
(Secretary)

Woodbridge:
Peggy Rubens-Duhl

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Thursday, May 14, 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 April 9, 2015 RPC Meeting **1**

2. Action Items

- 2.1. Town of Guilford: Plan of Conservation and Development Update. Submitted by: Town of Guilford. Received: March 19, 2015. Public Hearing: May 27, 2015 **2**
- 2.2. Town of Hamden: Proposed Zoning Regulation Amendments to add Section 380.5 - Housing Opportunity District (HOD). Submitted by: Private Applicant. Received: March 20, 2015. Public Hearing: May 26, 2015. **4**
- 2.3. City of Milford: Proposed Zoning Regulation Amendments to add Section 3.25 - Housing Opportunity District (HOD). Submitted by: Private Applicant. Received: April 1, 2015. Public Hearing: TBD. **7**
- 2.4. Town of Madison: Proposed Zoning Regulation Amendments pertaining to Medical Marijuana Dispensary and Production Facilities. Submitted by: Town of Madison. Received: April 20, 2015. Public Hearing: May 21, 2015. **18**
- 2.5. Town of Woodbridge: Proposed Zoning Regulation Amendment to Section 3.12.1 – Liquor Establishments, Permitted Establishments. Submitted by: Private Applicant. Received: April 22, 2015. Public Hearing: June 1, 2015. **24**
- 2.6. City of West Haven: Municipal Development Plan (MDP) for “The Haven South”. Submitted by: City of West Haven. Received: May 5, 2015. **30**
- 2.7. Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Commercial Recreational Facilities. Submitted by: Private Applicant. Received: May 6, 2015. Public Hearing: June 1, 2015. **32**
- 2.8. Town of Clinton: Proposed Zoning Regulation Amendments pertaining Accessory Apartments. Submitted by: Town of Clinton. Received: May 6, 2015. Public Hearing: June 1, 2015. **38**

3. Other Business

The agenda and attachments for this meeting are available on our website at www.scrkog.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.scrkog.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.

127 Washington Avenue, 4th Floor West, North Haven, CT 06473

www.scrkog.org T (203) 234-7555 F (203) 234-9850 elivshits@scrkog.org

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, April 9, 2015 Meeting

Present: James Giulietti, Charles Andres, David White, Christopher Traugh, Michael Calhoun, Eugene Livshits

1 Administration

1.1 Minutes of the March 12, 2015 RPC meeting.

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

2 Statutory Referrals

2.1 Town of Woodbridge: Proposed Zoning Regulation Amendment to Section 3.14.1 - Removal of limitation on gross floor area of a gas station building that can be used to sell convenience items

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

Motion: Michael Calhoun. Second: Christopher Traugh. Vote: Unanimous.

2.2 Town of Hamden: Proposed Zoning Regulation Amendment to add subsection 668.2.h – Institutional Master Plan

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

Motion: Charles Andres. Second: Michael Calhoun. Vote: Unanimous.

2.3 Town of Hamden: Proposed Zoning Regulation Amendment to Section 670.5 – Temporary Moratorium on the Issuance of Zoning Permits for Student Housing

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

Motion: Christopher Traugh. Second: David White. Vote: Unanimous

2.4 Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Indoor Commercial Recreational Type A

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: Christopher Traugh. Second: Michael Calhoun. Vote: Unanimous.

3 Other Business

Motion to Adjourn: Charles Andres. Second: Christopher Traugh. Vote: Unanimous.

Referral 2.1: Town of Guilford

Subject:

Plan of Conservation and Development Update

Staff Recommendation:

The Plan of Conservation and Development for the Town of Guilford appears consistent with the policies and goals identified in both the State and Regional Plans of Conservation and Development.

Background:

The Town of Guilford has proposed an update to their Plan of Conservation and Development (POCD). The Plan will create goals and guide Guilford's long-term growth. The Plan is organized over the following goals: 1. Preserve Guilford's character, culture and scenic values; 2. Conserve lands, waters and natural areas; 3. make compatible commerce and livelihood thrive; 4. diverse housing supply for households with a broad range of incomes, family size and ages; 5. community facilities for education, recreation and emergency services; 6. safe, efficient and compatible transportation infrastructure; 7. appropriate and compatible utilities and infrastructure to support Guilford's population; 8. encourage participation in cooperative efforts to promote the health and welfare of the South Central Connecticut Region. Prior to this update, the last POCD was adopted in 2002. The POCD describes both the demographic and socioeconomic trends of Guilford. The existing land use as of 2014 was 45.1% residential; 22.1% Open Space and the next largest land use designation was Regional Water Authority at 11%.

The Plan identifies specific strategies and actions necessary to achieve the goals listed above. The strategies include preservation of cultural landscapes and scenic resources and historical, archaeological and cultural resources. Guilford seeks to have a diverse social environment through the encouragement of diversity and affordability of housing, promotion of aging in place, maintenance or enhancement of town services for seniors, especially transportation. There is an encouragement and reinforcement of compact, mixed-use and walkable neighborhoods, specifically Town Center, Town Center South and Whitfield Street/Marina, which are already walkable mixed-use neighborhoods. The POCD recognizes the effects of climate change and sea level rise on its coastal neighborhoods and seeks to maintain and enhance them. Guilford has developed a coastal resiliency plan and will integrate portions of the Plan with the updated

POCD. This will include the Municipal Coastal Plan and Hazard Mitigation Plan as well. The POCD seeks to guide long-term development in appropriate locations through mixed-use and multifamily developments, preserve the rural area of the town, promote diversity and increased affordability of the housing stock, and encourage improvements to the existing infrastructure and encourage alternative modes of transportation.

Communication:

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

Referral 2.2: Town of Hamden

Subject:

Proposed Zoning Regulation Amendments to add Section 380.5 - Housing Opportunity District (HOD)

Staff Recommendation:

Background:

A private applicant in the Town of Hamden has proposed Zoning Regulation Amendments to add the Housing Opportunity District. The proposed amendments would permit office space not to exceed 4,000 square feet and one and two bedroom multi-family residential dwellings with a total density of not more than thirty-three residential units per gross acre. Eligible parcels for rezoning must be currently zoned T-3, have at least 150 feet of frontage on Whitney Avenue, abut a property owned by an educational institution or in current use for commercial purposes, and have access to public sewers and water supply. There is a requirement for 30% of the units to be set aside in accordance with Connecticut General Statute 8-30g.

The maximum building coverage is 25%, maximum impervious coverage is 70% and the minimum frontage building build out is 40%. The maximum building height is thirty-five feet or four stories. The maximum height of the parapet is 56 feet, which would be exclusive of roof-mounted renewable energy sources. The following are the set-back requirements: front is 25 feet, side and rear are 12 feet. The regulations provide for dimensional standards of parking spaces and state that the minimum number of spaces will be based on parking requirements for the Transect-4 (T-4) Zone as set in the Hamden Zoning Regulation Table 3.1, adjusted according to the shared parking factor in Table 3.2. The proposed regulations establish site plan standards including driveway and entrance and exit drives, outdoor lighting, retaining walls, and sidewalks. Landscaping and signage will need to comply with the applicable requirements of the T-3 Zone.

There is a Section pertaining to Earth Materials Excavation and Removal. The Section states that the excavation of and removal of trees, loam, topsoil, sand, gravel, clay or stone require an approval by the Commission as part of the site plan approval, and only as essential to the construction or alteration of the mixed use building and installation of driveways, utilities or amenities. The site plan application is required to include a net cut/fill calculation.

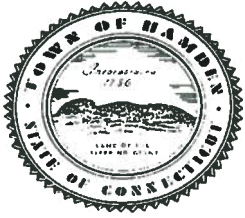
Notwithstanding Section 520.8 - Natural Resource Removal, Re-grading & Filling, Accessory Use, a special permit is not required for grading, excavation, crushing, and soil disturbance. Section 520.8 is subject to both Special Permit and Site Plan approvals. The proposed regulations do establish additional requirements pertaining to excavation and removal and can be reviewed in the agenda packet. The site plan will need to comply with Section 520.9 – Sediment and Erosion Control and Section 520.11 – Stormwater Management. There is an additional Section pertaining to Undergraduate Students. The Section states, notwithstanding Section 670.3 - Student Housing in Multiple-Dwelling-Unit Buildings, undergraduate college students shall not be permitted as tenants in a Housing Opportunity District.

Communication:

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

The referral can be downloaded from the following link:

[http://hamden.com/filestorage/7089/7093/7091/7121/17848/3139_Whitney Avenue Affordable Housing Zoning Reg Amend 15-950 Zoning Map Amend 15-951 Site Plan 15 - 1493 Applications Public Hearing 05-26-15.pdf](http://hamden.com/filestorage/7089/7093/7091/7121/17848/3139_Whitney_Avenue_Affordable_Housing_Zoning_Reg_Amend_15-950_Zoning_Map_Amend_15-951_Site_Plan_15_-1493_Applications_Public_Hearing_05-26-15.pdf)



Town of Hamden
Planning and Zoning Department

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

March 17, 2015

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



Dear Mr. Amento;

Enclosed is the Proposed Zoning Regulation Amendment 15-950, Section 380.5 Housing Opportunity District. The Public Hearing date for this application is May 26, 2015.

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

Sincerely yours,

Stacy Shellard
Administrative Assistant to Boards & Commissions

Enclosures

Referral 2.3: City of Milford

Subject:

Proposed Zoning Regulation Amendments to add Section 3.25 - Housing Opportunity District (HOD)

Staff Recommendation:

Background:

A private applicant in the City of Milford has proposed Zoning Regulation Amendments to add the Housing Opportunity District (HOD). The purpose of the regulations is provide for appropriately located multi-family rental housing with at least 30% of the apartment homes preserved long-term for moderate income households. The regulations define HOD Development as multi-family housing that meets the definition of “set-aside development” in the Connecticut General Statutes. The permitted uses in the HOD are subject to site plan approval and standards in the proposed section. The regulation state that if there is a conflict between a standard of another Section and this Section, this Section shall control. The HOD is not subject to special permit or special exception.

Additional requirements for a HOD Development include: detailed landscaping plan, exterior lighting at all access points to street, parking areas, buildings entrances and elsewhere required for safety of vehicular and pedestrian traffic, and street access. The development would have to be located in an approved sanitary sewerage service area and supplied with water from an adequate water supply. There are a specific set of requirements for compliance with Chapter 126a of the Connecticut General Statutes. The primary permitted use in a HOD is multi-family residential development with a maximum density of eight dwelling units per acre. An existing parking area served by a driveway that provides common access to an existing commercial office use on an abutting property is a permitted use as long as the parking area is in existence at the time of HOD approval. Permitted accessory uses include, but are not limited to, tennis courts, swimming pools, and recreational facilities. Section 3.25.6 – Earth Filling and Removal, states that a HOD Development does not require a special permit provided that an applicant submits a cut and fill analysis and all information required by Section 5.7.5 (Site Plan Requirements) and complies with standards of 5.7.6 (Standards and Conditions). The City of Milford zoning regulations require a special permit for any removal permits and filling permits on any land

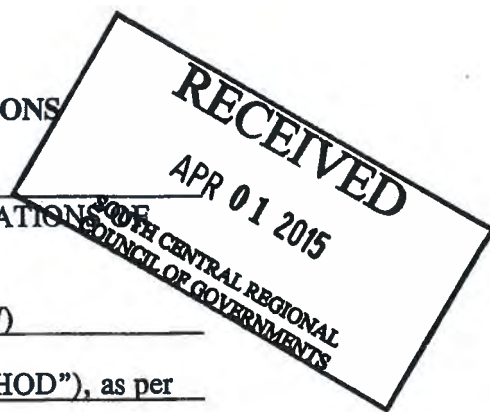
located in or within a distance of 25 feet of any flood hazard area, waterbody, watercourse, or wetland.

An HOD Development would need to have a minimum lot area of 25 acres and a maximum lot area of 30 acres. Both the lot width and depth would need to be 150 feet. The principal uses on the developments would need to have minimum front of 25 feet from local roads, minimum side yard of 25 feet and minimum rear yard of 25 feet. The minimum yard requirements for accessory uses are same, except for clubhouse, swimming pools and similar recreation buildings the setbacks increase to 50 feet. The maximum total impervious coverage cannot exceed 30%, a maximum of 9 multi-family residential are permitted and the maximum height is either 3 stories or 45 feet. There is a requirement for a minimum of 40% of the total, preserved as open space by conservation easement. The regulation states that the undeveloped portions of the lot can be included as open space. The parking requirements are 1.8 spaces for a one bedroom, 2 spaces for a two bedroom, and 2 spaces for a 3 bedroom.

Communication:

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

MILFORD PLANNING & ZONING BOARD
PETITION FOR CHANGE OF ZONING REGULATIONS



I (WE) Wheelers Woods LLC

HEREBY PETITION FOR A CHANGE IN THE ZONING REGULATIONS
THE CITY OF MILFORD AS FOLLOWS:

ARTICLE III SECTION 3.25 (NEW)

TEXT OF CHANGE Add a new "Housing Opportunity District" ("HOD"), as per
attached (Tab 5)

REASON FOR REQUESTING CHANGE IN REGULATIONS:

Proposed multi-family residential development with affordable unit component
requires a combination of site-specific development standards combined with
regulations for compliance with General Statutes § 8-30g

HAS ANY PREVIOUS PETITION FOR SUBSTANTIALLY THE SAME CHANGE IN
THE REGULATIONS BEEN FILED?

YES _____ NO X IF YES, DATE OF HEARING _____

PETITIONER'S SIGNATURE _____

MAILING ADDRESS _____ PHONE _____

IF APPEARING BY ATTORNEY OR AGENT: NAME Timothy S. Hollister, Esq.

ADDRESS Shipman & Goodwin LLP, One Constitution Plaza,

Hartford, CT 06103-1919

For Office Use Only

FEE - SEE SCHEDULE OF ZONING FEES

RECEIVED OF _____ DATE _____

RECEIVED BY _____ AMOUNT _____ RECEIPT NO. _____

SENT TO: Regional Council of Governments
Greater Bridgeport Regional Council
Coastal Area Management Program

FINAL DRAFT: 1/23/15

SECTION 3.25 HOUSING OPPORTUNITY DISTRICT: HOD (NEW)

3.25.1 Purpose: The Housing Opportunity District ("HOD") provides for well-designed and appropriately located multi-family rental housing in which at least 30 % of apartment homes will be preserved long-term for moderate income households in compliance with Connecticut state statutes and regulations.

3.25.2 Definitions

3.25.2.1 "HOD Development" means a multiple family housing development that meets the definition of "set-aside development" in Connecticut General Statutes Section 8-30g(a)(6) of the Connecticut General Statutes.

3.25.2.2 HOD is a zoning district within which HOD Developments are permitted in accordance with the requirements in this Section.

3.25.2.3 "HOD Unit" means a housing unit in a HOD Development that is subject to applicable income restrictions for a set-aside development pursuant to Connecticut General Statutes Section 8-30g and corresponding state regulations.

3.25.3 Permitted Uses: The Board shall allow an HOD Development subject to Site Plan approval in accordance with Article VII and the standards provided in this Section. If there is a conflict between a standard of another Section of these zoning regulations and this Section, this Section shall control.

3.25.4 Eligible Parcels: Approval of an HOD Development shall not be processed as, or subject to procedures for, a special permit or special exception. An HOD Development shall be subject to the following procedures and standards:

3.25.4.1 Landscaping and Grading: A detailed landscaping plan shall be required, showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features.

3.25.4.2 Exterior Lighting: Exterior lighting shall be provided at all access points to street, parking areas, building entrances and elsewhere, where required for the safety of vehicular or pedestrian traffic.

3.25.4.3 Street Access: No HOD Development shall be approved unless: (a) the lot has a point of access, which may be provided by a shared driveway, to a roadway classified as collector or arterial by the Connecticut Department of Transportation ("CTDOT"); and (b) a portion of the lot is located within one (1) mile of a roadway classified as principal arterial by CTDOT, which distance shall be measured from the closest point of the lot to said roadway. No zoning permit

shall be issued by the Zoning Enforcement Officer for any HOD Development until any required public street improvements serving the respective portion of the HOD Development have been financially guaranteed in compliance with state statutes.

3.25.4.4 Utilities: No HOD Development shall be approved unless the lot is: (a) located in an approved public sanitary sewerage system service area of the City; and (b) supplied with water from an adequate public water supply. No Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer for any dwelling unit until such unit has been connected to said utilities.

3.25.4.5 Improvement Standards: Plans and specifications for the construction or improvement of all streets, curbs and gutters, sidewalks, storm drainage facilities, sanitary sewerage facilities, water supply facilities, electric and telephone facilities, and other improvements shall comply with all applicable City and State laws, codes, ordinances, and regulations.

3.25.4.6 Ownership and Maintenance: All private streets, parking areas, sidewalks, utilities, recreation facilities, and other private improvements, facilities and areas shall be owned, maintained and operated by the applicant, owner, association or corporation, without expense to the City. Open space areas shall be preserved by conservation easement. If required by the Board during the public hearing process, legal documentation shall be submitted assuring the ownership, maintenance and operation of such private improvements, facilities, and areas. Suitable restrictive covenants, particularly with regard to the open space conservation easement area, may be required by the Board during the public hearing process, and reference shall be made to such covenants in all post-approval legal conveyances as a condition of a site development approval. The entire lot of a HOD Development shall, at all times, be maintained in a safe, sanitary and presentable condition.

3.25.4.7 Compliance with Chapter 126a of the Connecticut General Statutes:

- (1) HOD Units shall be of a construction quality and size that is comparable to market-rate units within the development, and shall be dispersed throughout the development.
- (2) If the development is to be built in phases, the HOD Units will be built on a pro rata basis as construction proceeds.
- (3) A HOD Unit shall be occupied only as a tenant's primary residence. Subletting of an HOD Unit shall not be permitted.
- (4) The applicant or its successor may change the designation of which units within the development shall be set aside as affordable, provided that the

minimum 30 % set aside shall be maintained, for a 40 year period as provided by Section 8-30g(a)(1)(6) of the Connecticut General Statutes, as may be amended, and the development as a whole shall continue to comply with all paragraphs of this Section.

- (5) At the same time that the market-rate units in a HOD Development are first advertised to the general public, notice of availability of such units shall be provided in accordance with affirmative fair housing marketing guidelines set forth in state statutes and regulations, which shall include by advertising such availability in the real estate section of a newspaper of general circulation in the City of Milford, and by providing notice to the City of Milford Municipal / City Clerk, and the Milford Planning and Zoning Board.
- (6) Each deed or lease for a HOD Unit shall contain substantially the following provision:

With reference to HOD Units at 60 %:

This unit is sold or rented as an "affordable housing unit" as defined in Section 8-30g of the Connecticut General Statutes, and is available only to persons or families whose income is at or below 60 % of the area median income for Milford, or of the state median income, whichever is less, as determined by the Connecticut Department of Housing and the U.S. Department of Housing and Urban Development. This development has been approved by agencies of the City of Milford based in part on the condition that a defined percentage of units will be preserved as affordable housing units. The restrictions related to affordability are required by law to be strictly enforced.

With reference to HOD Units at 80 %:

This unit is sold or rented as an "affordable housing unit" as defined in Section 8-30g of the Connecticut General Statutes, and is available only to persons or families whose income is at or below 80 % of the area median income for Milford, or of the state median income, whichever is less, as determined by the Connecticut Department of Housing and the U.S. Department of Housing and Urban Development. This development has been approved by agencies of the City of Milford based in part on the condition that a defined percentage of units will be preserved as affordable housing units. The restrictions related to affordability are required by law to be strictly enforced.

The Board may require compliance with this subsection as a condition of an approval of a HOD Development.

- (7) The 40 year affordability period shall be calculated for the development as a whole, and the period shall begin on the date of occupancy of the HOD Unit that establishes compliance with the 30 % minimum.
- (8) The Affordability Plan Administrator shall file an annual compliance plan as required by Connecticut General Statutes Section 8-30g(h).

3.25.5 Permitted Primary and Accessory Uses:

3.25.5.1 The primary permitted use of a HOD Development shall be multi-family residential development of one (1) bedroom, two (2) bedroom and three (3) bedroom dwelling units with a maximum density of no more than eight (8) dwelling units per gross acre.

3.25.5.2 An existing parking area, served by a driveway that provides common access to an existing commercial office use on an abutting property, allowed by a duly-recorded easement, shall be a permitted use on property that is zoned / rezoned HOD, provided such parking area is in existence at the time of HOD approval under this section.

3.25.5.3 The following accessory uses shall be allowed: Accessory buildings and uses, such as tennis courts, swimming pools, recreation facilities and buildings, picnic areas, clubhouse, model unit and office, maintenance, storage and utility buildings, entrance gazebos, parking garages or garage bay structures.

3.25.6 Earth Filling and Removal: Notwithstanding any provision of Section 5.7 to the contrary, an application for approval of an HOD Development shall not require a special permit, provided that the applicant shall submit to the Board a cut and fill analysis, shall submit all information required by Section 5.7.5, and shall comply with the substantive standards and conditions set forth in Section 5.7.6.

3.25.7 Retaining Walls and Fences: Any retaining wall more than thirty (30) inches in height shall comply with the State Building Code. Fences shall comply with Section 4.1.7 of these Regulations.

3.25.8 Signs: The following requirements apply to signage within the HOD Development:

3.25.8.1 No more than one (1) freestanding quadruple-faced community entrance sign, subject to the following requirements:

- (1) Maximum Height: 10 feet (by definition, vertical distance between curb level and top of the sign)
- (2) Maximum Width: 12 feet

- (3) Maximum Depth: 12 feet
- (4) Maximum total combined surface area of a four faces: 500 square feet
- (5) Maximum total surface area of each face: 120 square feet
- (6) Community name logo may appear on no more than two (2) surfaces of said sign
- (7) Maximum surface area for the community name logo portion of each face: 25 square feet
- (8) Maximum total combined surface area used for community name logos: 50 square feet
- (9) Said sign shall be located not less than ten (10) feet from the front property line

3.25.8.2 Accessory signs, including, but not limited to, directional and informational signs, necessary for the public safety or convenience of the HOD Development, shall be permitted whereby any individual sign panel shall not exceed 20 square feet.

3.25.9 Lot and Building Requirements: A HOD Development must comply with the following lot and building requirements:

3.25.9.1 Lot Requirements:

- (1) Minimum Lot Area: 25 acres
- (2) Maximum Lot Area: 30 acres
- (3) Minimum Lot Width: 150 feet
- (4) Minimum Lot Depth: 150 feet

3.25.9.2 Minimum Yard Requirements:

- (1) Principal Uses:
 - (a) Minimum front yard 25 feet from local roads
 - (b) Minimum side yard 25 feet
 - (c) Minimum rear yard 25 feet

(2) Accessory Uses:

- (a) Minimum front yard 25 feet
- (b) Minimum side yard 25 feet
- (c) Minimum rear yard 25 feet
- (d) Clubhouse, swimming pools and similar recreational buildings: minimum front, side, and rear yard setbacks shall be 50 feet.

3.25.9.3 Open Space Requirements:

- (1) Minimum Open Space Requirements: For a HOD Development under this Section, there shall be a minimum of 40 % of the total lot area, preserved as open space by conservation easement. Open space for purposes of a HOD Development shall include undeveloped portions of the lot.
- (2) Open Space Reservations: All open space areas shall be shown on the applicable approved final site development plan and shall be appropriately identified to indicate that they are not intended for use as building sites.

3.25.9.4 Building Requirements:

- (1) Design: There shall be no more than nine (9) multi-family residential buildings in an HOD Development. In addition, there shall be no less than twelve (12) units nor more than twenty-four (24) dwelling units in any residential building.
- (2) Length: No building shall exceed one hundred sixty (160) feet in its greatest dimension.
- (3) Height: Building shall not exceed three (3) stories, excluding basement, nor forty-five (45) feet.
- (4) Spacing: The space between any buildings, principal or accessory, located on the same lot shall be not less than twenty-five (25) feet; accessory parking structures designed in conjunction with a principal building shall be excluded from this requirement.
- (5) Lot Coverage: Maximum total impervious coverage shall not exceed 30 %.

3.25.10 Parking Requirements: To accommodate the purpose of this Section, specifically, to maximize open space area consistent with the needs associated with the proposed HOD Development, all provisions of Section 5.1 are hereby incorporated, subject to the following exception for minimum off-street parking requirements for multi-family dwellings:

- | | | |
|-----|--------------------|---------------------|
| (1) | One bedroom unit | 1.8 spaces per unit |
| (2) | Two bedroom unit | 2.0 spaces per unit |
| (3) | Three bedroom unit | 2.0 spaces per unit |

No additional parking spaces shall be required with reference to accessory uses that are part of a HOD Development.

3.25.11 Enforcement: The Board retains all enforcement powers granted by the Connecticut General Statutes, including, but not limited to, Section 8-12 of the Connecticut General Statutes, to ensure that the ownership, maintenance and operation of the HOD Development provided by this Section, is, at all times, in compliance with this Section, and Chapter 126a of the Connecticut General Statutes.

**MILFORD PLANNING & ZONING BOARD
PETITION FOR CHANGE OF ZONE**

I (WE) Milford Developers, L.L.C.

HEREBY PETITION TO CHANGE THE ZONE OF THE FOLLOWING DESCRIBED PROPERTY:

FROM DO 25 TO Housing Opportunity District (NEW)

STREET ADDRESS Wheeler's Farm Road / East Rutland Road CORNER LOT YES ☐ NO ☒

OWNER OF RECORD Wheeler's Woods, LLC ZONE DO 25 ACRES 26.06

ASSESSOR'S MAP 96 BLOCK 915 PARCEL 11 / C1

LEGAL DESCRIPTION ATTACHED YES ☒ NO ☐ SIMPLE DESCRIPTION AS FOLLOWS:

BOUNDED: See Tab 4

NORTHERLY BY: _____ FEET _____

EASTERLY BY: _____ FEET _____

SOUTHERLY BY: _____ FEET _____

WESTERLY BY: _____ FEET _____

THIS PETITION IS FILED CONCURRENT WITH: PETITION FOR SPECIAL PERMIT _____

APPLICATION FOR SITE PLAN REVIEW ☒ DATED January 23, 2015

HAS ANY PREVIOUS CONSIDERATION FOR ZONE CHANGE BEEN GIVEN FOR THIS PROPERTY?

YES _____ NO ☒

IF YES, GIVE DATE OF HEARING _____ BOARD'S DECISION _____ DATE _____

APPLICANT'S MAILING ADDRESS 26 Main Street, Suite 100A, Chatham, NJ 07928 PHONE # _____

APPLICANT SIGNATURE Timothy S. Hollister, authorized agent

PROPERTY OWNERS'S SIGNATURE Timothy S. Hollister PHONE # 860-251-5601

PROPERTY OWNER'S MAILING ADDRESS 1072 Madison Avenue, Lakewood, NJ 08701

IF APPEARING BY ATTORNEY OR AGENT: NAME Timothy S. Hollister, Esq.

MAILING ADDRESS: Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103-1919

PHONE # 860-251-5601

For Office Use Only

SENT TO: RCOG _____ GBRPA _____ CAM _____

RECEIVED OF _____ DATE _____

RECEIVED BY _____ AMOUNT _____ RECEIPT NO. _____

3877400v1

Referral 2.4: Town of Madison

Subject:

Proposed Zoning Regulation Amendments pertaining to Medical Marijuana Dispensary and Production 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 Madison has proposed Zoning Regulation Amendments pertaining Medical Marijuana Dispensary and Production Facilities. Section 6.1.2.2 has been amended to include Medical Marijuana Facility, subject to additional requirements in Section 6.15.8. The uses in this particular section are applicable to the Commercial (C) District and require a Special Exception Review. Medical Marijuana Dispensary Facility has been added to Section 6.15, Special Use Regulations, as new Subsection 6.15.8. The special use regulation states that no Medical Marijuana Dispensary Facility can be located within a one thousand feet radius of a school, church, temple or other place used exclusively for religious worship, or a playground, park or child day care facility. New Subsection 7.1.21 – Medical Marijuana Production Facilities has been added allowing the use by Special Exception in the Light Industrial District. The proposed regulations have also added definitions for Medical Marijuana Dispensary Facility and Medical Marijuana Production Facility (Section 19).

Communication:

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



TOWN OF MADISON
CONNECTICUT
LAND USE OFFICE

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

April 17, 2015



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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

RE: #15-09. Regulation Amendment. Applicant: Madison Planning & Zoning Commission.
Request for Regulation Amendment pertaining to Medical Marijuana Dispensary and Production
Facilities.

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, May
21, 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

RPC Referral Submission Form

South Central CT Regional Planning Commission

Please mail to:

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

1.) General Information:

Date Sent: 4/17/15

Subject: Planning & Zoning Proposed Regulation Amendment

Applicant Name: Madison Planning & Zoning Commission

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 Commission

Public Hearing Date: 5/21/15

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: Dave 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>



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. 15-09

Date Filed 4/16/15

Fee Paid n/a

DEP Fee n/a

Unique ID n/a

Date of Receipt 5/21/15

☒ **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: Medical Marijuana Dispensary and Production Facilities

3. PETITIONER:

- a. Name: Planning and Zoning Commission
b. Mailing address: 8 Campus Drive, Madison, CT 06443
c. Phone: 203-245-5632 Fax: 203-245-5613
d. If corporation, list names and addresses of officers:

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: David Anderson, Town Planner
b. Mailing Address: 8 Campus Drive, Madison, CT 06443
c. Phone: 203-245-5632 Fax: 203-245-5613 email: andersond@madisonct.org

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: _____

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.)

- 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. 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).

Proposed Zoning Regulations for Medical Marijuana Dispensary and Production Facilities

Dated: April 2, 2015

Amendment to Section 6.1.2.2 (new language in bold and underlined):

- j)* Medical Outpatient Clinic or Veterinary Outpatient Clinic, subject to the additional requirements in Section 6.4.15.5
- ~~jj)~~ **Medical Marijuana Dispensary Facility, subject to the additional requirements in Section 6.15.8**
- ~~k)~~ multiple family Dwelling Units above first floor commercial uses, subject to the additional requirements in Section 6.4.15.2

New Section 6.15.8:

6.15.8 Medical Marijuana Dispensary Facility

- a)* **No Medical Marijuana Dispensary Facility shall be located within one thousand feet in radius of a school, church, temple or other place used exclusively for religious worship, or a playground, park or child day care facility.**

New Section 7.1.21

7.1.21 Medical Marijuana Production Facilities

New Definitions for Section 19:

Medical Marijuana Dispensary Facility: A place of business where medical marijuana may be dispensed and sold at retail to qualifying patients and primary caregivers and for which the Department of Consumer Protection has issued a dispensary facility permit under Public Act 12-55 and Sections 21a-408 to 21a-408q, inclusive, of the Connecticut General Statutes.

Medical Marijuana Production Facility: A secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Department of Consumer Protection has issued a production facility permit under Public Act 12-55 and Sections 21a-408 to 21a-408q, inclusive, of the Connecticut General Statutes.

Referral 2.5: Town of Woodbridge

Subject:

Proposed Zoning Regulation Amendment to Section 3.12.1 – Liquor Establishments, Permitted Establishments

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 Woodbridge has proposed a Zoning Regulation Amendment to Section 3.12.1 – Liquor Establishments, Permitted Establishments.

The proposed amendment would add manufacturer beer and brew pub to the list of establishments (as defined by the Connecticut General Statutes) permitted to sell or serve liquor or alcoholic beverages in Woodbridge by special exception. The newly established use would allow for the sale of beer to be consumed on premise. For reference, Section 30-16, Manufacturer Permit, of the Connecticut General Statutes has been included with this agenda packet.

Communication:

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



TOWN PLAN AND ZONING COMMISSION
TOWN OF WOODBRIDGE
WOODBRIDGE, CONNECTICUT

TEL. (203) 389-3406

April 22, 2015

South Central Regional Council of Governments
Regional Planner, Eugene Livshits
127 Washington Avenue
North Haven, CT 06473-1715



Re: Proposed Amendment to Zoning Regulations
Section 3.12 ~ Liquor Establishments
Addition of new section 3.12.1(i) regarding Manufacturer Beer and Brew Pub.

Dear Mr. Livshits,

Pursuant to Section 8.3b of the Connecticut General Statutes, this letter is to serve as notification that the Woodbridge Town Plan and Zoning Commission will hold a public hearing in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, on Monday, June 1, 2015 with respect to the attached Zoning Regulation Amendment to Section 3.12 of the Zoning Regulations for the Town of Woodbridge regarding Liquor Establishments. The zoning amendment has been proposed by Robert Leonard. Public Hearings will be the first order of business at the June 1, 2015 meeting.

Comments on the proposed zoning regulation amendments are welcome to be made at the hearing or submitted in writing for receipt into the hearing record.

Very truly yours,

Kristine Sullivan, Woodbridge Land Use Agencies

RECEIVED

APR 02 2015

**Land Use Agencies
Town of Woodbridge**

March 30, 2015

Town Plan and Zoning Commission
Town of Woodbridge
11 Meetinghouse Lane
Woodbridge, Connecticut, 06525

Re: Proposed Zoning Regulations Amendment
Section 3.12. Regarding The Addition of the of a Manufacturer Beer and Brew
Pub (Conn. Gen. Statute Section 30-16(g)) as a Type of Liquor Establishment
Allowed by Special Permit

Dear Commission Members,

This letter is to serve as an application in accordance with Section 11 of the
Zoning Regulations for the Town of Woodbridge to amend Section 3.12.1 of the Zoning
Regulations for the Town of Woodbridge by adding a new subsection (i) reading:

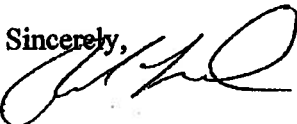
(g) manufacturer beer and brew pub (Conn. Gen. Statute Section 30-16(g))

This new permit is in all respects the same as the one we've been operating with for 13
years, however now it would allow the sale of beer to be consumed on premise whereas
previously we could only sell beer in sealed containers for off premise consumption.

I am making the request to include the manufacturer beer and brew pub as an allowed
liquor establishment use in Woodbridge, because as a Woodbridge businessman
operating New England Brewery at 175 Amity Road, it would allow us to sell samplers
or a pint of beer to our customers instead of giving it away. This new revenue will allow
us to create 2 new jobs at the brewery.

It is not our intent to turn the brewery into a bar and restaurant, we will operate the way
we have been with the only addition of offering our visitors and customers the ability to
purchase and enjoy a sampler or pint of our craft brewed beer.

Sincerely,



Robert Leonard
Woodbridge resident/ business owner

Sec. 30-16. Manufacturer permit. (a) A manufacturer permit shall allow the manufacture of alcoholic liquor and the storage, bottling and wholesale distribution and sale of alcoholic liquor manufactured or bottled to permittees in this state and without the state as may be permitted by law; but no such permit shall be granted unless the place or the plan of the place of manufacture has received the approval of the Department of Consumer Protection. Such permit shall also authorize the offering and tasting, on the premises of the permittee, of free samples of spirits distilled on the premises. Tastings shall not exceed one-half ounce per patron and shall not be allowed on such premises on Sunday before eleven o'clock a.m. and after eight o'clock p.m. and on any other day before ten o'clock a.m. and after eight o'clock p.m. No tastings shall be offered to or allowed to be consumed by any minor or intoxicated person. A holder of a manufacturer permit may apply for and shall receive an out-of-state shipper's permit for manufacturing plants and warehouse locations outside the state owned by such manufacturer or a subsidiary corporation thereof, at least eighty-five per cent of the voting stock of which is owned by such manufacturer, to bring into any of its plants or warehouses in the state alcoholic liquors for reprocessing, repackaging, reshipment or sale either (1) within the state to wholesaler permittees not owned or controlled by such manufacturer, or (2) outside the state. A holder of a manufacturer permit, except a manufacturer permit for cider, may apply for and shall receive a wholesaler permit. The annual fee for a manufacturer permit shall be one thousand eight hundred fifty dollars.

(b) A manufacturer permit for beer shall be in all respects the same as a manufacturer permit, except that the scope of operations of the holder shall be limited to beer, but shall permit the storage of beer in any part of the state. Such permit shall also authorize the offering and tasting, on the premises of the permittee, of free samples of beer brewed on such premises and the selling at retail from the premises of sealed bottles or other sealed containers of such beer for consumption off the premises. The offering and tasting may be limited to visitors who have attended a tour of the premises of the permittee. Such selling at retail from the premises of sealed bottles or other sealed containers shall comply with the provisions of subsection (d) of section 30-91 and shall permit not more than nine liters of beer to be sold to any person on any day on which such sale is authorized under the provisions of subsection (d) of section 30-91. The annual fee for a manufacturer permit for beer shall be one thousand dollars.

(c) A manufacturer permit for cider not exceeding six per cent alcohol by volume and apple wine not exceeding fifteen per cent alcohol by volume shall allow (1) the manufacture, storage, bottling and wholesale distribution and sale at retail of such cider and apple wine to permittees and nonpermittees in this state as may be permitted by law; but no such permit shall be issued unless the place or the plan of the place of manufacture has received the approval of the department; and (2) the sale and shipment by the holder of such permit of such cider and such apple wine to persons outside the state and to consumers in this state in the same manner and subject to the same conditions as such sale and shipment is permitted for wine by a farm winery manufacturer permittee pursuant to subsection (e) of this section. The annual fee for a manufacturer permit for cider shall be two hundred dollars.

(d) A manufacturer permit for apple brandy and eau-de-vie shall be in all respects the same as a manufacturer permit, except that the scope of operations of the holder shall be limited to apple brandy or eau-de-vie, or both. The annual fee for a manufacturer permit for apple brandy and eau-de-vie shall be four hundred dollars.

(e) (1) A manufacturer permit for a farm winery shall be in all respects the same as a manufacturer permit, except that the scope of operations of the holder shall be limited to wine and brandies distilled from grape products or other fruit products, including grappa and eau-de-vie. As used in this section, "farm winery" means any place or premises, located on a farm in the state in which wine is manufactured.

and sold.

(2) Such permit shall, at the single principal premises of the farm winery, authorize (A) the sale in bulk by the holder thereof from the premises where the products are manufactured pursuant to such permit; (B) as to a manufacturer who produces one hundred thousand gallons of wine or less per year, the sale and shipment by the holder thereof to a retailer of wine manufactured by the farm winery permittee in the original sealed containers of not more than fifteen gallons per container; (C) the sale and shipment by the holder thereof of wine manufactured by the farm winery permittee to persons outside the state; (D) the offering and tasting of free samples of such wine or brandy to visitors and prospective retail customers for consumption on the premises of the farm winery permittee; (E) the sale at retail from the premises of sealed bottles or other sealed containers of such wine or brandy for consumption off the premises; (F) the sale at retail from the premises of wine or brandy by the glass and bottle to visitors on the premises of the farm winery permittee for consumption on the premises; and (G) subject to the provisions of subdivision (3) of this subsection, the sale and delivery or shipment of wine manufactured by the permittee directly to a consumer in this state. Notwithstanding the provisions of subparagraphs (D), (E) and (F) of this subdivision, a town may, by ordinance or zoning regulation, prohibit any such offering, tasting or selling at retail at premises within such town for which a manufacturer permit for a farm winery has been issued.

(3) A permittee, when selling and shipping wine directly to a consumer in this state, shall: (A) Ensure that the shipping labels on all containers of wine shipped directly to a consumer in this state conspicuously state the following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (B) obtain the signature of a person age twenty-one or older at the address prior to delivery, after requiring the signer to demonstrate that he or she is age twenty-one or older by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h; (C) not ship more than five gallons of wine in any two-month period to any person in this state; (D) pay, to the Department of Revenue Services, all sales taxes and alcoholic beverage taxes due under chapters 219 and 220 on sales of wine to consumers in this state, and file, with said department, all sales tax returns and alcoholic beverage tax returns relating to such sales; (E) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (F) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9; and (G) hold an in-state transporter's permit pursuant to section 30-19f or make any such shipment through the use of a person who holds such an in-state transporter's permit.

(4) No licensed farm winery may sell any such wine or brandy not manufactured by such winery, except a licensed farm winery may sell from the premises wine manufactured by another farm winery located in this state.

(5) The farm winery permittee shall grow on the premises of the farm winery or on property under the same ownership and control of said permittee or leased by the backer of a farm winery permit or by said permittee within the farm winery's principal state an average crop of fruit equal to not less than twenty-five per cent of the fruit used in the manufacture of the farm winery permittee's wine. An average crop shall be defined each year as the average yield of the farm winery permittee's two largest annual crops out of the preceding five years, except that during the first seven years from the date of issuance of a farm winery permit, an average crop shall be defined as three tons of grapes for each acre of vineyard farmed by the farm winery permittee. Such seven-year period shall not begin anew if the property for which the farm winery permit is held is transferred or sold during such seven-year period. In the event

the farm winery consists of more than one property, the aggregate acreage of the farm winery shall not be less than five acres.

(6) A holder of a manufacturer permit for a farm winery, when advertising or offering wine for direct shipment to a consumer in this state via the Internet or any other on-line computer network, shall clearly and conspicuously state such liquor permit number in its advertising.

(7) A holder of a manufacturer permit for a farm winery may sell wine manufactured from such winery at a farmers' market, as defined in section 22-6r, that is operated as a nonprofit enterprise or association, provided such farmers' market invites such holder to sell wine at such farmers' market and such holder has a farmers' market wine sales permit issued by the Commissioner of Consumer Protection in accordance with the provisions of subsection (a) of section 30-37o.

(8) The annual fee for a manufacturer permit for a farm winery shall be three hundred dollars.

(f) A manufacturer permit for a brew pub shall allow: (1) The manufacture, storage and bottling of beer, (2) the retail sale of alcoholic liquor to be consumed on the premises with or without the sale of food, (3) the selling at retail from the premises of sealed bottles or other sealed containers of beer brewed on such premises for consumption off the premises, and (4) the sale of sealed bottles or other sealed containers of beer brewed on such premises to the holder of a wholesaler permit issued pursuant to subsection (b) of section 30-17, provided that the holder of a manufacturer permit for a brew pub produces at least five thousand gallons of beer on the premises annually. Such selling at retail from the premises of sealed bottles or other sealed containers shall comply with the provisions of subsection (d) of section 30-91 and shall permit not more than nine liters of beer to be sold to any person on any day on which such sale is authorized under the provisions of subsection (d) of section 30-91. The annual fee for a manufacturer permit for a brew pub shall be three hundred dollars.

(g) A manufacturer permit for beer and brew pub shall be in all respects the same as a manufacturer permit for beer, as defined in subsection (b) of this section, and shall allow those additional permissible uses specified in the manufacturer permit for a brew pub, as defined in subsection (f) of this section, provided the holder of a manufacturer permit for beer and brew pub produces at least five thousand gallons of beer on the premises annually. The annual fee for a manufacturer permit for beer and brew pub shall be one thousand five hundred dollars.

Referral 2.6: City of West Haven

Subject:

Municipal Development Plan (MDP) for “The Haven South”

Staff Recommendation:

Background:

The MDP for The Haven South can be downloaded from the following link:

<http://www.cityofwesthaven.com/pdfs/the-haven-south-mdp.pdf>

Communication:

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



DEPARTMENT OF PLANNING AND DEVELOPMENT

City of West Haven
355 Main Street
West Haven, CT 06516



Edward M. O'Brien
Mayor

Joseph A. Riccio, Jr.
Commissioner of Planning and Development

May 4, 2015

Hand Delivery

Carl J. Amento, Executive Director
South Central Regional Council of Government
127 Washington Avenue, 4th floor West
North Haven, CT 06473



Dear Mr. Amento:

Pursuant to Connecticut General Statute Section 8-191 attached please find a proposed Municipal Development Plan for The Haven South located in West Haven CT dated May 2015 (the "MDP"). The West Haven Redevelopment Agency voted on May 4, 2015 to accept this MDP and refer it to the South Central Regional Council of Government for a finding that the MDP is in accord with the Regional Plan of Development.

Your prompt attention to this request is much appreciated.

Very truly yours,

Joseph A. Riccio, Jr.
Commissioner

Referral 2.7: Town of Clinton

Subject:

Proposed Zoning Regulation Amendments pertaining to Commercial Recreational Facilities

Staff Recommendation:

Background:

A private applicant in the Town of Clinton has proposed to make the footprint of each structure a maximum of 40,000 square feet for both Type A and Type B Commercial Recreational Facilities. The hours of operation have been slightly reduced from 5 AM – 12 AM to 5AM -10 PM. A provision has been added to the Type B facility, which states that the facilities must be located within a structure that may be easily converted to other uses permitted in the zone. Another new provision for a Type B facility would limit retail and/or food service to no more than 25% of the structure, which is already applicable to a Type A facility.

In Section 25.4.3, the following has been added - “In business, industrial and Marine Districts, the total footprint of any single building shall not exceed 40,000 square feet in area except that shopping centers, municipal facilities, libraries, community centers, town offices public works facilities, etc. are not subject to the requirement”.

Communication:

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

FORM FOR SUBMITTING REFERRALS
TO THE LOWER CONNECTICUT RIVER VALLEY
REGIONAL PLANNING COMMISSION

DATE OF SUBMISSION TO THE RIVERCOG: 5/6/2015
DATE OF PUBLIC HEARING: 6/1/2015
TOWN SUBMITTING REFERRAL: Clinton
ABUTTING MUNICIPALITIES OF THE RIVERCOG Killingworth
(IF ANY): Westbrook
SUMMARY OF PROPOSAL:

ZONING TEXT AMENDMENT:

ZONING MAP AMENDMENT:

SUBDIVISION:

OTHER:

COMMENTS:

Petition submitted by Homeowners Association. Appears to limit the size of a Commercial Recreational Facility and reinstates the language in Section 25.4.3.





Petition for Amendment to Regulations
Change of Zone Boundary/Zone Classification
(PZC 6)

Petition #: 15-008

- ☒ Amend Regulations ☐ Change of Zone Boundary Lines ☐ Change in Zone Classification
☐ Zoning ☐ Subdivision

APPLICANT: *This information and attachments are to be submitted as 20 individual packets collated and stapled.*

1. Applicant: Founders Village Homeowners Association Inc Telephone #: _____
Address: PO Box 323 Clinton Ct 06413 FAX #: _____
2. Agent: Lisa Richielli Telephone #: 203 214-0872
Address: 74 Founders Vlg Clinton Ct 06413 FAX #: _____
3. Person to Contact: Lisa Richielli Telephone #: 203 214-0872

PROPERTY INFORMATION**(Fill this out only for Zone Map Amendments)**

4. Is the property located in any of the following:

- ☐ Water Company Watershed ☐ CAM Zone ☐ Flood Zone, note zone designation _____
☐ Within 500' of Madison ☐ Within 500' of Killingworth ☐ Within 500' of Westbrook

The Clinton Planning and Zoning Commission is hereby petitioned to call a public hearing, pursuant to Section 21 of the Zoning Regulations. In accordance with subsection 21.1.3 of the Zoning Regulations, at least 15 days prior to the date of the public hearing and continuously thereafter until the close of the public hearing, the applicant shall post a notice of the hearing on the property to be rezoned in a location at a size clearly visible from the public highway. A suitable sign may be obtained from the Zoning Office at cost.

I (we) hereby grant permission for the Planning and Zoning Commission, or its agents, to visit the property to conduct a site inspection, if deemed necessary by the Commission, and I (we) hereby certify that the above information is correct to the best of my knowledge and belief.

Date Stamp

RECEIVED**MAR 30 2015****CLINTON
P&Z**

5. Signatures: (Both are required)

Applicant: Founders Village Homeowners Ass Print Name: FVHA Date: 3-30-15
Agent: Lisa Richielli Print Name: Lisa Richielli Date: 3-30-15

Statement in Support of Proposed Amendment to 10.28.1, 10.28.3 and 25.4.3

The Applicant proposes text amendments to the Clinton Zoning Regulations to revert language recently replaced back to the original language and improve recent new language.

The original language limited the maximum footprint of any single building in Business, Industrial and Marine Districts to 40,000 square feet, which is very appropriate. The new language significantly increased that maximum footprint, which could have a detrimental effect on quality of life and real estate values of residential neighbors, including our residential complex, Founders Village Condominiums.

The new language also restricts operation to hours that can be considered reasonable to maintain the quality of life and real estate values of residential neighbors, including our residential complex, Founders Village Condominiums.

The proposed amendments are more consistent with the Town Plan of Conservation and Development and would result in new buildings and their hours of operation being more consistent in size with the small town scale and character of the Town of Clinton.

The proposed text of the proposed amendments are attached hereto.

Section 10

Commercial Recreational Facilities

10.28.1

Purpose: The purpose of these Regulations is to permit Commercial Recreational Facilities in a way that ensures that this use is compatible with the surrounding areas and protects the public health, safety and welfare.

10.28.2

Qualifications: A Special Exception for a Commercial Recreational Facility may be granted provided that:

- (a) The lot must be served by public water.
- (b) The minimum lot area for a Commercial Recreational Facility shall be a minimum of eighty thousand square feet (80,000 sq. ft.).

10.28.3

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

(a) Indoor Commercial Recreational Facility Type A:

- (1) The facility shall be located entirely within a structure.
- (2) The footprint of each structure shall not exceed forty thousand square feet (40,000 sq. ft.).
- (3) Recreational activities shall not include adult-orientated entertainment establishments, as defined in Section 10.21.
- (4) The facility shall only operate between the hours of 5:00^{am} and 10:00^{pm}.
- (5) No more than 25% of any structure may be utilized for retail and/or food service as an accessory use.
 - (i) The retail or food service accessory use shall not operate when the recreational facility is not open for recreational activities.

(b) Indoor Commercial Recreational Facility Type B:

- (1) Facilities shall be located within a structure that may be easily converted to other uses permitted in the zone.
- (2) The footprint of each structure shall not exceed forty thousand square feet (40,000 sq. ft.).
- (3) Recreational activities shall not include adult-orientated entertainment establishments, as defined in Section 10.21.
- (4) No more than fifty percent (50%) of the open floor area shall be devoted to games and/or entertainment devices and equipment that are electrically or electronically controlled.

- (5) Facilities shall only operate between the hours of 5:00 ^{am} and 10:00 ^{pm}.**
- (6) All separate rooms, alcoves and portions of the facility shall be arranged so that there is an attendant within the room or such that the attendant can easily supervise all rooms.**
- (7) The total floor area of the structure shall not exceed forty thousand square feet (40,000 sq. ft.).**
- (8) No more than 25% of the structure shall be utilized for retail and/or food service.**

Section 25

Lot Requirements - Standards

25.4.3

In Business, Industrial and Marine Districts, the total footprint of any single building shall not exceed 40,000 square feet (40,000 sq. ft.) in area except that shopping centers, municipal facilities, libraries, community centers, town offices, public works facilities, etc. shall not be subject to this requirement.

Referral 2.8: Town of Clinton

Subject:

Proposed Zoning Regulation Amendments pertaining Accessory Apartments

Staff Recommendation:

Background:

The Town of Clinton has proposed Zoning Regulation Amendments to pertaining to accessory apartments. The amendments remove the structural needs area restriction, restriction in lot coverage. The structural needs restriction has been removed for accessory apartments in business and village zones.

Communication:

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

FORM FOR SUBMITTING REFERRALS
TO THE LOWER CONNECTICUT RIVER VALLEY
REGIONAL PLANNING COMMISSION



DATE OF SUBMISSION TO THE RIVERCOG: 5/6/2015
DATE OF PUBLIC HEARING: 6/1/2015
TOWN SUBMITTING REFERRAL: Clinton
ABUTTING MUNICIPALITIES OF THE RIVERCOG (IF ANY): Killingworth
Madison
SUMMARY OF PROPOSAL:

ZONING TEXT AMENDMENT:

Text amendments to the Accessory Apartment Regulations to remove the Structural Needs Area restriction, increase in lot coverage restriction, specific relative restriction, and to make a consistent date of renewal for apartments in Residential Zones.

For apartments in non-residential zones, text amendments to remove the Structural Needs Area restriction, and to make a consistent date for renewal.

ZONING MAP AMENDMENT:
SUBDIVISION:
OTHER:
COMMENTS:

10.3.10.6 Accessory Apartments in Residential Zones:

~~10.3.10.6.1~~ 10.3.10.6.1 Purpose: This Section is intended to aid the general welfare of the Town by:

- Benefitting elderly persons by promoting the availability and maintenance of housing;
- Benefitting persons of moderate income by increasing the supply of affordable rental housing in the Town; and
- Helping to preserve older houses that give the Town much of its attractive character.

Accessory apartments, as permitted in this Section, represent a viable way to create and integrate such housing throughout the Town.

~~10.3.210.6.2~~ 10.3.10.6.2 Qualifications: A Special Exception for an accessory apartment in Residential Zones may be granted provided that:

- (a) Accessory apartments shall only be permitted on lots that are in conformance with all the Zoning Regulations of the zoning district within which they are located with regards to frontage, area and shape.

(Amended 1/1/2012)

~~(b) Accessory apartments shall only be permitted on lots that are not located in a "Structural Needs Areas" as identified on the map title "Clinton Connecticut Wastewater Facilities Plan, Figure 2-9, Structural Needs Area" from the "Town of Clinton, Connecticut Wastewater Facilities Plan, September 2002, Volume 1, Draft Report, Phase 4 Deliverable", as may be amended from time to time.~~

~~(c)~~(b) A Certificate of Occupancy must have been issued no less than five (5) years prior to the date of the application.

~~(d)~~(c) Detached Accessory Apartments: The following Qualifications are for detached accessory apartments located within accessory buildings only:

- (1) Lots must be a minimum of forty thousand square feet (40,000 sq. ft.) or greater in zones in which the minimum lot size is thirty thousand square feet (30,000 sq. ft.) or greater.
- (2) The accessory building must be conforming with respect to location and use.

~~10.3.310.6.3~~ 10.3.10.6.3 Standards and Requirements: A Special Exception may be granted provided that the following standards and criteria are met in addition to the standards, criteria and conditions stated in Section 9:

- (a) A total of only one (1) apartment shall be permitted to exist on any lot.

- (b) All accessory apartments shall meet the following design criteria:
- (1) The residential character of a structure is not changed.
 - ~~(2) The lot coverage of the building is not increased by more than four hundred fifty square feet (450 sq. ft.).~~
 - ~~(3)~~(2) A dormer does not extend in height beyond the roof ridge line and does not extend in depth beyond the first floor exterior wall. The pitch of its roof and character of the dormer emulates the building, or make the building more compatible with surrounding residential structures.
 - ~~(4)~~(3) There shall not be a second front door.
- (c) No portion of the living area of any accessory apartment shall be located in a basement area, vehicle bay area of a garage or third floor space of any structure.
- (d) The principal dwelling and the accessory apartment shall not contain more than a total of five bedrooms.
- (e) Both the accessory apartment and the principal dwelling shall meet the requirements of the Building, Public Health and Fire Codes.
- (f) Either the principal dwelling or the accessory apartment shall be permanently occupied by a person who is the sole owner, or one of the joint owners of the property, or ~~a spouse, child, sibling, parent, grandparent, grandchild or first cousin~~relative of an owner.
(Amended 1/1/2012)
- (g) Transient lodging shall not be permitted. The minimum length of occupancy shall be 180 consecutive days.
- (h) The accessory apartment shall provide a kitchen and complete bathroom, separate from the principal dwelling unit, as well as two (2) means of egress, in accordance with the applicable Building Codes, including a separate outside door. Both means of egress shall provide direct access to the building exterior.
- (i) No new curb cuts may be created to serve an accessory apartment. The access from the road shall serve both the principal dwelling and the accessory apartment, and shall not be distinguishable as separate facilities.
(Amended 1/1/2012)
- (j) All required off-street parking shall conform to Section 29 of these Regulations.

(k) Attached Accessory Apartments:

- (1) Accessory apartments may be part of an existing principal structure, within and/or as an addition to the existing structure.
- (2) The building to which an accessory apartment may be added can be no less than one thousand square feet (1,000 sq. ft.) before the addition of the accessory apartment.
- (3) The maximum floor area of the accessory apartment shall not exceed eight hundred square feet (800 sq. ft.) or one-third (1/3) of the total combined area of the principal structure plus the accessory apartment, whichever is less.
- (4) Stairways leading to an accessory apartment above the first floor of the primary residential building may be added outside of the existing exterior walls, except at the front of any building.
- (5) Such stairway shall be entirely enclosed to the ground level by permanent walls and a roof and shall be consistent with the style of the architecture of the building.
- (6) Separate access to any accessory apartment shall not be located on the building's front façade unless two (2) doors existed at the time of conversion and the resulting building emulates the character of the existing street-side appearance of the principal structure or makes the structure more compatible with the surrounding residential structures.

(Amended 1/1/2012)

(l) Detached Accessory Apartments:

- (1) The original accessory use cannot be eliminated by the addition of the accessory apartment into, or onto, an accessory structure.
- (2) A minimum total floor area space of eight hundred square feet (800 sq. ft.) is required for an accessory structure within which an accessory apartment is proposed.
- (3) An accessory apartment shall have a minimum floor area of four hundred square feet (400 sq. ft.). The maximum floor area of the accessory apartment shall not exceed seven hundred fifty square feet (750 sq. ft.) or one-half (½) of the accessory structure, plus the accessory apartment, whichever is less.

(Amended 1/1/2012)

(Amended 1/1/2012)

- (4) Stairways leading to an accessory apartment above the first floor of an accessory structure must be contained within the exterior walls of the building.
- (m) Any other appropriate or more stringent conditions deemed necessary by the Commission to protect public health, safety, welfare, and the single-family character of the neighborhood.

~~10.3.4~~ 10.6.4 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

(Amended 1/1/2012)

- (a) An affidavit of ownership signed by the owner of the premises and affirming the intent that either the accessory apartment or the principal dwelling is to be occupied (either for bona fide temporary absences such as military service) by an owner of the premises (or persons as otherwise noted above) as the principal place of residence.
- (b) The required floor plan shall list the total floor area of both dwellings and the percentage of difference between them.
(Amended 1/1/2012)
- (c) Suitable sketches, architectural elevations or photographs sufficient to show the character and extent of exterior building and façade construction including any alterations. The depictions should also allow for visualizing the building within the context of the neighborhood.
- (d) Required Renewal:

- (1) Every two years, ~~on March 1st~~, starting with the year of approval, ~~and biannually on March 1st thereafter,~~ the owner of the premises shall file with the ZEO a new Affidavit of Occupancy of the premises and certify that either the accessory apartment or the principal dwelling is occupied by an owner (or other eligible occupant) of the premises as required by these Regulations.
- (2) Failure to provide the affidavit within sixty (60) days from ~~every two (2) year anniversary year~~ the date specified above shall constitute a violation, which shall be grounds for institution of enforcement actions that may result in the revocation of the approval such that it may be null and void.
- (3) Upon sale of a property containing an accessory apartment, the new owner of said property shall file with the ZEO no later than thirty (30) days of the transfer of title to such property, the Affidavit of Occupancy with the eligibility requirements of these Regulations. Failure to timely provide the Affidavit shall constitute a violation, which shall be grounds for the institution of enforcement action that

may result in the revocation of the accessory apartment for the property.

- (4) Upon initial approval, the property owner shall file on the Land Records a copy of the Affidavit of Occupancy stating that one of the units shall be owner occupied in accordance with this section. The initial document shall include additional text stating that within thirty (30) days of the sale, the new owner must file a notice of intent to continue the accessory apartment use in compliance with all original conditions of approval with the ZEO. Failure to timely provide the Affidavit shall constitute a violation, which shall be grounds for the institution of enforcement action that may result in revocation of the accessory apartment approval for the property.

10.410.7 Accessory Apartments – Business and Village Zones

~~10.4.1~~10.7.1 **Purpose:** The intent of this section is to permit the mix of commercial and residential uses on the same property:

- Promote a village center concept of development where appropriate.
- Maximize the potential of a site when the property and surrounding uses are suitable and compatible.
- Provide pedestrian access to commercial activities.
- Provide housing units for varying income levels.

10.7.2 **Qualifications:** A Special Exception for an Accessory Apartment in Business and Village Zones may be granted provided that:

- (a) Accessory apartments may not be created in structures in which adult entertainment businesses (Section 10.21), tattoo parlors (Section 10.20) or uses that require special ventilation systems to remove fumes or other harmful substances, are located.
- (b) Each building shall contain an active commercial operation. When a commercial operation is vacated from a building, leaving only the residential use as tenant(s), the Permit granted for that residential accessory use shall terminate twelve (12) months from the date of commercial activity being vacated, unless commercial use is resumed within that time period.

~~(c) Accessory apartments shall only be permitted on lots that are not located in "Structural Needs Areas" as identified on the map titled "Clinton Connecticut Wastewater Facilities Plan, Figure 2-9, Structural Needs Area" from the "Town of Clinton, Connecticut Wastewater Facilities Plan, September 2002, Volume 1, Draft Report, Phase 4 Deliverable", as may be amended from time to time.~~

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

- (a) Accessory apartments in accessory structures will only be allowed on lots of forty thousand square feet (40,000 sq. ft.) or greater.
(Amended 1/1/2012)
- (b) Accessory apartments may be within the footprint, or an addition to a building, provided they meet the following design criteria:
 - (1) The character of the building is enhanced so that it is appropriate for the zone in which it is located.

- (2) The lot coverage of the building is not increased by more than six hundred square feet (600 sq. ft.) and still conforms to the standards for the zone in which it is located.
- (3) A dormer does not extend in height beyond the roof ridge line and does not extend in depth beyond the first floor exterior wall.
- (c) A minimum total floor space of one thousand square feet (1,000 sq. ft.) is required for a principal structure or seven hundred fifty square feet (750 sq. ft.) for an accessory structure, within which an accessory structure, within which an accessory apartment is proposed. No portion of the living area of any accessory apartment shall be located in a basement area, vehicle bay area of a garage or third floor space of any structure.
(Amended 1/1/2012)
- (1) An accessory apartment shall have a minimum gross floor area of four hundred fifty square feet (450 sq. ft.). The maximum floor area of an accessory apartment shall not exceed one thousand square feet (1,000 sq. ft.) or one-third (1/3) of the total combined area of a principal structure, or one-half (½) of an accessory structure, plus the accessory apartment, whichever is less.
(Amended 1/1/2012)
- (d) No more than eight (8) bedrooms will be permitted in a building, except in the Village Zone, where no more than four (4) bedrooms may be located on a single lot.
- (e) Transient lodging shall not be permitted. The minimum length of stay shall be 180 consecutive days. The applicant shall provide a copy of the written lease or other rental agreement, inclusive of the specified duration, that will be required of tenants, as part of the application documentation.
- (f) No apartment shall have more than two (2) bedrooms.
- (g) The total residential floor area in each structure shall not exceed forty-eight percent (48%) of the total floor area of that structure.
(Amended 1/1/2012)
- (h) All required off-street parking shall conform to Section 29 of these Regulations.
- (i) Provisions for the collection and removal of trash shall be provided. Trash collection areas shall be screened.
- (j) Any other appropriate conditions deemed necessary by the Commission to protect public health, safety, welfare and the character of the neighborhood.

10.7.4 Application Procedures: Application for a Special Exception for an Accessory Apartment shall be made to the Commission in accordance with Section 9: Special

Exceptions and Section 4: Application Procedures and Approval Process, of these Regulations and shall include the following additional materials:

- (a) The required floor plan shall list the total floor area of the dwelling and the commercial operation and percentage of difference between them.
(Amended 1/1/2012)
- (b) Suitable sketches, architectural plans, or photographs sufficient to show the character and extent of exterior building and façade construction include any alterations.

(c) Required Renewal:

- (1) Every two years, starting with the year of approval, and biannually on March 1st thereafter, the owner of the premises shall file with the ZEO a new affidavit of ownership of the premises and certify that tenants are being required to occupy accessory apartments for more than 180 days as required by these Regulations. Copies of the lease, or mutually signed written rental agreements, for all units shall satisfy this requirement.
- (2) Failure to provide the affidavit within sixty (60) days from ~~every two (2) year anniversary year~~ the date specified above shall constitute a violation, which shall be grounds for the institution of enforcement actions that may result in the revocation of enforcement actions that may result in the revocation of the approval such that it shall be null and void.
- (3) Upon initial approval the property owner shall file on the Land Records a copy of the Affidavit stating ownership of the premises and that tenants are required to occupy accessory apartments for more than 180 days. Failure to timely provide the Affidavit shall constitute a violation, which shall be grounds for the institution of enforcement action that may result in revocation of the accessory apartment approval for the property.
- (4) Upon sale of a property containing an accessory apartment, the new owner of said property shall file with the ZEO no later than thirty (30) days of the transfer of such title to such property, the Affidavit of Occupancy with the eligibility requirements of these Regulations. Failure to timely provide the Affidavit shall constitute a violation, which shall be grounds for the institution of enforcement action that may result in revocation of the accessory apartment approval for the property.