

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
(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, June 11, 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 May 14, 2015 RPC Meeting **1**

2. Action Items

2.1. Representative Policy Board of the South Central CT Regional Water District: Land Use Plan Amendment for Disposition of Lands within Madison, CT. Submitted by: South Central CT Regional Water District. Received: March 23, 2015. Public Hearing: June 18, 2015 **3**

2.2. City of New Haven: 2015 Comprehensive Plan Update. Submitted by: City of New Haven. Received: May 11, 2015. Public Hearing: TBD. **48**

2.3. Town of Prospect: Proposed Zoning Regulation Amendments to Section 3.1, Uses by District. Submitted by: Private Applicant. Received: May 21, 2015. Public Hearing: July 1, 2015. **62**

3. Other Business

3.1. Town of North Branford: Proposed Amendments to Wetlands and Watercourses Regulations. Submitted by: Town of North Branford. Received: June 1, 2015. Public Hearing: June 24, 2015 **65**

3.2. SCRCOG GIS Demonstration

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.

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, May 14, 2015 Meeting

Present: Kevin DiAdamo, James Giulietti, Christopher Suggs, Charles Andres, Christopher Traugh, David White, Michael Calhoun, Michael Calhoun, Eugene Livshits, Mayor Edward O'Brien, Joseph Riccio, Gary O'Conner, Bruce Sweeney, Peter Olson, Jack Fast, Donald Poland

1 Administration

The Meeting was called to order at 5:15 PM with a Quorum established for the meeting. There were members from the City of West Haven and the Public present to submit testimony on the City of West Haven – Municipal Development Plan (The Haven South) Referral.

It was determined that the Town of Hamden – Housing Opportunity District Referral did not require a review by the Regional Planning Commission because the locational constraints in proposed Zoning Amendment prevent it from locating within 500 feet of a municipality in the south central region.

1.1 *Minutes of the April 9, 2015 RPC meeting.*

Motion to accept the minutes as presented: Christopher Traugh. Second: James Giulietti. Vote: Unanimous.

2 Statutory Referrals

2.1 *Town of Guilford: Plan of Conservation and Development Update*

By resolution, the RPC has determined that the Guilford Plan of Conservation and Development Update appears to be consistent with the policies and goals identified in both the State and Regional Plans of Conservation and Development.

Motion: James Giulietti. Second: David White. Vote: Unanimous.

2.2 *City of Milford: Proposed Zoning Regulation Amendments to add Section 3.25 - Housing Opportunity District (HOD)*

The staff recommendation was amended to reflect that the exemption proposed from certain earth removal and excavation requirements may have potential for both inter-municipal impacts and impacts to the Long Island Sound.

By resolution, the RPC has determined that the Zoning Regulation Amendment to add Section 3.25 as proposed is not subject to the procedures of the Special Exception or Special Permit requirements. The Milford Planning and Zoning Commission may want to consider making the proposed district subject to the Special Exception and Permit requirements of the City of Milford Zoning Regulations to ensure that the development is located in areas with the capacity to accommodate the proposed density. There may be potential inter-municipal impacts and impacts to the habitat and ecosystem of the Long Island Sound because the proposed regulations exempt certain earth removal and excavation requirements.

Motion as Amended: James Giulietti. Second: Christopher Traugh. Vote: Unanimous.

2.3 *Town of Madison: Proposed Zoning Regulation Amendments pertaining to Medical Marijuana Dispensary and Production Facilities*

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: Kevin DiAdamo. Second: Michael Calhoun. Vote: Unanimous

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

2.4 *Town of Woodbridge: Proposed Zoning Regulation Amendment to Section 3.12.1 – Liquor Establishments, Permitted Establishments*

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: Christopher Suggs. Vote: Unanimous.

2.5 *City of West Haven: Municipal Development Plan (MDP) for “The Haven South”*

There were comments made by City of West Haven representatives as to how the MDP was in accord with the Regional Plan of Conservation and Development. There were comments made by Attorney Peter Olson and Donald Poland as to how the MDP was not in accord with the Regional Plan of Conservation and Development.

There were concerns raised as to the potential use of eminent domain and the potential for auto-centric development. It was determined that issues pertaining to eminent domain are not addressed by the Regional Plan of Conservation and Development.

By resolution, the RPC has determined that the proposed Municipal Development Plan for the City of West Haven, titled “The Haven South” appears to be in accord with the South Central Region Plan of Conservation and Development.

Motion: Christopher Traugh. Second: David Sulkis. Vote: Majority. Abstain: Christopher Suggs. Oppose: James Giulietti

2.6 *Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Commercial Recreational Facilities*

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

2.7 *Town of Clinton: Proposed Zoning Regulation Amendments pertaining Accessory Apartments*

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: Kevin DiAdamo. Vote: Unanimous.

3 Other Business

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

Referral 2.1: South Central Connecticut Regional Water Authority

Subject:

Proposed Application in accordance with Special Act 77-98, as amended for the disposition of approx. 16 acres located north of Route 80 and approx. 47 acres located east of Summer Hill Road in Madison.

Staff Recommendation:

Background:

The Regional Water Authority has submitted applications for the disposition approx. 16 acres north of Route 80 and approx. 47 acres east of Summer Hill Rd in Madison. The applications are both for the disposition of land and amendments to the South Central Connecticut Regional Water Authority (RWA) Land Use Plan. Both the 16 and 47 acres sites are unimproved Class III lands and are part of the RWA land unit MA 9. The sites are not needed for water supply purposes and are not on a watershed or aquifer of an existing or potential future public water supply source. Currently, the sites are designated as Natural Resource Uses with a subheading of Forest Management.

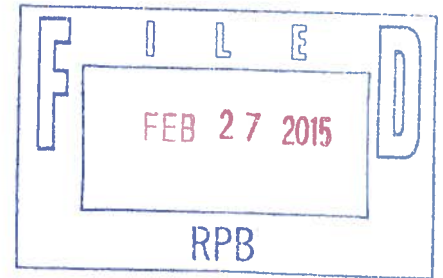
The two parcels are designated as “open space” in the Madison Plan of Conservation and Development and “Conservation Area” in the State Conservation and Development Policies Plan. Consistency with the two Plans would be based on if the property is preserved as open space or developed after the disposition. The sites are zoned RU-1 with single family residential as a permitted use and a minimum lot area of 80,000 square feet. The sites are forested with upland and wetland soils. The surrounding land uses are open space and residential. The Town of Madison and the State of Connecticut would have priority rights to purchase the sites. Based on the appraisals RWA is anticipating a minimum of \$195,000 for the 16 acre site and a minimum of \$950,000 for the 47 acre site.

Communication:

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

South Central Connecticut Regional Water Authority
90 Sargent Drive, New Haven, Connecticut 06511-5966 203.562.4020
<http://www.rwater.com>

DATE: February 19, 2015



TO: Anthony DiSalvo, Chair
Joseph A. Cermola
Richard G. Bell
Gail F. Lieberman
R. Douglas Marsh

FROM: Ted Norris *EN*

CC: Larry Bingaman
John Triana

SUBJECT: Application to the RPB for Land Use Plan Amendment and Disposition of 16+/- acres located north of Route 80 (Old Toll Rd.) in Madison that is part of Land Unit MA 9.

Attached for your review is a proposed application to the Representative Policy Board (RPB) for a Land Use Plan Amendment and disposition of 16+/- acres of land located north of Route 80 (Old Toll Rd.) in Madison for \$195,000. This parcel is located less than ½ mile east of the intersection of Summer Hill Rd. and Route 80 (Old Toll Rd.). The acreage is part of Land Unit MA 9 as referred to in the Land Use Plan.

Section 18 of Special Act 77-98, as amended, requires RPB approval before the Authority sells or otherwise transfers any unimproved property or interest or right therein. This application proposes the sale of property owned by the Regional Water Authority. Additionally, Section 18 of Special Act 77-98, as amended, requires RPB approval before the Authority amends the Land Use Standards and Policies approved by the RPB. This application puts forth a Land Use Plan amendment necessary for the disposition of the subject property.

A draft resolution of the Authority accepting the application, as well as a draft letter from the Authority to the RPB requesting consideration of the application, are also attached.

John Triana and I are available to discuss this application with you at your February 19, 2015 meeting and, upon your approval, request that it be submitted to the RPB. If you have any questions prior to the February 19 meeting, please contact me.

Attachments

South Central Connecticut Regional Water Authority
90 Sargent Drive, New Haven, Connecticut 06511-5986 203-562-4020
<http://www.rwater.com>

Date: February 19, 2015

To: Members of the Representative Policy Board
South Central Connecticut Regional Water Authority

Subject: Application to the Representative Policy Board for Approval of Land Use Plan
Amendment and Disposition of 16+/- acres located north of Route 80 (Old Toll
Rd.) in Madison that is part of Land Unit MA 9

Ladies and Gentlemen:

The South Central Connecticut Regional Water Authority requests that the Representative Policy Board ("RPB") accept the following enclosed document as complete:

**Application to the Representative Policy Board for Approval of Land Use Plan
Amendment and Disposition of 16+/- acres located north of Route 80 (Old Toll
Rd.) in Madison that is part of Land Unit MA 9**

Based on our conclusion that the proposed disposition is in support of the goals of the South Central Connecticut Regional Water Authority and is in the public interest, we are further requesting that the RPB approve this action following a public hearing.

Any questions regarding this Application may be directed to Ted Norris, Vice President Asset Management.

Sincerely,

South Central Connecticut Regional Water Authority

Anthony DiSalvo, Chairperson
Joseph A. Cermola, Vice Chairperson
Richard G. Bell, Secretary-Treasurer
Gail F. Lieberman, Board Member
R. Douglas Marsh, Board Member

Enclosures

**RESOLUTION FOR ADOPTION
BY REGIONAL WATER AUTHORITY**

Authority Meeting February 19, 2015

Resolved. That the Authority hereby accepts the Application for a Land Use Plan Amendment and Disposition for 16+/- acres located north of Route 80 (Old Toll Rd.) in Madison, CT, which are currently part of Land Unit MA 9 as referred to in the Land Use Plan, as a completed Application, substantially in the form submitted to this meeting, and authorizes filing said Application with the Representative Policy Board.

Proposed Disposition of Class III Lands

**Portion of MA 9
Route 80, Madison**

**Application to the Representative Policy Board (RPB)
From the Regional Water Authority**

February 2015

1. AUTHORIZATION SOUGHT

The Regional Water Authority (Authority) proposes the disposition of 16.78 acres of unimproved Class III lands (hereinafter referred to as "subject land") located within Madison, Connecticut for the highest and best use conforming to any and all approvals that may be granted by the regulatory agencies of the Town of Madison. The purchase price shall not be less than \$195,000 for the unimproved subject land as established by two independent appraisers. The appraisers determined the "as is" market value to be between \$195,000 and \$200,000 based on the site feasibility analysis prepared by Bennett & Smilas Engineering, Inc.

The subject land, part of the South Central Connecticut Regional Water Authority (RWA) land unit MA 9, comprises 16.78 acres and is located to the north of Route 80 (Old Toll Road) in Madison. The Authority's 1996 Land Use Plan approved by the RPB, April 18, 1996, outlines the use of the subject land for forest management. To assure consistency with the RWA's 1996 Land Use Plan, a request for approval of a Land Use Plan Amendment has been incorporated into this application.

The site feasibility analysis investigated two development scenarios. The first was to subdivide the land into four lots, while the second showed only one building lot. The consensus of these analyses was that it would not be economically feasible to develop the property into four lots and may be more feasible to develop the property as one lot. Based on the extensive site modifications that would be required, maintaining the parcel as open space may be its best use.

RWA's Land Use Plan approved by the RPB, April 18, 1996, designates the subject land as NRU, Natural Resource Uses with the subheading Forest Management. Specific uses for the subject land include timber sales and firewood cutting.

The 1996 Land Use Plan does not address the disposition of this Class III land. Consequently, the proposed disposition requires a Land Use Plan Amendment. The subject land is not needed for water supply purposes. Therefore, the Authority proposes to dispose of the subject land in a manner that will meet the following objectives:

1. To generate income to be used to further protect the RWA's public water supply through the purchase of additional water supply watershed lands or conservation easements within RWA's public water supply watersheds.

Since the RWA currently manages the subject land for woodcutting, it is expected that modest revenue on the order of \$150 per year will continue to be generated by this program. It is unlikely that physical changes to the subject land will occur under the continued ownership of the parcel by the RWA, other than selective thinning of trees by woodcutters.

Sale to the Town of Madison or to the State of Connecticut

A second alternative is the proposed disposition to the Town of Madison or to the State of Connecticut. Subsection (f) of Section 18 of the Connecticut Special Act 77-98, as amended, gives the legislative body of the city or town in which the land is located and the State Department of Energy and Environmental Protection (DEEP) rights to purchase with the city or town's rights taking priority over DEEP's rights. The RWA has established fair market value for the subject land, thus either the State or Town would likely perform independent appraisals. In the event of sale to either entity, the RWA would receive the revenue from the subject land sale.

4. COSTS INCURRED OR SAVED BY THE PROPOSED ACTION

Once the subject land is no longer owned by the RWA, the average annual expenses for PILOT, security, and maintenance will no longer be incurred. Of greater importance is the expected revenue to be gained by the sale of the land. This sale revenue will be used for the protection of watershed lands through purchase and/or conservation easements, funds that would otherwise need to be raised by bonding. The expected revenue from the sale of the subject land will not be less than \$195,000.

5. UNUSUAL CIRCUMSTANCES FOR THE RPB TO CONSIDER

The 1996 Land Use Plan does not address the disposition of the subject land. Therefore, the proposed disposition and possible ultimate development requires a Land Use Plan Amendment.

In placing a value on the subject land, the appraisers indicated the land's highest and best use "as is" was either open space, due to the extensive site modifications that would be required to develop the parcel, or a one building lot parcel. The proposed sale of the land is in conformity with the RWA's 2007 initiative known as "The Land We Need for the Water We Use."

The RWA has been in contact with the Madison Land Conservation Trust (MLCT) about their interest in acquiring this parcel. The MLCT acquired the Bauermeister property to the south in 2011. That 77-acre property has been developed with a trail system that goes up to the RWA's subject property. Assuming the town and state do not exercise their priority rights, the RWA intends to work with the MLCT to conserve the property. Additionally, the RWA has spoken to the MLCT about their interest in 47.13 acres off of Summer Hill Road that also abuts the Bauermeister property. The disposition of that property is addressed in a separate application to the RPB being made simultaneously with this application. Should the RWA be able to come to terms with the MLCT on these two parcels, it would mean that it will have

- E. The Town of Madison and the State of Connecticut, by law, have priority rights to purchase the subject land, with the Town's right taking precedence.
- F. The proposed action is consistent with the RWA policies enumerated in the 2007 initiative "The Land We Need for the Water We Use."

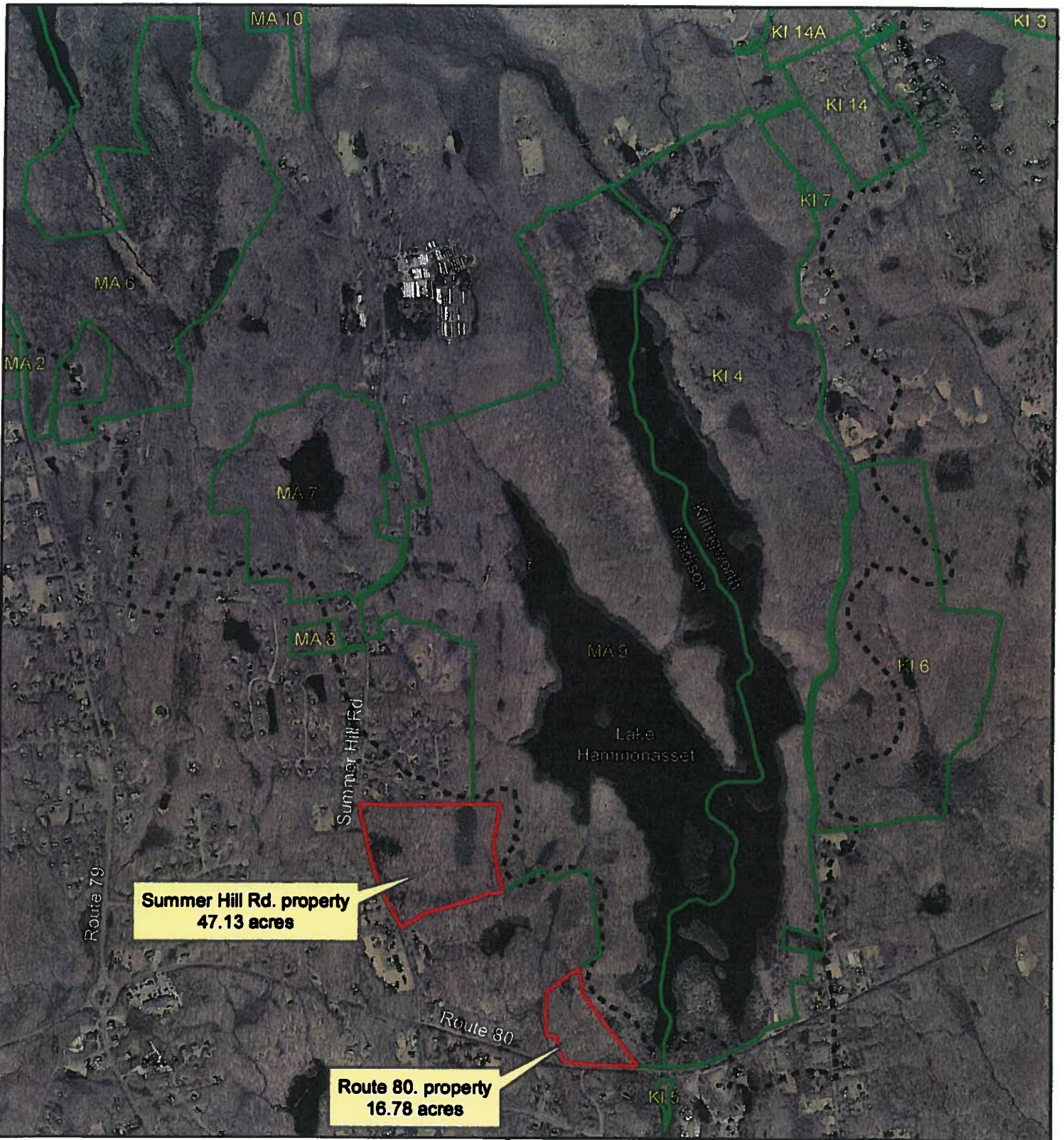
8. FINAL EVALUATION AND RECOMMENDATION OF THE AUTHORITY

The Authority has concluded that the Proposed Action constitutes a disposition of interest in land and an amendment of the Land Use Plan. The Authority has further concluded that the proposed disposition and amendment of the Land Use Plan is consistent with, and advances the policies and goals of, the South Central Connecticut Regional Water Authority and will not have an adverse impact on the environment, the purity and adequacy of the public water supply and will be in the public interest.

The Authority recommends that this Application for Disposition of 16.78 Acres of Class III Land be approved by the RPB.

The Authority requests that this application for disposition of 16.78 acres of Class III land be accepted by the Representative Policy Board. The Authority recommends that the RPB approve this amendment for the following reasons:

The disposition will not have an adverse impact on the water supply. The entire property is Class III land, off the watershed. Additionally, the disposition will generate funds that will be used to offset other funds needed by the RWA, including those used to acquire land for source water protection. This action is in conformity with policies adopted by the Authority in the 2007 document, "The Land We Need for the Water We Use".



Legend

- Class III parcels to be sold
- RWA Property
- Lake Hammonasset Watershed

0 1,000 2,000 4,000 Feet



**Exhibit A
Regional Water Authority
Application for LUP Amendment and Disposition
Madison Class III land**

**Location Map
Summer Hill Rd. and Route 80 parcels**

December 2014

Exhibit B - LUP Amendment and Disposition Application – Route 80, Madison

PRELIMINARY ASSESSMENT

Disposition of 16.78 acres of Class III Land, Madison, Connecticut

Location: Route 80, Madison - MA-9, Parcel "C"

Proposed Action:

A Land Use Plan Amendment for: Sale of 16.78 acres of Class III Land

Notes to Preparer(s):

This Preliminary Assessment form provides for consideration of potential impacts on specific aspects of the environment, subdivided into eight general areas:

- A. Geology, Topography, Soils
- B. Hydrology and Water Quality
- C. Air Quality, Climate, Noise
- D. Biotic Communities
- E. Land Use
- F. Natural Resources and Other Economic Considerations
- G. Public Safety and Health
- H. Community Factors

When completing the form, all phases of the proposed action should be considered - planning, construction, and operation - as well as possible secondary or indirect effects.

For each "yes" response, provide the indicated specific information the space provided for notes, using additional pages if needed. Elaborations of negative responses may also be provided if appropriate (e.g., to indicate positive impacts on a given environmental factor); "no" answers for which explanatory notes are provided should be indicated by an asterisk. Sources of information, including individuals consulted, should also be listed in each section.

Name of person preparing this study: Penelope C. Sharp

Penelope C. Sharp

Date: April 17, 2014

Exhibit B - LUP Amendment and Disposition Application – Route 80, Madison

Page 1

A. <u>Geology, Topography, Soils</u>	Yes	No
<p>1. Is the site subject to geologic hazards (e.g., seismic, landslide)? If yes, specify type of hazard, extent, relative level of risk, whether or not the proposed action is vulnerable to damage from such hazard, and any measures included in the proposed action to avoid or minimize the risk of damage.</p>		X
<p>2. Will the proposed action create a geologic hazard or increase the intensity of such a hazard? If yes, specify the type of hazard, the extent to which it will be increased by the proposed action, and whether or not the proposed action can be modified to reduce the hazard.</p>		X
<p>3. Does the site include any geological features of outstanding scientific or scenic interest? If yes, describe the features and their relative importance, the extent to which they will be impacted by the proposed action, and any measures included in the proposed action to avoid or minimize damage to important geologic features.</p>		X
<p>4. Is the site subject to soil hazards (e.g., slump, erosion, subsidence, stream siltation)? If yes, specify hazards, their extent, the relative level of risk to the proposed action, and any measures included in the proposed action to avoid or minimize damage from soil hazards.</p>		X*
<p>5. Does the site have any topographic or soil conditions that limit the types of uses for which it is suitable (e.g., steep slopes, shallow-to-bedrock soils, poorly drained soils)? If yes, specify the conditions, the of limitations on use, the extent to which the proposed action requires the use of such areas, and any measures included in the proposed action to minimize adverse impacts of these uses.</p>	X	
<p>6. Does the site include any soil types designated as prime farmland? If yes, indicate the area of prime farmland soils and whether the proposed action requires any irreversible commitment of these soils to non-farm uses.</p>		X

B. Hydrology and Water Quality	Yes	No
<p>1. Is the site located on a present or projected public or private water-supply watershed or aquifer recharge area? If yes, specify the location, type, and volume of the water supply, the extent to which the proposed action involves construction or other use of the watershed or recharge area, and any measures included in the proposed action to minimize adverse effects on water supplies.</p>		X*
<p>2. Does the proposed action create a diversion of water from one drainage basin to another or significantly increase or decrease the flow of an existing diversion? If yes, specify the location, watershed area, and flow rates of the diversion, whether it involves a transfer of water between sub-regional drainage basins, the extent to which it will affect any required downstream flow releases and actual downstream flows, and the type and extent of expected impacts on the downstream corridor.</p>		X
<p>3. Does the site include any officially designated wetlands, areas of soils classified as poorly drained or somewhat poorly drained, or other known wetlands? If yes, specify the extent and type of wetlands on the site and indicate whether the proposed action involves any construction, filling, or other restricted use of wetlands.</p>	X	
<p>4. Will the proposed action seriously interfere with the present rate of soil and subsurface percolation? If yes, specify the nature of the interference (compaction, paving, removal of vegetation, etc.), the extent to which the percolation rate will be hampered, and whether the project can be redesigned to minimize the interference.</p>		X
<p>5. Is the site located in a floodprone area? If yes, specify the frequency and severity of flooding, the area of the site subject to inundation, and the relative level of risk; indicate whether the proposed action will be subject to damage from flooding, the anticipated amount and type of damage, and any preventive measures included in the proposed action to minimize flooding damage.</p>		X

Exhibit B - LUP Amendment and Disposition Application – Route 80, Madison

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C. Air Quality, Climate, Noise

Yes No

- | | |
|--|-----------|
| <p>1. Is the present on-site air quality below applicable local, state, or federal air quality control standards?
If yes, specify the extent to which the air quality fails to attain such standards and the potential effects of sub-standard air quality on the proposed action.</p> | <p>X</p> |
| <p>2. Will the proposed action generate pollutants (hydrocarbons, thermal, odor, dust, or smoke particulates, etc.) that will impair present air quality on-site or in surrounding area?
If yes, specify the type and source of pollutants, the peak discharge in parts per million per 24-hour period, and the relative level of risk to biotic and human communities.</p> | <p>X</p> |
| <p>3. Is the site located in a high wind hazard area?
If yes, specify the range and peak velocity and direction of high winds; identify any features of the proposed action subject to damage from high winds, the relative level of risk, and any measures included in the proposed action to minimize wind damage.</p> | <p>X</p> |
| <p>4. Will the proposed action involve extensive removal of trees or other alteration of the ecosystem that may produce local changes in air quality or climate?
If yes, describe the nature and extent of the changes, potential adverse effects, areas likely to be affected, possible cumulative effects of removal of natural vegetation and addition of new pollutant sources, and any measures that could be included to reduce the adverse effects.</p> | <p>X</p> |
| <p>5. Is the site subject to an unusually high noise level?
If yes, specify the sources of noise, the noise levels, and any measures included in the proposed action to minimize the effects of noise.</p> | <p>X*</p> |
| <p>6. Will the proposed action generate unusually high noise levels?
If yes, specify the source of noise, the range of noise levels, and any measures incorporated into the project to minimize generation of, or exposure to, excessive noise levels.</p> | <p>X</p> |

Notes (including sources of information):

D. Biotic Communities Yes No

- | | | |
|--|---|----|
| <p>1. Are there any rare or endangered plant or animal species on the site?
If yes, specify the species, the degree of rarity, and the estimated population on the site; indicate the extent to which the proposed action will disturb the species and its habitat, and specify any measures included in the proposed action to minimize such disturbance.</p> | X | |
| <p>2. Are there unusual or unique biotic communities on the site?
If yes, specify type of community and its relative significance; indicate the extent to which the proposed action will destroy significant biotic communities and specify any measures included in the proposed action to minimize such damage.</p> | | X* |
| <p>3. Is the site used as a nesting site by migrating waterfowl, or is it critical to the movement of migratory fish or wildlife species?
If yes, specify the species, the extent to which nesting or migration will be disturbed as a result of the proposed action, and any measures included in the proposed action to minimize disturbance.</p> | | X |
| <p>4. Does the proposed action significantly reduce the amount, productivity, or diversity of the biotic habitat?
If yes, specify the amount and types of habitat lost, types of wildlife or plants likely to be seriously affected by the proposed action, and any measures to mitigate impacts on biotic communities.</p> | | X |

Notes (including sources of information)

Exhibit B - LUP Amendment and Disposition Application – Route 80, Madison

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<u>E. Land Use</u>	<u>Yes</u>	<u>No</u>
<p>1. Does the site include any officially designated historic or archaeological sites, or other sites of known historic, archaeological, or cultural significance? If yes, specify their type and significance, the extent to which they will be disturbed by the proposed action, and any measures to reduce such disturbance.</p>		X
<p>2. Does the site have any outstanding scenic or aesthetic characteristics, especially as viewed from public highways or recreation areas? If yes, specify the type and significance of scenic features, the extent to which they will be disturbed by the proposed action, and any measure to reduce the extent of such disturbance.</p>		X
<p>3. Is the site presently used for recreation? If yes, indicate the type of recreation, the amount of use, and the extent to which the proposed action will interfere with present recreational uses or limit recreation options on the site.</p>		X
<p>4. Is the site presently used for residence or business? If yes, specify the type of use and the extent to which the proposed action will displace present occupants, especially disadvantaged persons or businesses, and any measures included in the proposed action for relocation of such occupants.</p>		X
<p>5. Will the proposed action break up any large tracts or corridors of undeveloped land? If yes, specify the area of undeveloped land surrounding the site, the amount of development the proposed action will involve, and the distance to the nearest developed land.</p>		X*
<p>6. Does the proposed action include features not in accord with the Authority's Land Use Plan or land disposition policies? If yes, specify the nature and extent of conflict.</p>		X*
<p>7. Is the proposed action part of a series of similar or related actions that might generate cumulative impacts? If yes, specify the type and extent of related actions, implemented or planned, and the general nature of potential cumulative impacts; indicate whether a generic or programmatic impact assessment has been or will be prepared for this series of actions.</p>		X

Exhibit B - LUP Amendment and Disposition Application – Route 80, Madison

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F. Natural Resources and Other Economic Considerations **Yes** **No**

1. Does the proposed action involve any irreversible commitment of natural resources?
If yes, specify the type of resource, the importance and scarcity of the resource, the quantity that will be irreversibly committed, and any measure that could be included in the proposed action to reduce irreversible commitments of resources. X

2. Will the proposed action significantly reduce the value and availability of timber or other existing economic resources?
If yes, specify the type and extent of resources affected, the estimated revenue loss, and any measures that could be included in the proposed action to improve the efficiency of resource utilization. X*

3. Will the proposed action require expenditures greater than the projected revenues to the Authority?
If yes, specify the estimated difference. X

4. Will the proposed action require any public expenditure (e.g., provision of municipal services) that might exceed the public revenue it is expected to produce?
If yes, specify the estimated difference. X

5. Will the proposed action cause a decrease in the value of any surrounding real estate?
If yes, estimate the amount and distribution of altered real estate values. X

Notes (including sources of information):

F. Natural Resources and Other Economic Considerations

F. 2.* Parcel C is currently used for woodcutting by permittees. If the land is developed for housing or sold to a conservation organization, the woodcutting activity will cease. The loss of revenue from wood permits is miniscule particularly when contrasted to the income estimated to be generated by the sale of the property.

Exhibit B - LUP Amendment and Disposition Application – Route 80, Madison

Page 13

<u>H. Community Factors</u>	<u>Yes</u>	<u>No</u>
<p>1. Does the proposed action include any features that are not in conformity with local, regional, or state plans of conservation and development? If yes, specify the plan(s), the nonconforming features, and the extent of the nonconformity, and any measures that could be incorporated into the proposed action to improve conformity.</p>		X*
<p>2. Does the proposed action differ from the established character of land use in the surrounding area? If yes, specify the nature and extent of the conflict and any actions that might be taken to resolve it.</p>		X
<p>3. Will the proposed action require any service by public facilities (streets, highways, schools, police, fire) or public utilities that are expected to exceed capacity within 5 years? If yes, specify the type of facility or utility, its capacity, present and projected use, the additional capacity required to implement the proposed action, any public plans to increase the capacity, and any measures that can be incorporated into the proposed action to reduce excessive demands on public facilities.</p>		X
<p>4. Will the proposed action produce any substantial increase in nonresident traffic to the area (construction or other temporary workers, permanent workers, recreational users, etc.)? If yes, specify the amount and type of traffic, its potential impact on the surrounding neighborhood, and any measures included in the proposed action to reduce adverse effects from increased traffic.</p>		X
<p>5. Will the proposed action produce an increase in projected growth rates for the area? If yes, specify the extent to which growth will be increased, the project ability of the community to cope with higher growth rates, and any measures include in the proposed action to reduce anticipated adverse effects from increased growth.</p>		X
<p>6. Is there any indication that the proposed action can be expected to generate public opposition or conflict over environmental concerns? If yes, indicate the type and source of conflict, whether it is limited to immediate neighbors of the site or extends to the larger community, and any measures that have been taken or could be taken to resolve the conflict.</p>		X

**EVALUATION OF POTENTIAL IMPACT
ROUTE 80
MA-9
PARCEL C**

Prepared By:

**Penelope C. Sharp
September, 2014**

PART I

THE PROPOSED ACTION AND ITS SETTING

Proposed Action

The South Central Connecticut Regional Water Authority (RWA) proposes to dispose of a 16.78 ± acre parcel of land that is located to the north of Route 80 in Madison. The property will likely be sold for open space. An engineering study of the land including test pits for septic systems has demonstrated two development scenarios for the property, one that supports four building lots and another supporting only one building lot. However, the consensus following these studies is that there would be considerable expense to develop the site and the property is likely best suited as open space. The primary purpose of the planning exercise is to demonstrate the fair market value of the property.

The parcel proposed for disposition is entirely Class III land. As required under Connecticut Special Act 77-98, as amended (Section 18) the Town of Madison has a first priority right and State DEP has a second priority right to acquire the property. Each entity has 90 days to respond, exercising its right. If the entities do not respond, the right is terminated. If they do respond, they have 18 months in which to purchase the land.

Objectives

The RWA was created “for the primary purpose of providing . . . an adequate supply of pure water at reasonable cost within the South Central Connecticut Regional Water District, and to the degree consistent with the foregoing, of advancing the conservation and compatible recreational use of the land held by the Authority” (Connecticut Special Act No. 77-98, as amended). The RWA’s land use policies and goals reflect a commitment to consider community needs in planning land uses for its properties to the extent that the accommodation of these needs is compatible with the protection of the quality and quantity of the public water supply.

Parcel C is not needed for water supply purposes; therefore, the RWA proposes to dispose of this property in a manner that will meet the following objectives:

Exhibit C - LUP Amendment and Disposition Application – Route 80, Madison

Other Applicable Plans

The Town of Madison's Plan of Conservation and Development designates Parcel C as "Managed Open Space." Under the section of the plan entitled "Expand Open Space and Trails" the plan recommends that the Town consider exercising the priority right to purchase land owned by the South Central Connecticut Regional Water Authority should the land become available. Preservation of the property as open space would be consistent with the town plan.

Furthermore, the Town will be afforded the right of first refusal and an opportunity to purchase the property if it so chooses. Subsection (f) of Section 18 of the Connecticut Special Act 77-98 as amended gives the legislative body of the city or town in which the land is located and the State Department of Energy and Environmental Protection (DEEP) rights to purchase with the municipality's rights taking priority over DEEP's rights.

The Conservation and Development Policies Plan for Connecticut, 2013-2018 (C&D Plan) identifies Parcel C as a conservation area with one factor – core forest. Should the land be maintained in its natural state, it would be in conformance with the state plan.

Existing Environment

The following sections provide a summary description of the land proposed for disposition and its community setting.

Watershed Function

The parcel proposed for disposition has been classified by the Connecticut Department of Public Health as Class III land (not part of a public water supply watershed) with no restrictions on its use or disposition by this agency. It lies within the watershed of the Neck River which is part of the South Central Coast Major Basin, eastern regional complex. The Neck River is a Class A stream and these surface waters are designated for: habitat for fish and other aquatic life and wildlife; potential drinking water supplies; recreation; navigation; and water supply for industry and agriculture.

Exhibit C - LUP Amendment and Disposition Application – Route 80, Madison

For the most part, the upland portions of Parcel C are rocky and in some areas sparsely vegetated. A mix of species comprise the tree canopy including sugar maple, American beech, black birch, red oak, black oak, and several species of hickory. The understory is sparse with scattered shrubs present. Shrub species include huckleberry and lowbush blueberry. A number of herbaceous species were noted in the upland habitats: hay-scented fern, New York fern, lady fern, and cow wheat. A species list for the property is included in the Appendices.

Social Environment

Community Characteristics

The Town of Madison is a suburban community of New Haven. Located about sixteen miles east of New Haven, Madison is a rural-suburban shoreline town comprised largely of single-family homes on lots averaging 1 to 2 acres. The US Census 2010 lists the Town of Madison with a population of 18,269 and a housing unit count of 6,971.

Madison has a population density of 520 people per square mile. Single family residential development is in the neighborhood of the property proposed for disposition. Zoning in the area is RU-1 (Rural Residence District), with a minimum lot size of 80,000 square feet. Among the permitted uses allowed by right within the RU-1 zone include: "All uses permitted as-of-right within a residence district (single-family dwellings, the letting of rooms to no more than two persons, commercial agriculture, forestry, truck or nursery gardening, including greenhouses on lots of 5 or more acres, keeping of animals; with restrictions and accessory uses incidental to a permitted use). The display and sale of farm and garden produce raised on the premises and for such purposes; one stand not over 200 square feet; with restrictions. A saw mill, excepting a permanent commercial saw mill, provided that it is located on a lot of not less than five acres; with restrictions. There are also a limited number of commercial uses allowed via special permit or special exception."

Public and Private Land Use Restrictions

Public regulations likely to limit the uses and development footprint of the property include the Madison Inland Wetland and Watercourse Regulations, federal wetlands regulations, and the Madison Zoning and Subdivision Regulations. Most activities within areas defined as wetlands and/or watercourses and the lands within 100 feet of the wetlands and/or watercourses will require a permit from the Madison Inland

PART II
ALTERNATIVES

The RWA has not considered any alternatives to the proposal due to the fact that the proposed disposition is in conformance with the goal stated in the Land Use Plan; however, it varies from the concept of the Authority continuing to own the land. Therefore, a Land Use Plan Amendment is necessary and will be incorporated into the Application. Nonetheless, there are alternatives that could be considered if for any reason the proposed disposition fails to occur.

Description of Alternatives

1. *Authority's Proposed Disposition*

The RWA proposes to dispose of the property which totals 16.78 ± acres. Two appraisals have been prepared, one by Steven L. Frey & Associates, Inc. and one by Arthur B. Estrada & Associates, Inc. The Frey appraisal values the property at \$195,000 as is. The Estrada appraisal values the property at \$200,000 as is. It is the RWA's intent to sell the property as is. From these two studies, it is clear that the RWA will benefit financially from the sale of the property.

2. *Continued Ownership by RWA*

An alternative to the proposed disposition is the continued ownership of the property by the RWA. Under this scenario, the ratepayers would lose the benefits of the property sale and the RWA would continue to be responsible for maintenance costs and general management issues related to the property. PILOT payments would also continue. The RWA currently manages the property for woodcutting, and it is unlikely that physical changes to the property will occur under the continued ownership of the Parcel C by the RWA (Alternative 2).

PART III

STATEMENT OF ENVIRONMENTAL IMPACT

Beneficial Impacts

The RWA will use the revenue to protect public water supply watershed lands through direct purchase or conservation easements. Protection of watershed lands is in the best interest of all who live within the region as it protects water quality and preserves wildlife habitat. Connecticut Special Act 77-98 (sec. 18h) requires that revenue from disposition of RWA land must be used for capital improvements, purchase of other lands, or retirement of debt, thus reducing the revenue requirements that must be met through water rates.

Disposition of this property will provide the Authority a purchase price estimated to range between \$195,000 and \$200,000. In addition to the revenue from the property sale, the RWA will save the money expended for PILOT and maintenance costs.

Impact Upon Public Water Supply

Sale of the property will have no impact upon the public water supply due to the facts that the property is Class III land, meaning that it falls outside of any public water supply watershed.

Potential Adverse Impacts

No adverse impacts are anticipated from the proposed sale of Parcel C for open space.

Mitigating Measures and Land Use Controls

No mitigating measures will be required if the property remains as open space.

Unavoidable Adverse Impacts

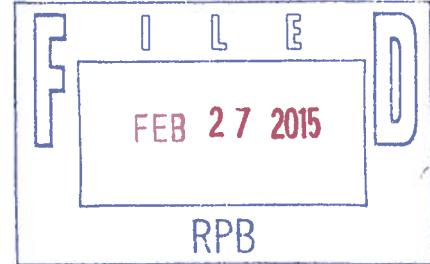
No adverse impacts are anticipated.

Irreversible Commitment of Resources

Under the proposed disposition and likely purchase by the Madison Land Conservation Trust, no irreversible commitments of resources would occur.

South Central Connecticut Regional Water Authority
90 Sargent Drive, New Haven, Connecticut 06511-5966 203.562.4020
<http://www.rwater.com>

DATE: February 19, 2015



TO: Anthony DiSalvo, Chair
Joseph A. Cermola
Richard G. Bell
Gail F. Lieberman
R. Douglas Marsh

FROM: Ted Norris 

CC: Larry Bingaman
John Triana

SUBJECT: Application to the RPB for Land Use Plan Amendment and Disposition of 47+/- acres located east of Summer Hill Rd. in Madison that is part of Land Unit MA 9.

Attached for your review is a proposed application to the Representative Policy Board (RPB) for a Land Use Plan Amendment and disposition of 47+/- acres of land located east of Summer Hill Rd. in Madison for \$950,000. This parcel is located ¼ mile north of the intersection of Summer Hill Rd. and Route 80 (Old Toll Rd.). The acreage is part of Land Unit MA 9 as referred to in the Land Use Plan.

Section 18 of Special Act 77-98, as amended, requires RPB approval before the Authority sells or otherwise transfers any unimproved property or interest or right therein. This application proposes the sale of property owned by the Regional Water Authority. Additionally, Section 18 of Special Act 77-98, as amended, requires RPB approval before the Authority amends the Land Use Standards and Policies approved by the RPB. This application puts forth a Land Use Plan amendment necessary for the disposition of the subject property.

A draft resolution of the Authority accepting the application, as well as a draft letter from the Authority to the RPB requesting consideration of the application, are also attached.

John Triana and I are available to discuss this application with you at your February 19, 2015 meeting and, upon your approval, request that it be submitted to the RPB. If you have any questions prior to the February 19 meeting, please contact me.

Attachments

**RESOLUTION FOR ADOPTION
BY REGIONAL WATER AUTHORITY**

Authority Meeting February 19, 2015

Resolved. That the Authority hereby accepts the Application for a Land Use Plan Amendment and Disposition for 47+/- acres located east of Summer Hill Rd. in Madison, CT, which are currently part of Land Unit MA 9 as referred to in the Land Use Plan, as a completed Application, substantially in the form submitted to this meeting, and authorizes filing said Application with the Representative Policy Board.

South Central Connecticut Regional Water Authority
90 Sargent Drive, New Haven, Connecticut 06511-5966 203-562-4020
<http://www.rwater.com>

Date: February 19, 2015

To: Members of the Representative Policy Board
South Central Connecticut Regional Water Authority

Subject: Application to the RPB for Land Use Plan Amendment and Disposition of 47+/-
acres located east of Summer Hill Rd. in Madison that is part of Land Unit MA 9

Ladies and Gentlemen:

The South Central Connecticut Regional Water Authority requests that the Representative Policy Board ("RPB") accept the following enclosed document as complete:

**Application to the RPB for Land Use Plan Amendment and Disposition of
47+/- acres located east of Summer Hill Rd. in Madison that is part of Land
Unit MA 9**

Based on our conclusion that the proposed disposition is in support of the goals of the South Central Connecticut Regional Water Authority and is in the public interest, we are further requesting that the RPB approve this action following a public hearing.

Any questions regarding this Application may be directed to Ted Norris, Vice President Asset Management.

Sincerely,

South Central Connecticut Regional Water Authority

Anthony DiSalvo, Chairperson
Joseph A. Cermola, Vice Chairperson
Richard G. Bell, Secretary-Treasurer
Gail F. Lieberman, Board Member
R. Douglas Marsh, Board Member

Enclosures

Proposed Disposition of Class III Lands

**Portion of MA 9
Summer Hill Road, Madison**

**Application to the Representative Policy Board (RPB)
From the Regional Water Authority**

February 2015

1. AUTHORIZATION SOUGHT

The Regional Water Authority (Authority) proposes the disposition of 47.13 acres of unimproved Class III lands (hereinafter referred to as "subject land") located within Madison, Connecticut for the highest and best use conforming to any and all approvals that may be granted by the regulatory agencies of the Town of Madison. The purchase price shall not be less than \$950,000 for the unimproved subject land as established by two independent appraisers. The appraisers determined the "as is" market value to be between \$950,000 and \$1,000,000 based on the site feasibility analysis prepared by Bennett & Smilas Engineering, Inc.

The subject land, part of the South Central Connecticut Regional Water Authority (RWA) land unit MA 9, comprises 47.13 acres of Class III land and is located to the east of Summer Hill Road in Madison. The Authority's 1996 Land Use Plan approved by the RPB, April 18, 1996, outlines the use of the subject land for forest management. To assure consistency with the RWA 1996 Land Use Plan, a request for approval of a Land Use Plan Amendment has been incorporated into this application.

The site feasibility analysis showed that the subject land could be subdivided into 11 building lots and an area of open space that is 23 +/- acres. It should be noted that this was a conceptual plan indicating the number of proposed building lots that the subject land can support.

The RWA's Land Use Plan approved by the RPB, April 18, 1996, designates the subject land as NRU, Natural Resource Uses with the subheading Forest Management. Specific uses for the subject land include timber sales and firewood cutting.

The 1996 Land Use Plan does not address the disposition of this Class III land. Consequently, the proposed disposition requires a Land Use Plan Amendment. The subject land is not needed for water supply purposes. Therefore, the Authority proposes to dispose of the subject land in a manner that will meet the following objectives:

1. To generate income to be used to further protect the RWA's public water supply through the purchase of additional water supply watershed lands or conservation easements within RWA's public water supply watersheds.
2. To benefit RWA ratepayers by minimizing future water rate increases attributed to future borrowing needed to complete the purchase of additional water supply watershed lands or conservation easements.

physical changes to the subject land will occur under the continued ownership of the parcel by the RWA, other than selective thinning of trees by woodcutters.

Sale to the Town of Madison or to the State of Connecticut

A second alternative is the proposed disposition to the Town of Madison or to the State of Connecticut. Subsection (f) of Section 18 of the Connecticut Special Act 77-98, as amended, gives the legislative body of the city or town in which the land is located and the State Department of Energy and Environmental Protection (DEEP) rights to purchase with the city or town's rights taking priority over DEEP's rights. The RWA has established fair market value for the subject land, thus either the State or Town would likely perform independent appraisals. In the event of sale to either entity, the RWA would receive the revenue from the subject land sale.

4. COSTS INCURRED OR SAVED BY THE PROPOSED ACTION

Once the subject land is no longer owned by the RWA, the average annual expenses for PILOT, security, and maintenance will no longer be incurred. Of greater importance is the expected revenue to be gained by the sale of the subject land. This sale revenue will be used for the protection of watershed lands through purchase and/or conservation easements, funds that would otherwise need to be raised by bonding. The expected revenue from the sale of the subject land will not be less than \$950,000.

5. UNUSUAL CIRCUMSTANCES FOR THE RPB TO CONSIDER

The 1996 Land Use Plan does not address the disposition of the subject land. Therefore, the proposed disposition and possible ultimate development requires a Land Use Plan Amendment.

In placing a value on the subject land, the appraisers indicated the land's highest and best use "as is" was single family residential development as confirmed by the site feasibility analysis prepared by Bennett & Smilas Engineering, Inc. The proposed sale of the land is in conformity with the RWA's 2007 initiative known as "The Land We Need for the Water We Use."

The RWA has been in contact with the Madison Land Conservation Trust (MLCT) about their interest in acquiring this parcel. The MLCT acquired the Bauermeister property to the south in 2011. That 77-acre property has been developed with a trail system that goes up to the RWA's subject property. Assuming the town and state do not exercise their priority rights to purchase, the RWA intends to work with the MLCT to conserve the property. Additionally, the RWA has spoken to the MLCT about their interest in 16.78 acres off of Rt. 80 (Old Toll Road) that also abuts the Bauermeister property. The disposition of that property is addressed in a separate application to the RPB, being made simultaneously with the subject application. Should the RWA be able to come to terms with the MLCT on these two parcels, it would mean that it will have conserved 141 contiguous acres in that area. This would be in conformity with the 1996 Land Use Plan's aspiration that parcels no longer used or useful for water supply be conserved.

8. FINAL EVALUATION AND RECOMMENDATION OF THE AUTHORITY

The Authority has concluded that the Proposed Action constitutes a disposition of interest in land and an amendment of the Land Use Plan. The Authority has further concluded that the proposed disposition and amendment of the Land Use Plan is consistent with, and advances the policies and goals of, the South Central Connecticut Regional Water Authority and will not have an adverse impact on the environment, the purity and adequacy of the public water supply and will be in the public interest.

The Authority recommends that this Application for Disposition of 47.13 Acres of Class III Land be approved by the RPB.

F. Description of Proposed Amendment

To amend the Land Use Plan for a portion of parcel MA 9, by disposing 47.13 acres along Summer Hill Road.

II. Existing Environment

A. Watershed function

The subject parcel is on Class III land, off of any watershed associated with RWA reservoirs or diversions. Therefore, the parcel has no watershed function.

B. Physical/Biological

Presently, the subject area is forested with a mix of upland and wetland soils. The area's physical and biological resources are further explored in the Preliminary Assessment and Evaluation of Potential Impact prepared by Penelope Sharp.

C. Present land use

The Land Use Plan designates the subject area as NRU (Natural Resource Uses) with the subheading Forest Management. It contained upland and wetland soils that are all forested. Multiple firewood cutters have been assigned to cut fuelwood from this area in recent years.

D. Social/Political environment (including surrounding land use)

The surrounding land uses are residential and open space. The subject land is bounded on the north by a subdivision that includes Mendingwall Circle. Residences are also found across the street on Summer Hill Road. The subject area is bounded on the south by open space owned by the Madison Land Conservation Trust. The parcel, known as the Bauermeister property, was purchased in 2011 and includes a network of trails.

E. Cost of maintaining the land in its present use

Land unit MA 9 contains approximately 657 acres. The annual cost of maintaining the entire parcel is \$139,600. This includes security (\$19,700), maintenance (\$13,100) and PILOT payments (\$106,800). Note that this parcel valuation includes part of the Genesee Tunnel, half of the Hammonasset dam, and a former rental house with outbuildings. The subject area's PILOT cost is much smaller since it is classified as forestland per PA 490. The subject area's PILOT costs are less than \$110 per year. The cost of maintaining the subject area, including PILOT, is estimated to be approximately \$2,450 annually.

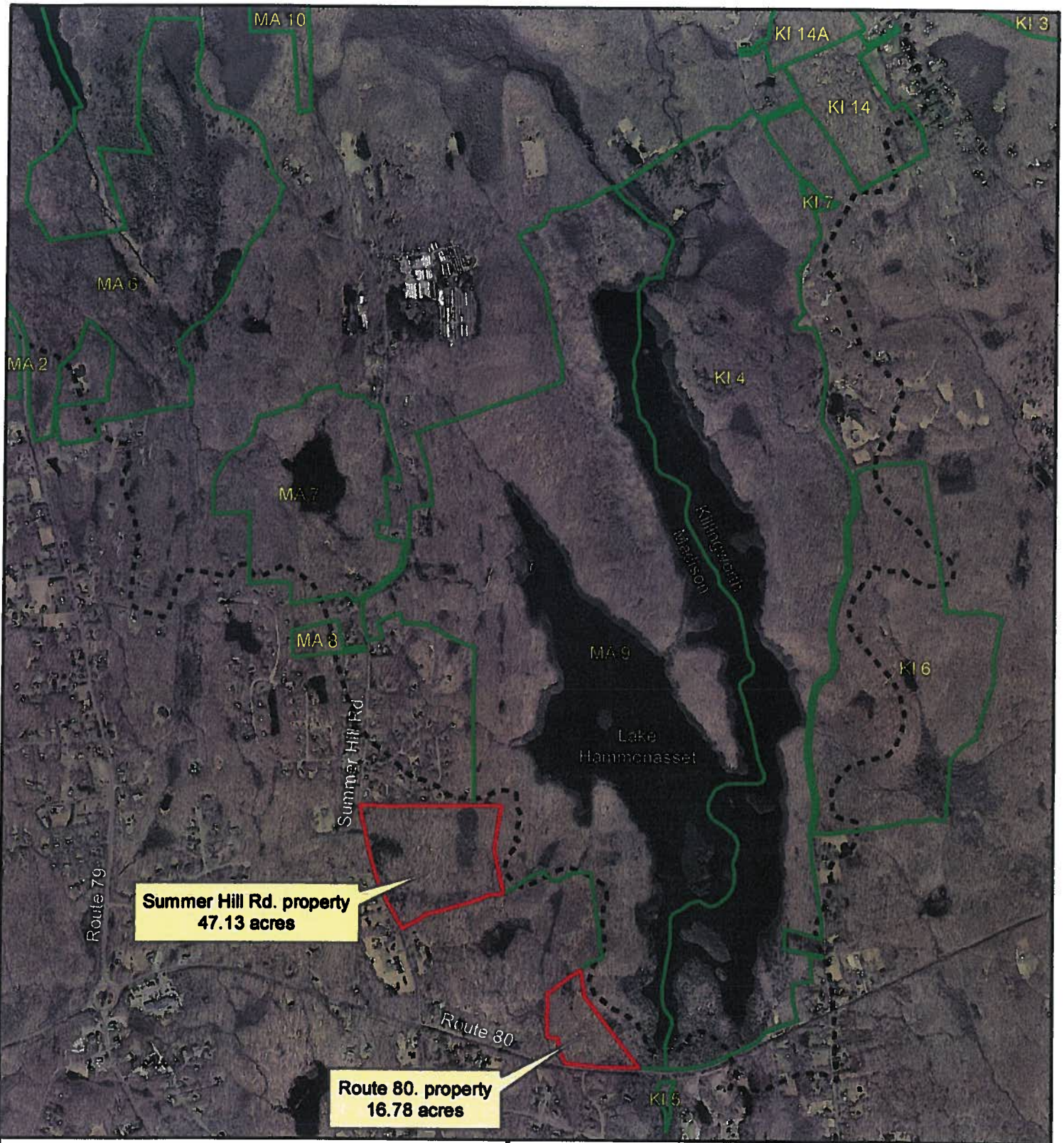
III. Environmental Impact Statement

A. Summary of potential impact

The Madison Land Conservation Trust has expressed interest in acquiring the parcel to add to its abutting land holdings for open space. If they, or the town or state, acquire the land for open space, then the impact is expected to be negligible with only the addition of trails.

If the subject parcel is listed on the open market and is purchased by a developer, then there will be disturbance and potential adverse impacts, as noted in the Evaluation of Potential

The disposition will not have an adverse impact on the water supply. The entire property is Class III land, off the watershed. Additionally, the disposition will generate funds that will be used to offset other funds needed by the RWA, including those used to acquire land for source water protection. This action is in conformity with policies adopted by the Authority in the 2007 document, "The Land We Need for the Water We Use".



Legend

- Class III parcels to be sold
- RWA Property
- Lake Hammonasset Watershed

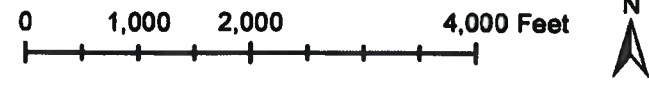


Exhibit A
Regional Water Authority
Application for LUP Amendment and Disposition
Madison Class III land

Location Map
Summer Hill Rd. and Route 80 parcels

December 2014

Exhibit B - LUP Amendment and Disposition Application – Summer Hill Rd., Madison

PRELIMINARY ASSESSMENT

Disposition of 47.13 acres of Class III Land, Madison, Connecticut

Location: Summer Hill Road, Madison - MA-9, Parcel "B"

Proposed Action:

A Land Use Plan Amendment for: Sale of 47.13 acres of Class III Land

Notes to Preparer(s):

This Preliminary Assessment form provides for consideration of potential impacts on specific aspects of the environment, subdivided into eight general areas:

- A. Geology, Topography, Soils
- B. Hydrology and Water Quality
- C. Air Quality, Climate, Noise
- D. Biotic Communities
- E. Land Use
- F. Natural Resources and Other Economic Considerations
- G. Public Safety and Health
- H. Community Factors

When completing the form, all phases of the proposed action should be considered - planning, construction, and operation - as well as possible secondary or indirect effects.

For each "yes" response, provide the indicated specific information the space provided for notes, using additional pages if needed. Elaborations of negative responses may also be provided if appropriate (e.g., to indicate positive impacts on a given environmental factor); "no" answers for which explanatory notes are provided should be indicated by an asterisk. Sources of information, including individuals consulted, should also be listed in each section.

Name of person preparing this study: Penelope C. Sharp

Penelope C. Sharp

Date: April 10, 2014

Notes (including sources of information):

A. Geology, Topography, Soils

A-4. * The property contains some steep slope areas in its eastern portions. These slopes drain toward a large wetland system. Should this land be developed in the future, steps should be taken to ensure that no sedimentation reaches the wetland and its associated watercourse. If the property is sold for open space, development will not occur, thus there would be little risk of erosion and/or stream siltation.

A-5. The property contains steep slopes, a large wetland area, and in portions of the property, numerous boulders and shallow-to-bedrock soils. Therefore, portions of the site are poorly suited for development. A hypothetical development scenario has been drafted for appraisal purposes. Should this or a similar plan go into effect, care must be taken to avoid erosion and sedimentation. If the property remains in an undeveloped state, this concern becomes moot.

A-6. A narrow portion of the property that abuts Summer Hill Road is identified as Charlton Fine Sandy Loam, 3 to 8 percent slopes. This soil is considered to be a prime farmland soil in New Haven County. Development of the property would likely preclude future use as farmland.¹

¹ "Important Farmlands of New Haven County Connecticut," United States Department of Agriculture, Soil Conservation Service. Undated.

6. Will the proposed action increase the effects of flooding, either on-site or downstream? X
If yes, specify the anticipated amount and location of increased flooding, the estimated damage from this increase, and any measures included in the proposed action to minimize the risk of flooding.

7. Will the proposed action generate pollutants (pesticides, fertilizers, toxic wastes, surface water runoff, animal or human wastes, etc.)? X*
If yes, specify the type and source of pollutant, amount of discharge by volume, and parts per million, and the relative level of risk to biotic and human communities.

Notes (including sources of information):

B. Hydrology and Water Quality

B.-1.* The property proposed for disposition is Class III land and has been sited to remain 150 feet from adjacent Class II land.

B.-3. There is a large wetland system, approximately 5 acres in size, located in the eastern portion of the property. The wetland is a red maple swamp with yellow birch and tulip poplar as subdominants. Skunk cabbage, sedges and mosses including sphagnum are found in the herb layer. Under the development scenario, the wetland will be included in "Open Space" therefore no filling or restricted use of the wetland will occur, provided that appropriate erosion control measures are in effect. No impact to the wetlands are anticipated should the property remain in an undeveloped state.

B.-4.* If development occurs on the property, rates of percolation will be altered due to an increase in impervious surfaces and removal of the tree canopy. The use of Low Impact Development (LID) principles can lessen the potential impacts of increased impervious surfaces.

B.-7.* Should Parcel B remain in an undeveloped state, no pollutants will be generated; however, if the property is developed, future owners may utilize certain contaminants such as lawn care products, fertilizers, pesticides and the like. Runoff from the access road, rooftops and driveways would be generated. However, surface runoff can be captured and treated or directed through biofilters to reduce harmful effects of stormwater. As development use is hypothetical at the time of this writing, it is not possible to evaluate the relative risk to biotic and human communities.

C. Air Quality, Climate, Noise

C. 1 Air quality throughout the State of Connecticut is below the applicable state and federal guidelines for ozone. In some locations, air quality fails to meet carbon monoxide guidelines. The proposed action is not expected to have any measurable additional impact upon air quality in the immediate vicinity.²

C. 4* If the property is developed in the future, a number of large trees will be removed in order to accommodate the residences. It is unlikely that this action will impair local air quality to any quantifiable degree.

C. 6* Under the development scenario, there would be a period of time when local noise levels would be elevated by tree felling and construction activities. Increased noise levels would be of limited duration and confined to daylight hours.

² Attainment and Non-Attainment of the National Ambient Air Quality Standards in Connecticut DEEP

E. Land Use	Yes	No
1. Does the site include any officially designated historic or archaeological sites, or other sites of known historic, archaeological, or cultural significance? If yes, specify their type and significance, the extent to which they will be disturbed by the proposed action, and any measures to reduce such disturbance.		X
2. Does the site have any outstanding scenic or aesthetic characteristics, especially as viewed from public highways or recreation areas? If yes, specify the type and significance of scenic features, the extent to which they will be disturbed by the proposed action, and any measure to reduce the extent of such disturbance.		X
3. Is the site presently used for recreation? If yes, indicate the type of recreation, the amount of use, and the extent to which the proposed action will interfere with present recreational uses or limit recreation options on the site.		X
4. Is the site presently used for residence or business? If yes, specify the type of use and the extent to which the proposed action will displace present occupants, especially disadvantaged persons or businesses, and any measures included in the proposed action for relocation of such occupants.		X
5. Will the proposed action break up any large tracts or corridors of undeveloped land? If yes, specify the area of undeveloped land surrounding the site, the amount of development the proposed action will involve, and the distance to the nearest developed land.		X*
6. Does the proposed action include features not in accord with the Authority's Land Use Plan or land disposition policies? If yes, specify the nature and extent of conflict.		X*
7. Is the proposed action part of a series of similar or related actions that might generate cumulative impacts? If yes, specify the type and extent of related actions, implemented or planned, and the general nature of potential cumulative impacts; indicate whether a generic or programmatic impact assessment has been or will be prepared for this series of actions.		X

F. Natural Resources and Other Economic Considerations Yes No

1. Does the proposed action involve any irreversible commitment of natural resources?
If yes, specify the type of resource, the importance and scarcity of the resource, the quantity that will be irreversibly committed, and any measure that could be included in the proposed action to reduce irreversible commitments of resources. X*
2. Will the proposed action significantly reduce the value and availability of timber or other existing economic resources?
If yes, specify the type and extent of resources affected, the estimated revenue loss, and any measures that could be included in the proposed action to improve the efficiency of resource utilization. X*
3. Will the proposed action require expenditures greater than the projected revenues to the Authority?
If yes, specify the estimated difference. X
4. Will the proposed action require any public expenditure (e.g., provision of municipal services) that might exceed the public revenue it is expected to produce?
If yes, specify the estimated difference. X
5. Will the proposed action cause a decrease in the value of any surrounding real estate?
If yes, estimate the amount and distribution of altered real estate values. X

Notes (including sources of information):

F. Natural Resources and Other Economic Considerations

F. 1.* Potential residential development on the 47.13 acre tract would result in the loss of forest resources as it would be necessary to clear forest land for lot preparation. Wetland resources on the site will be preserved and no other natural resources, such as minerals or open water occur at the site. If the property remains undeveloped, there will be no loss of natural resources.

F. 2.* Parcel B is currently used for woodcutting by permittees. If the land is developed for housing or sold to a conservation organization, the woodcutting activity will cease. The loss of revenue from wood permits is miniscule particularly when contrasted to the income estimated to be generated by the sale of the property.

H. <u>Community Factors</u>	Yes	No
1. Does the proposed action include any features that are not in conformity with local, regional, or state plans of conservation and development? If yes, specify the plan(s), the nonconforming features, and the extent of the nonconformity, and any measures that could be incorporated into the proposed action to improve conformity.		X*
2. Does the proposed action differ from the established character of land use in the surrounding area? If yes, specify the nature and extent of the conflict and any actions that might be taken to resolve it.		X
3. Will the proposed action require any service by public facilities (streets, highways, schools, police, fire) or public utilities that are expected to exceed capacity within 5 years? If yes, specify the type of facility or utility, its capacity, present and projected use, the additional capacity required to implement the proposed action, any public plans to increase the capacity, and any measures that can be incorporated into the proposed action to reduce excessive demands on public facilities.		X
4. Will the proposed action produce any substantial increase in nonresident traffic to the area (construction or other temporary workers, permanent workers, recreational users, etc.)? If yes, specify the amount and type of traffic, its potential impact on the surrounding neighborhood, and any measures included in the proposed action to reduce adverse effects from increased traffic.		X
5. Will the proposed action produce an increase in projected growth rates for the area? If yes, specify the extent to which growth will be increased, the project ability of the community to cope with higher growth rates, and any measures include in the proposed action to reduce anticipated adverse effects from increased growth.		X
6. Is there any indication that the proposed action can be expected to generate public opposition or conflict over environmental concerns? If yes, indicate the type and source of conflict, whether it is limited to immediate neighbors of the site or extends to the larger community, and any measures that have been taken or could be taken to resolve the conflict.		X*

**EVALUATION OF POTENTIAL IMPACT
SUMMER HILL ROAD
MA-9
PARCEL B**

Prepared By:

**Penelope C. Sharp
June, 2014**

PART I

THE PROPOSED ACTION AND ITS SETTING

Proposed Action

The South Central Connecticut Regional Water Authority (RWA) proposes to dispose of a 47 ± acre parcel of land that is located to the east of Summer Hill Road and north of Route 80 in Madison. The property may be sold for open space or for development. An engineering study of the land including test pits for septic systems has demonstrated that the property can support eleven (11) building lots. It should be noted that the design plan is a conceptual plan indicating the number of building lots that the property can support. The primary purpose of the planning exercise is to demonstrate the fair market value of the property.

The parcel proposed for disposition is entirely Class III land. As required under Connecticut Special Act 77-98, as amended (Section 18) the Town of Madison has a first priority right and State DEP has a second priority right to acquire the property. Each entity has 90 days to respond, exercising its right. If the entities do not respond, the right is terminated. If they do respond, they have 18 months in which to purchase the land.

Objectives

The RWA was created “for the primary purpose of providing . . . an adequate supply of pure water at reasonable cost within the South Central Connecticut Regional Water District, and to the degree consistent with the foregoing, of advancing the conservation and compatible recreational use of the land held by the Authority” (Connecticut Special Act No. 77-98, as amended). The RWA’s land use policies and goals reflect a commitment to consider community needs in planning land uses for its properties to the extent that the accommodation of these needs is compatible with the protection of the quality and quantity of the public water supply.

Parcel B is not needed for water supply purposes; therefore, the RWA proposes to dispose of this property in a manner that will meet the following objectives:

1. To generate income and thereby protect RWA water supply by partially offsetting the cost of purchasing of additional lands or conservation easements within water supply watershed areas.

Exhibit C - LUP Amendment and Disposition Application – Summer Hill Rd., Madison

Other Applicable Plans

The Town of Madison's Plan of Conservation and Development designates Parcel B as "Managed Open Space." Under the section of the plan entitled "Expand Open Space and Trails" the plan recommends that the Town consider exercising the priority right to purchase land owned by the South Central Regional Water Authority should the land become available. Development of the property would be inconsistent with the town plan.

Although development may not be compatible with the Madison Plan, the Town will be afforded the right of first refusal and an opportunity to purchase the property if it so chooses. Subsection (f) of Section 18 of the Connecticut Special Act 77-98 as amended gives the legislative body of the city or town in which the land is located and the State Department of Energy and Environmental Protection (DEEP) rights to purchase with the city or town's rights taking priority over DEEP's rights.

The Conservation and Development Policies Plan for Connecticut, 2013-2018 (C&D Plan) identifies Parcel B as a conservation area with one factor – core forest. Should the land be developed as a residential subdivision, it would be in conflict with the state plan.

Existing Environment

The following sections provide a summary description of the land proposed for disposition and its community setting.

Watershed Function

The parcel proposed for disposition has been classified by the Connecticut Department of Public Health as Class III land (not part of a public water supply watershed) with no restrictions on its use or disposition by this agency. It lies within the watershed of the Neck River which is part of the South Central Coast Major Basin, eastern regional complex. The Neck River is a Class A stream and these surface waters are designated for: habitat for fish and other aquatic life and wildlife; potential drinking water supplies; recreation; navigation; and water supply for industry and agriculture.

Exhibit C - LUP Amendment and Disposition Application – Summer Hill Rd., Madison

cabbage. Other species observed include jewelweed, sensitive fern, cinnamon fern, false nettle, and tussock sedge.

For the most part, the upland portions of Parcel B are open and park-like and are best categorized as mixed deciduous forest. A diverse mix of species comprise the tree canopy including sugar maple, American beech, tulip poplar, black birch, red oak, black oak, and several species of hickory. The understory is sparse with scattered shrubs present. Shrub density increases toward the central wetland. Spicebush is a dominant shrub in both inland and upland areas. Other shrubs include lowbush blueberry, huckleberry, Japanese barberry, and multiflora rose. Vine species are relatively common and include grape, oriental bittersweet, cat brier, poison ivy, and Virginia creeper.

A number of herbaceous species were noted in the upland habitats including Jack-in-the-pulpit, sensitive fern, New York fern, lady fern, wood anemone, Indian cucumber root, and enchanter's nightshade. A species list for the property is included in the Appendices.

Social Environment

Community Characteristics

The Town of Madison is a suburban community of New Haven. Located about sixteen miles east of New Haven, Madison is a rural-suburban shoreline town comprised largely of single-family homes on lots averaging 1 to 2 acres. The US Census 2010 lists the Town of Madison with a population of 18,269 and a housing unit count of 6,971.

Madison has a population density of 520 people per square mile. Single family residential development is adjacent to the property proposed for disposition. Zoning in the area is RU-1 (Rural Residence District), with a minimum lot size of 80,000 square feet. Among the permitted uses allowed by right within the RU-1 zone include:

“All uses permitted as-of-right within a residence district (single-family dwellings, the letting of rooms to no more than two persons, commercial agriculture, forestry, truck or nursery gardening, including greenhouses on lots of 5 or more acres, keeping of animals; with restrictions and accessory uses incidental to a permitted use). The display and sale of farm and garden produce raised on the premises and for such purposes; one stand not over 200 square feet; with restrictions. A saw mill, excepting a permanent commercial saw mill, provided that it is located on a lot of not less than five acres; with restrictions. There are also a limited number of commercial uses allowed via special permit or special exception.”

PART II
ALTERNATIVES

The RWA has not considered any alternatives to the proposal due to the fact that the proposed disposition is in conformance with the goal stated in the Land Use Plan; however, it varies from the concept of the Authority continuing to own the land. Therefore, a Land Use Plan Amendment is necessary and will be incorporated into the Application. Nonetheless, there are alternatives that could be considered if for any reason the proposed disposition fails to occur.

Description of Alternatives

1. *Authority's Proposed Disposition*

The RWA proposes to dispose of the property which totals 47 ± acres. Two appraisals have been prepared, one by Steven L. Frey & Associates, Inc. and one by Arthur B. Estrada & Associates, Inc. The Frey appraisal values the property at \$950,000 as is. The Estrada appraisal values the property at \$1,000,000 as is and at \$1,115,000 as an approved subdivision. It is the RWA's intent to sell the property as is and not apply for subdivision approvals. From these two studies, it is clear that the RWA will benefit financially from the sale of the properties.

2. *Continued Ownership by RWA*

An alternative to the proposed disposition is the continued ownership of the property by the RWA. Under this scenario, the ratepayers would lose the benefits of the property sale and the RWA would continue to be responsible for maintenance costs, recreation permit costs, and general management issues related to the property. PILOT payments would also continue. Because the RWA currently manages the property for woodcutting, it is unlikely that physical changes to the property will occur under the continued ownership of the parcel by the RWA (Alternative 2).

PART III

STATEMENT OF ENVIRONMENTAL IMPACT

Beneficial Impacts

The RWA will use the revenue to protect public water supply watershed lands through direct purchase or conservation easements. Protection of watershed lands is in the best interest of all who live within the region as it protects water quality and preserves wildlife habitat. Connecticut Special Act 77-98 (sec. 18h) requires that revenue from disposition of RWA land must be used for capital improvements, purchase of other lands, or retirement of debt, thus reducing the revenue requirements that must be met through water rates.

Disposition of this property will provide the Authority a purchase price ranging between \$950,000 and \$1,000,000. In addition to the revenue from the property sale, the RWA will save the money expended for PILOT and maintenance costs, totaling approximately \$100 per year.

Impact Upon Public Water Supply

Sale of the property will have no impacts upon the public water supply due to the facts that the property is Class III land, meaning that it falls outside of any public water supply watershed.

Potential Adverse Impacts

The land, once sold, may be developed for single family residences under the existing zoning regulations of the Town of Madison. Any land development entails disturbance and potential adverse impacts. With single family development, impacts include an increase in impervious cover, noise during construction, loss of wildlife habitat, and increased traffic. Many of these impacts can be reduced through Best Management Practices, clearing limits on individual lots, use of rain gardens, and wildlife plantings, to name a few.

Mitigating Measures and Land Use Controls

Mitigating measures and land use controls over the property will be under the jurisdiction of the Town of Madison. The RWA can provide the town with its

Referral 2.2: City of New Haven

Subject:

2015 City of New Haven Comprehensive Plan Update

Staff Recommendation:

The 2015 Comprehensive Plan Update for the City of New Haven appears consistent with the policies and goals identified in both the State and Regional Plans of Conservation and Development.

Background:

The City of New Haven has proposed an update to their Comprehensive Plan (Plan). The Plan is laid out into the following sections: Introduction, Community Overview, Land Use, Housing and Neighborhood Planning, Transportation, Economic Development, and Environment. The plan provides the historic information pertaining to New Haven and demographic characteristics. There was an extensive community engagement process during the development of the Plan. The following policies are promoted: diversity and affordability of housing stock, connectivity between housing and transit, connectivity between employment opportunities and residents, preservation of historic characteristics and the natural environment, climate adaptation, development where there is existing infrastructure, and integration of food policies within land use planning. Additionally, the Plan seeks to promote connections between transit and pedestrian infrastructure and the development of housing in an environmentally sustainable method.

Included in the Transportation policies is the advocacy for faster and more efficient regional transit corridors. Economic Development Strategies include the revitalization of existing business corridors and brownfield remediation, where appropriate. The plan provides strategies pertaining to natural hazards, including raising awareness of coastal flooding and sea level rise. The Plan seeks to have safe open space opportunities and promotes community gardens. There is also the strategy of enhancing public access to the waterfront. There is a strategy to allow community gardens in all residential zones and have grocery stores in areas with limited access to food. Additional strategies pertaining to open space and recreation are the development of an open space conservation plan and the protection of salt marshes, tidal wetlands, inland wetlands and other riparian buffers.

The Plan encourages potential Zoning Regulation Amendments for consistency purposes with the future land use map. The future land use map is divided into the following categories, with the Plan providing a brief description of each: low density residential, medium density residential, high density residential, special high density residential, office mixed use, neighborhood commercial mixed use, general commercial mixed use, large scale commercial mixed use, industrial, industrial mixed use, marine mixed use, downtown commercial mixed use, downtown residential mixed use, downtown medical mixed use, downtown transit oriented development mixed use, institutional, port, parks and open space.

Communication:

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

I. INTRODUCTION

A. Legal Standing.

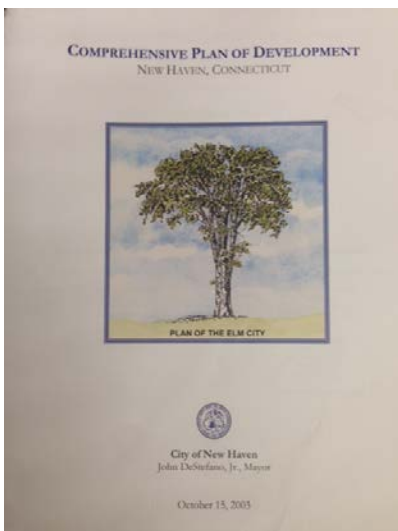


Source: International Festival of Arts and Ideas

A Comprehensive Plan is a policy document regarding physical growth and development of the city. This update of the 2003 Comprehensive Plan (“Plan”) plan is prepared in accordance with Connecticut General Statutes (CGS) Section 8-19: Creating of planning commissions and Section 8-23: Preparation, amendment or adoption of plan of conservation and development by planning commissions. This duty is also codified within the city charter under Article VII, Section 3 L (3) (a) which states that “it shall be the duty of the City Plan Commission to prepare and recommend development plans for the improvement of the entire city or any portion thereof.”

The 2003 Plan has been updated in a manner consistent with CGS Section 8-23, which requires that Comprehensive Plans of all municipalities within the state be updated at least once every ten years. The plan update also takes into account the recommendations outlined within the 2013-2018 State of Connecticut’s Plan of Conservation and Development pursuant to Chapter 297 of CGS, and Regional Plan of Conservation and Development (amended in July 2009) pursuant to Section 8-35a of CGS . It shows the Commission’s most desirable use of land within the City of New Haven for residential, recreational, commercial, industrial, conservation, and other purposes and for the most desirable density of population in the city.

B. Relationship to Other Plans.



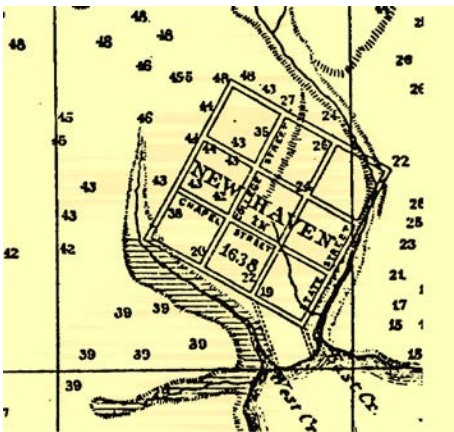
This plan supersedes and replaces the Comprehensive Plan of Development for the City of New Haven (2003), as amended. It takes into account various planning efforts conducted and policy documents prepared in recent years and guides all sub-planning in the city over the next decade. (See Appendix for chart on relationship to other plans).

C. Process for Amendments.

Proposed amendments to this document shall be submitted to the City Plan Department for administrative processing. The Executive Director of the City Plan Department may submit an amendment on behalf of the Commission or on behalf of the City Plan Department. The Executive Director shall forward all proposed amendments to the City Plan Commission for consideration in accordance with state and local law and the Commission’s rules and regulations. The Executive Director may submit an analysis and advice on any proposed amendment.

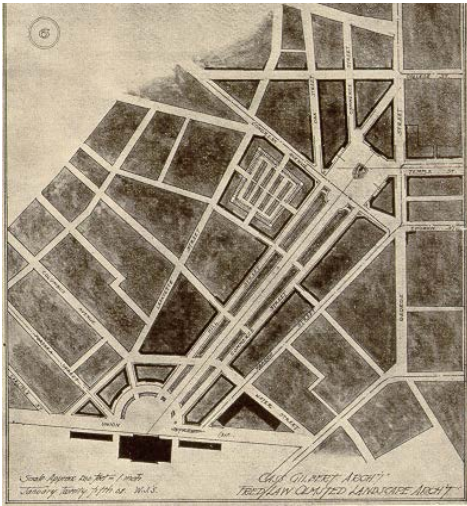
Proposed amendments to the New Haven Zoning Ordinance, the New Haven Coastal Program, active and proposed Redevelopment Plans, active and proposed Municipal Development Plans, and all other development plans prepared or reviewed by the City Plan Commission shall be reviewed for their consistency with this document.

D. Planning History.



The City of New Haven is generally recognized as the first colonial American city to plan for land use development. In 1639, Surveyor John Brockett laid out a grid of nine blocks, organized around a central common block. The so-called “Nine Square Plan” is an early example of the grid patterns later used in Philadelphia (1682), Detroit (1700), New Orleans (1718) and Savannah (1733). The New Haven Green is a National Historic Landmark and the Nine Square Plan is recognized by the American Institute of Certified Planners as a National Historic Planning Landmark.

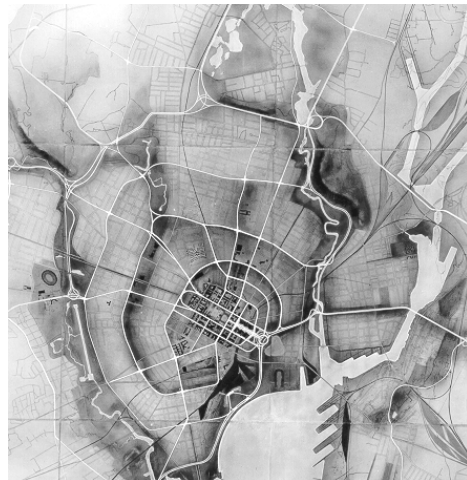
As the city developed, a series of roads radiated away from the nine squares to points north, east and west. In the colonial era, New Haven grew slowly with very little expansion outside of the original squares. A map dated 1748 shows moderate expansion along Water Street and the harbor area, but rural and agriculture lands to the north.



During the colonial era, the New Haven Colony extended from the Housatonic River to the Hammonasset River and even briefly included a portion of the east end of Long Island. Soon after the Revolutionary War, New Haven reorganized as a City. The modern city boundary began to take shape as portions of the original town (including the present towns of Hamden, West Haven, East Haven, North Haven and Woodbridge) were incorporated as separate municipalities.

The early 20th century, was a period of dramatic growth and industrialization for New Haven. In response, the City of New Haven began to formalize and codify its land use regulations. A Board of Health and a Building Inspector's Office were established early in the century. As the City Beautiful movement swept the nation, the New Haven Civic Improvement Committee was formed in 1907. Cass Gilbert and Frederick Law Olmsted prepared the first modern city plan and presented it to the committee in 1910. The plan was the city's first documented attempt to accommodate dramatic population growth and improve the quality of life in the city by advancing transportation, aesthetic and environmental improvements.

In 1913, the State of Connecticut enabled and the City of New Haven established one of the nation's first City Plan Commissions. In 1925, the State enabled and the City later established zoning districts. These actions are the foundation for land use planning and the roles and responsibilities of the City Plan Commission to the present day.



In 1942, consultant Maurice E.H. Rotival prepared a comprehensive plan for the City Plan Commission. The plan, coming at the start of World War II and additional industrial expansion in the City, advocated economic development east toward the Harbor and attractive residential development to the west of downtown. In addition, Rotival recommended extensive expansion of the transportation system, including an enhanced cross-town road system and port access up the Quinnipiac River. Perhaps Rotival's most important contribution to the city's planning history is his appreciation of New Haven as the central city of the region:

It is obvious that this role cannot be maintained or increased but by enhancing existing assets and re-establishing others which have completely disappeared like, for instance, the contact of the city with its natural waterfront.

The city's next comprehensive plan, the Short Approach Master Plan of 1953, was strategically focused on transportation issues. Short Approach identified a preferred location for the Interstate highway system and the redesign of present-day I-91, moving the line to the east side of Wooster Square.

In 1957, Land Use, Thoroughfare and Community Facility Plans (later known collectively as the "Workable Program") replaced Short Approach as the City's comprehensive plan. The Workable Program was updated and revised periodically during the 1960s.

In many ways, the Workable Program coincided with a shift in land use planning from a comprehensive to a more project-specific approach. As federal and state funding sources mandated strategic project plans in target areas, a wave of Redevelopment (and later Municipal Development Plans) plans were prepared and approved by the City Plan Commission.

These plans, which were prepared by the New Haven Redevelopment Agency and/or the New Haven Development Commission, focused on strategic improvements in specific target areas. Redevelopment, in particular, has made a lasting impression on the city's physical environment and on the modern transportation system. During the tenure of then Mayor Richard Lee, the City of New Haven was recognized nationally for its redevelopment efforts.

The following are among the plans adopted in the later half 20th century:

- 1955 Oak Street Redevelopment Plan
- 1958 Wooster Square Redevelopment and Renewal Plan
- Long Wharf Redevelopment Plan

- 1959 Middle Ground Program (Newhallville, Dwight, Fair Haven and Hill)
- 1960 Dixwell Redevelopment and Renewal Plan
- 1963 Hill High School Redevelopment Plan
Dwight Renewal and Redevelopment Plan
Community Renewal Program
- 1966 Temple – George Redevelopment Plan
- 1968 State Street Redevelopment and Renewal Plan
Newhallville Redevelopment and Renewal Plan
- 1969 Fair Haven Redevelopment and Renewal Plan
- 1973 Hill Redevelopment and Renewal Plan
- 1975 Taft – Adams Housing Site Development Plan
- 1979 Orange Street Municipal Development Plan
- 1980 Quinnipiac River Municipal Development Plan
- 1981 Science Park Municipal Development Plan
- 1987 Mill River Municipal Development Plan
- 1995 Downtown Municipal Development Plan
- 2002 River Street Municipal Development Plan
- 2003 City of New Haven Comprehensive Plan
- 2004 New Haven Air Toxics Inventory
- 2004 New Haven Climate Change Action Plan
- 2004 Plan for Greenways and Trails
- 2005 Hazard Mitigation Plan
- 2005 Whalley Avenue Corridor Design Standards
- 2006 Whalley Avenue Design Overlay District
- 2006 New Haven Coastal Program

- 2006 Port Land Use Plan
 - 2007 Route 34 Municipal Development Plan (MDP)
 - 2008 Future Framework
 - 2008 Downtown Crossing (Route 34 East)
 - 2008 Union Station Transit Oriented Development (TOD) study
 - 2009 Preliminary Analysis of a Streetcar in New Haven
 - 2010 Route 34 Incentive Housing Zone study
 - 2010 City of New Haven Complete Streets Design Manual
 - 2010 Preliminary Alignment and Implementation Plan for Downtown Streetcar
 - 2011 Hazard Mitigation Plan Update
 - 2012 New Haven Sustainability Plan
 - 2013 One Way to Two Way Study for Downtown New Haven
 - 2014 Mill River District Plan
- Mobility Study
- Hill to Downtown Community Plan

In addition to these plans, planning efforts have also focused on historic preservation, coastal management and community services. The Historic District Ordinance (part of the New Haven Zoning Ordinance) and the Historic District Commission were established in 1970. The city's first local historic district, Wooster Square, was established the following year.

Community services planning coincides with the federal Community Development Block Grant (CDBG) program. The Department of Housing and Urban Development administers CDBG and

a number of other federal grant programs. As an “entitlement” community, the City prepares a Consolidated Plan every five years and a strategic plan every year. The Consolidated Plan addresses the City of New Haven’s planning and administration of CDBG and three other HUD programs.

E. Community Involvement.

This Plan Update document was prepared through extensive public input. A variety of approaches were used to involve residents, and elected/appointed officials at every step of the process such as: attending Community Management Team (CMT) meetings, conducting community listening sessions/workshops, and soliciting input through written feedback, emails, and conducting an electronic/paper copy survey. The public involvement component comprised of two phases:

Phase 1 (December 2012 - December 2013) involved initial updates and discussion of planning issues at all of the 12 CMTs in the city, city planning boards/commissions, non-profit/civic associations (Elm City Cycling, New Haven Food Policy Council, Cedar Hills Merchants Association, CARE (Yale), etc.), and Mayor’s Nights Out. Regular internal briefings were provided to the staff of the Livable City Initiative, Transportation Department and the Economic Development Department .

A citywide community preference survey was conducted to prioritize planning issues and arrive at a consensus on planning vision. It garnered **920** responses from residents all across the city. Besides this, a community feedback form was also distributed at all meetings, which was completed and returned by some residents (See Appendix). The feedback gathered from Phase I outreach helped in framing the planning vision for the city for the next decade.

Phase 2 (May 2014– May 2015) involved development of draft planning recommendations through community listening sessions (workshops) in some neighborhoods and through discussions at all of the community management team meetings (12 CMTs). City Plan staff



also involved all Department Heads (i.e., Offices of Economic Development Administration, Transportation, Livable City Initiative, Engineering, Parks, and Arts, Culture, and Tourism) during the draft plan document development stage and incorporated their feedback on plan recommendations.



Monthly updates on various planning topics were given at the CPC meetings from December 2012 to June 2013 and from March 2015 to June 2015. Residents and other agencies sent written comments to the Department through the community feedback form or via email, which are included within the Appendices of this document. The Appendices also include details on all input received at all stages of the plan update process. One-on-one meetings were held with interested residents, advocacy groups, and Alders.

The City Plan Commission (CPC) held two public hearings on _____ & _____, 2015 before approving the final draft of this document. A section of the City Plan Department's web site has been dedicated to the plan update since 2012 and includes staff contact information, an electronic copy of the New Haven Data Book, copies of community presentations, meeting notes of workshops conducted, survey questionnaire and results, maps, and the final draft of the entire document.

The Commission appreciates these contributions of the residents as well as city department heads and the Board of Alders, who routinely contribute to the dialogue on land use matters. Based on the responses received from Phase 1 and Phase 2 outreach, there is a general consensus among residents on the following planning themes for the city for the next decade:



✓ **BUILD**

- ❖ Housing suitable for all incomes and ages.
- ❖ Tax generating developments.
- ❖ Places for residents, jobs, and support services.



✓ **CONNECT**

- ❖ Housing and transit.
- ❖ Housing, jobs, and support services.
- ❖ Jobs and residents.



✓ **PRESERVE**

- ❖ Neighborhood character.
- ❖ Historic character of the city.
- ❖ Natural Environment.



✓ **ADAPT**

- ❖ To climate change events.
- ❖ Anticipated sea-level rise.
- ❖ Inland and coastal flooding.
- ❖ Extreme temperatures.



✓ **GROW**

- ❖ Skills of local workforce.
- ❖ Small business assistance.
- ❖ Public safety measures.
- ❖ Image of the city as the “greatest small city in America!”

F. Guiding Principles for Recommendations.

Planning recommendations for the next decade have been developed based on the following guiding principles derived from community input, as shown below.

LAND USE.



- ❖ Encourage sustainable developments within the city by allowing a mix of land uses that, to the extent possible, rely on existing community facilities and infrastructure.
- ❖ Facilitate enhanced connections to transit, bike, and pedestrian walkways.
- ❖ Connect to support services, community facilities, open spaces, and recreational facilities.
- ❖ Promote design compatibility among a variety of land uses.
- ❖ Promote integration of food policies and planning into city's land use activities.

HOUSING AND NEIGHBORHOOD PLANNING.



- ❖ Promote diverse housing stock suitable for people of all ages and incomes.
- ❖ Increase homeownership rate.
- ❖ Improve housing affordability.
- ❖ Enhance quality of the housing stock.
- ❖ Preserve existing, historic housing stock.
- ❖ Encourage environmentally sustainable housing developments.

- ❖ Enhance physical and social connectivity among neighborhoods.

TRANSPORTATION



- ❖ Promote safe, efficient, reliable, and accessible public transit system throughout the city to connect residents to jobs, services, and their community.
- ❖ Advocate for faster and more efficient regional transit connections.
- ❖ Enhance public safety particularly for the city's most vulnerable users.
- ❖ Adopt national policy: Vision Zero (zero tolerance against traffic fatalities).
- ❖ Increase pedestrian and bicycle connectivity for all i.e., from ages eight to eighty.
- ❖ Consider placemaking as a strategy beyond traffic for transportation improvements.
- ❖ Adopt more progressive and context-based design principles.
- ❖ Improve mobility for people of all ages and abilities.
- ❖ Raise public awareness on Street Smarts, bike to work, transit, and available parking options within the city.
- ❖ Promote a more sustainable transportation system within the city and the region.
- ❖ Maximize the assets and infrastructure with respect to the availability of parking on city streets.



ECONOMIC DEVELOPMENT

- ❖ Promote sustainable and balanced economic growth.
- ❖ Continue to promote business retention and attraction in the city.
- ❖ Support start up and small businesses.
- ❖ Enhance the skills of local workforce.
- ❖ Promote revitalization of all of the existing business corridors in the city.
- ❖ Support private sector efforts to maintain positive trends of reduction in vacancy rates within Downtown commercial and office space.
- ❖ Promote the redevelopment of industrial areas of the city.
- ❖ Remediate brownfields and where appropriate, propose interim used for such sites.
- ❖ Continue improvements to infrastructure to promote economic development, such as roadway enhancements, coastal resiliency planning, and information technology implementation.
- ❖ Reinforce the city's position as a world class destination for arts, cultural, and entertainment events.
- ❖ Continue to raise awareness on economic development and workforce development initiatives in the city.
- ❖ Continue efforts to integrate the economic development of Downtown with complementary development initiatives in the Medical Center and Long Wharf areas.
- ❖ Enhance New Haven's economic competitiveness within the region.



ENVIRONMENT

- ❖ Improve air quality.
- ❖ Continue to maintain drinking water quality.
- ❖ Protect and preserve environmentally sensitive areas.
- ❖ Encourage the creation of safe open space opportunities and community gardens.
- ❖ Encourage increased positive use of city's parks to enhance public health.
- ❖ Protect floodplains from inappropriate development so as to prevent the loss of life or property due to flooding.
- ❖ Implement measures to correct existing flooding issues in the city.
- ❖ Mitigate the impacts of sea level rise.
- ❖ Promote awareness and education regarding coastal flooding issues.
- ❖ Provide sustainable food options for all neighborhoods.
- ❖ Encourage energy conservation and greenhouse gas reduction.

The subsequent chapters discuss specific recommendations for each planning topic that would help achieve the community vision of a.....

....sustainable, healthy and vibrant city where:
the neighborhoods are well connected and revitalized;
residents are adequately connected to jobs, transit, and support services;
small businesses are thriving;
the Downtown core continues to remain stronger;
the neighborhood business corridors are transformed into Main Streets;
local workforce is trained for the 21st century jobs;
the city stabilizes its positioning as a regional growth center;
a continuous and inter-connected bike/pedestrian facilities system exists;
adequate housing, employment and recreational opportunities exist for all;
the parks serve as focal points for community interaction and are well
connected with a system of trails and pedestrian network within the city and
along the waterfront;
the city's wealth of natural, historic, and cultural resources are preserved and
enhanced;
there is a high quality of built and natural environment;
public health and safety are prioritized in planning decisions;
residents are well prepared to deal with emergencies and natural disasters;
the city is also recognized as a destination for families with children, and a
hub for entrepreneurs.

Referral 2.3: Town of Prospect

Subject:

Proposed Zoning Regulation Amendments pertaining to Section 3.1, uses by District

Staff Recommendation:

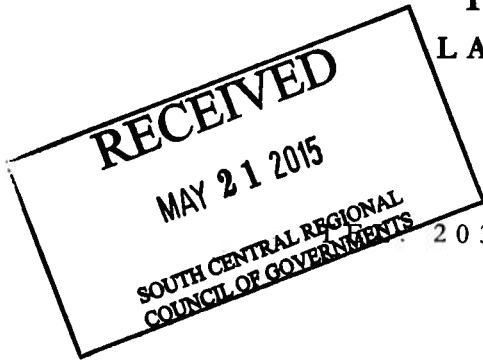
The Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant in the Town of Prospect is proposing to add Business Office as a permitted use in the Business Zone and by Special Permit by in the Industrial 1 Zone. Business Office is defined as a place of business where office and clerical duties are performed. The Industrial 1 Zone is not within 500 feet of a municipality in the South Central Region.

Communication:

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



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

203 / 758 - 4461 FAX: 203 / 758 - 4466
EMAIL: landuse02@yahoo.com

May 21, 2015

Via Electronic Mail

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

Dear Mr. Livshits:

In accordance with Section 8-7d(f) of the Connecticut General Statutes please be advised that the Prospect Planning and Zoning Commission has scheduled a public hearing for Wednesday, July 1, 2015 at 7:10 p.m. in the Prospect Town Hall, 36 Center Street on an application for a proposed text change amendment to Prospect's Zoning Regulations Section 3.1, Uses by District to add "**Business Office**" as a permitted use within the Business District (B) and by Special Permit in the Industrial 1 District (IND-1). The proposed amendment is attached for your review.

Comments on this application are welcome to be made at the hearing or submitted in writing for receipt into the record.

If you have any questions please contact the Land Use Office at the (203) 758-4461

Sincerely,

Tammy DeLoia
Land Use Inspector/ZEO

May 19, 2015

Chairman Gil Graveline
Prospect Planning & Zoning Commission
36 Center Street
Prospect, CT 06712

Dear Chairman Graveline and Commission Members:

As you are aware, earlier this year the Planning & Zoning Commission amended Zoning Regulations Section 2.2 Definitions to add a definition for "**Business Office**" as follows:

Business Office: A place of business where office and clerical duties are performed.

At this time, I am requesting an amendment to Zoning Regulations Section 3.1 Uses By District to add "**Business Office**" as a Permitted use within the Business District (B) and by Special Permit within the Industrial 1 District (IND-1).

Thank you for your consideration.

Sincerely,



Robert Skrip

MAYOR
ANTHONY S. CANDELORA

DEPUTY MAYOR
JOANNE S. WENTWORTH

TOWN MANAGER
MICHAEL T. PAULHUS



COUNCIL MEMBERS
ROSE MARIE ANGELONI
DANIEL ARMIN
VINCENT P. CAPRIO
MARIE E. DIAMOND
JOSEPH E. FAUGHNAN
DONALD J. FUCCI, II
ALFRED D. ROSE

TOWN OF NORTH BRANFORD

TOWN HALL 909 FOXON ROAD NORTH BRANFORD, CONNECTICUT 06471-1290
Building Department (203) 484-6008 Engineering Department (203) 484-6009 Planning & Zoning (203) 484-6010
Department Fax (203) 484-6018

SENT VIA EMAIL TO: Eugene Livshits ELIVSHITS@SCRCOG.ORG
FAX: (203) 234-9850

Date: June 1, 2015

TO: South Central Regional Council of Governments (Regional Planning Agency)

FROM: North Branford Inland Wetlands and Watercourses Agency

The following proposed application is referred to the Regional Agency to review and report on:

(X) Proposed Amendment to Wetlands and Watercourses Regulations for the Town of North Branford

The change was originally requested:

- (X) by municipal agency: IWWA
() by petition

Proposed IWWA Regulation Amendment: Application #2015-2, Proposed Amendments to Wetlands and Watercourses Regulations for the Town of North Branford. Applicant/Owner Town of North Branford IWWA.

Public hearing has been scheduled for June 24, 2015

Material submitted herein:

- () Legal Notice () Supporting statements, site map
() Map of proposed subdivision (X) Text of proposed amendment; proposed updates are noted in **bold**

Other: See Current Inland Wetlands and Watercourses Regulations on Town Web Site under Planning Department. www.townofnorthbranfordct.com

_____(Authorizing Signature)

Carey Duques, Town Planner/Planning & Zoning Administrator
North Branford Town Hall
909 Foxon Road
North Branford, CT 06471-0287
Phone: (203) 484-6010 Fax: (203) 484-6018

INLAND WETLANDS AND WATERCOURSES REGULATIONS

FOR THE

TOWN OF NORTH BRANFORD, CONNECTICUT



DRAFT 05-20-15

Legend: words straight typed from DEP model regs
words bold and either straight or italic typed are suggested additions from various sources

Adopted:
Amended Effective Date:

INLAND WETLANDS AND WATERCOURSES COMMISSIONERS

Steven Scavo, Chairman

Gerald S. Fischbach, Regular Member

Ashley Joiner, Regular Member

Frank Brigano, Regular Member

Lisa DePonte, Regular Member

William Galdenzi, Alternate Member

Vacant, Alternate Member

STAFF

Carey Duques, Town Planner/Wetlands Enforcement Officer

For information contact:

Planning Department

Town Hall

909 Foxon Road

North Branford, CT 06471

Phone (203) 484-6010 Fax (203) 484-6018

Email: townplanner@townofnorthbranfordct.com

May 18, 2015

NORTH BRANFORD INLAND WETLANDS AND WATERCOURSES AGENCY
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**SECTION I
TITLE AND AUTHORITY**

- 1.1 The inland and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the State have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic, and plant life.

Many inland wetland and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling, or removal of material, the diversion or obstruction of water flow, the erection of structures, and other uses, all of which have despoiled, polluted, and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting ecological, scenic, historic, and recreational values and benefits of the state for its citizens now and forever more.

The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable, and unregulated uses, disturbance, or destruction is in the public interest and is essential to the health, welfare, and safety of the citizens of the State.

It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity, or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife, and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse, and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

- 1.2 These Regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of North Branford."

- 1.3 The Conservation and Inland Wetlands and Watercourses Agency of the Town of North Branford herein referred to as the “Agency” was established in accordance with the North Branford Town Council Ordinance No. 115 adopted October 23, 1973, as amended, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of North Branford.
- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provision of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The Agency shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, and deny permits for all regulated activities in the Town of North Branford pursuant to Sections 22a-36 and 22a-45, inclusive, of the Connecticut General Statutes, as amended:

SECTION 2 DEFINITIONS

- 2.1 As used in these regulations:
 - a. “Act” means the Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45 inclusive, of the General Statutes, as amended.
 - b. “Agency” means the Conservation and Inland Wetlands and Watercourses Agency of the Town of North Branford.
 - c. “Bogs” are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.
 - d. “Clear-cutting” means the harvest of timber in a fashion which removes all trees down to a two (2”) inch diameter at breast height.
 - e. “Commissioner of Environmental Protection” means the Commissioner of the State of Connecticut Department of Environmental Protection.
 - g. “Continual flow” means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.
 - h. “Deposit” includes, but shall not be limited to fill, grade, dump, place, discharge, or emit.

- g. **“Designated Agent” means an individual designated by the Agency to carry out certain functions and purposes provided such agent has completed the comprehensive training program developed by the Commissioner pursuant to Connecticut General Statute Section 22a-39(n).**
- h.. “Discharge” means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.
- i. “Farming” activities consistent with the definition as noted in Section 1-1(q) of the Connecticut General Statutes and as affirmed by ruling of the Agency (see Appendix A).
- j. “Feasible” means able to be constructed or implemented consistent with sound engineering principles.
- k. “License” means the whole or any part of any permit, certificate of approval, or similar form of permission, which may be required of any person by the provisions of Sections 22a-36 to 22a-45, inclusive.
- l. “Management practice” means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.
- o. “Marshes” are watercourses that are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.
- p. “Material” means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse, or waste.
- q. “Municipality” means the Town of North Branford, New Haven County, Connecticut.

- r. “Nursery” means a place where plants are grown for sale, transplanting, or experimentation.
- s. “Permit” see license.
- t. “Permittee” means the person to whom a license has been issued.
- u. “Person” means any person, firm, partnership, association, corporation, limited liability company, company, organization, or legal entity of any kind, including municipal corporations, governmental agencies, or subdivisions thereof.
- v. “Pollution” means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to erosion and sedimentation resulting from any filling, land clearing or excavation activity.
- w. “Preservation” means the long-term protection of wetlands or other aquatic resource and associated uplands through the implementation of legal and physical mechanisms.
- x. “Prudent” means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternate is imprudent.
- y. “Regulated Activity” means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of such wetlands or watercourses but shall not include the specified activities in Section 4 of these regulations.
Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourses is a regulated activity. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.
- z. “Remove” includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, bulldoze, dragline, or blast.

- aa. “Rendering unclean or impure” means any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited, to change in odor, color, turbidity, or taste.
- bb. “Significant impact” means any activity, including, but not limited to, the following activities which may have a major effect:
 - 1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourses or on wetlands or watercourses outside the area for which the activity is proposed.
 - 2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourses system, or
 - 3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
 - 4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation, or sedimentation in a wetland or watercourse.
 - 5. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
 - 6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
 - 7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.
- cc. “Soil Scientist” means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.
- dd. “Swamps” are watercourses that are distinguished by the dominance of wetland trees and shrubs.
- ee. “Submerged lands” means those lands, which are inundated by water on a seasonal or more frequent basis.
- ff. “Town” means the Town of North Branford.

- gg. “Waste” means sewage (**human or animal waste**) or any substance, liquid, gaseous, solid, or radioactive, which may pollute or tend to pollute any of the wetlands and watercourses of the town.
- hh. “Watercourses” means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.
- ii. “Wetlands” means land, including submerged land as defined in this Section, not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3 INVENTORY OF INLAND WETLANDS AND WATERCOURSES

- 3.1 The map of wetlands and watercourse entitled “Inland Wetlands and Watercourses Map, North Branford, Connecticut,” delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the Office of the Agency. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and locations of watercourses. The Agency may use aerial photography, remote sensing, imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2 Any person may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to

aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with Section 15 of these regulations.

- 3.3 The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.
- 3.4.1 All map amendments are subject to the public hearing process outlined in Section 15 of these regulations.

SECTION 4 PERMITTED USES AS OF RIGHT & NON-REGULATED USES

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
 - a. Grazing, farming, nurseries, gardening, and harvesting of crops and farm ponds of three (3) acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subsection shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - b. A residential home (A) for which a building permit has been issued or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning, or planning and zoning commission as the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a, or as of July 1, 1974, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987.
 - c. Boat anchorage or mooring;
 - d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality **and containing a residence**. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetlands or watercourse, or diversion or alteration of a watercourse.

- e. Construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Section 22a-401 and 22a-403 of the Connecticut General Statutes;
 - f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subsection, “maintenance” means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; and
 - g. Withdrawals of water for fire emergency purposes.
- 4.2 The following operations and uses shall be permitted, as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow, or pollution of the wetland or watercourse:
- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife;
 - b. Outdoor recreation including play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing, and shellfishing where otherwise legally permitted and regulated; and
 - c. The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, “dry hydrant” means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.
- 4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, grading, **withdrawal of water**, or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with Section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with Section 12 of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing to carry out a permitted

operation and use or a non-regulated operation and use, shall, prior to commencement of such operation and use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of the wetland or watercourse. The Agency **or its designated agent if authorized under Section 12.1** shall rule that the proposed operation and use or portion of it is a permitted or non-regulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.

SECTION 5
ACTIVITIES REGULATED EXCLUSIVELY BY THE COMMISSIONER OF THE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

- 5.1 The Commissioner of the Department of Energy and Environmental Protection (DEEP) shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to Sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of DEEP shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- 5.3 The Commissioner of DEEP shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of DEEP under Section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of DEEP under Section 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 5.4 The Commissioner of DEEP shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

SECTION 6
REGULATED ACTIVITIES TO BE LICENSED

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation and Inland Wetlands and Watercourses Agency of the Town of North Branford.

- 6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceeding and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

SECTION 7 APPLICATION REQUIREMENTS

- 7.1 Any person intending to conduct a Regulated Activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Agency. The application shall contain the information described in this Section and any other information the Agency may reasonably require. Application forms may be obtained in the offices of the Agency which is the Planning Department located in Town Hall.
- 7.2 If an application to the North Branford Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Agency in accordance with this section, no later than the day the application is filed with the Planning and Zoning Commission.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency.
- 7.4 A prospective applicant may request the Agency to determine whether or not a proposed activity involves a significant impact activity.
- 7.5 All applications shall include the following information in writing or on maps or drawings:
- a. The applicant's name, home and business mailing addresses, and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number;
 - b. The owner's name, mailing address, and telephone number and written consent of the landowner if the applicant is not the owner of the land upon which the subject activity is proposed;
 - c. Applicant's interest in the land;
 - d. The geographical location of the land which is the subject of the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetland or watercourse disturbance, soil type(s), and wetland vegetation;

- e. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- f. Alternative which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
- g. A site plan showing existing and proposed conditions in relation to wetlands and watercourses, identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses;
- h. Names and mailing addresses of adjacent land property owners;
- i. Statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
- j. Authorization for the members and agents of the Agency to inspect the property, at reasonable times, during the pendency of an application and for the life of the permit;
- k. A completed DEP reporting form the Agency shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies
- l. Any other information the Agency deems necessary to the understanding of what the applicant is proposing; and
- m. Submission of the appropriate filing fee based on the fee schedule established in Section 19 of these regulations.

Additional Site Plan Requirements:

- 1. **A “Site Plan” if required to be submitted in conformance with these regulations, shall mean a plan, drawing or drawings, drawn to a scale determined by the Agency contingent upon the area under consideration. The plans shall be:**
 - a.) **Drawn to a scale of 1" = 40', unless the Agency determines, upon written request of the applicant, that another scale is appropriate;**
 - b.) **Drawn on sheets of 12"x 18", 18"x 24", or 24"x 36"**
 - c.) **Prepared, certified, and sealed by a licensed professional engineer**

registered in the State of Connecticut.

2. The site plan shall include, but shall not be limited to, the following information, both existing and proposed, as applicable to the particular application:
 - a.) Title block including name of project, address, Assessor's Map and lot numbers, owner of record, applicant/developer (if different from owner), date, scale (ratio and bar).
 - b.) True point north.
 - c.) Location map at a scale of 1" = 800' showing the general location of the area in which the regulated activity is proposed relative to its surrounding area.
 - d.) Property lines with accurate bearings and distances and additional lines delineating the area to be used under the proposed regulated activity including construction limit lines.
 - e.) Town boundary lines, if applicable.
 - f.) Recognized landmarks and wooded areas as well as all buildings, structures, streets, stone walls, fences, parking area, loading areas, and rights-of-way contained on the property. All existing and proposed structures and buildings within seventy-five (75') feet of the proposed regulated activity, including those on other lots.
 - g.) Names of abutting property owners, including those across the street.
 - h.) Locations on or within two hundred (200') feet of the subject parcel of any regulated area as defined in these regulations.
 - i.) Boundaries and location of all borings and soil sample data presented by the applicant and documented by a soils scientist. If the proposed activity involves a wetland, the wetlands on the lot shall be identified and flagged in the field by a professional soils scientist and documentation thereof provided to the Agency. Wetland boundaries and flag numbers shall be shown on the map.
 - j.) Location and type of all watercourse contained within, flowing through, or bordering on the property. If the proposed activity involves construction or alterations of a standing body of water (eg. lake or pond), its surface area, average depth, and an existing and proposed bottom profile shall be provided.
 - k.) Boundary line of the regulated 100 ft. setback area from any wetland and watercourse.
 - l.) Existing and proposed contours within seventy-five (75') feet of the regulated area of two (2') foot intervals.
 - m.) Areas where material is to be deposited, removed, or displaced.
 - n.) Sediment and erosion control plan detailing how the site shall be stabilized during and after the conduct of the regulated activity.
 - o.) Location and extent of all existing and proposed septic systems--

including perc and deep test pit locations--within one hundred (100') feet of a regulated area.

- p.) Layout of all existing and proposed storm water sewers catch basins, manholes, bridges, culverts, and similar drainage structures. Pipe sizes shall be included**
- q.) Location of 100-year flood boundary.**
- r.) Significant vegetation which has one or more of the following functions: erosion control, terrestrial and aquatic wildlife habitat-and/or historical, recreation, or educational significance.**
- s.) Landscaping including trees and/or shrubs, lawn, other landscaping features, and natural terrain not to be disturbed.**

7.6 At the discretion of the Agency or its agent, or when the proposed activity involves a significant impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

- a. Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alteration and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepare by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
- b. Engineering and soils reports and analysis and additional drawings to fully describe the proposed project and any filling, excavation, drainage, or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the field delineation shall be depicted on the site plans;
- d. A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
- e. **This evaluation shall include, but shall not be limited to, the following information:**
 - 1. Terrestrial and aquatic dominant botanical species, rare species, and the height, age classes and density of this vegetation;**
 - 2. Terrestrial and aquatic animal life;**
 - 3. Habitat value of the wetlands and/or watercourse for all indigenous and/or migratory, terrestrial, and/or aquatic wildlife species;**
 - 4. Depth of water table or level of water if inundated;**
 - 5. Date of field determination of these data;**
 - 6. Evaluation of the probable effect of the proposed activity on the factors**

addressed in the biological evaluation (eg. Section 7.5c 1 through 5).

- d. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to the wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
- e. Analysis of chemical or physical characteristics of any fill;
- f. Management practices and other measures designed to mitigate the impact of the proposed activity.

7.7 The applicant shall certify whether:

- a. Any portion of the property on which the regulated activity is proposed is located within five hundred (500') feet of the boundary of an adjoining municipality;
- b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within an adjoining municipality; or,
- d. Water run-off from the improved site will impact streets or other municipal or private property within an adjoining municipality.

7.8 Ten (10) copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Agency.

7.9 Any application to renew or amend an existing permit shall be filed with the Agency in accordance with Section 8 of these regulations at least sixty-five (65) days prior to the expiration date for the permit. Any application to renew or amend such an existing permit shall contain information required under Section 7 of these regulations provided:

- a. The application may incorporate the documentation and record of the prior application.
- b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
- c. The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
- d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;
- e. The Agency may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed

and the public interest or environment will be best served by not interrupting the activity.

- 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit shall be valid for more than ten years, and further provided that any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen years.
- 7.11 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
- a. for purposes of this section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.
 - b. for purposes of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to preserve historically significant structures or sites.
 - c. no person shall file a permit application, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filing of the permit application.
 - d. in lieu of such notice pursuant to subsection 7.11c, the applicant may submit a letter from the holder of such restriction or from the holder’s authorized agent, verifying that the application is in compliance with the terms of the restriction.

**SECTION 8
APPLICATION PROCEDURES**

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Conservation and Inland Wetlands and Watercourses Agency of the Town of North Branford.
- 8.2 The Agency shall, in accordance with Connecticut General Statutes Section 8-7d(f), notify the Town Clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:
- a. any portion of the property affected by a decision of the Agency is within five hundred feet of the boundary of an adjoining municipality;
 - b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - c. a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
 - d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request or plan.

- 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.
- 8.4 The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission to the Agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.
- 8.5 At any time during the review period, the applicant shall provide such additional

information as the Agency may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations.

- 8.6 All applications shall be open for public inspection.
- 8.7 Incomplete applications may be denied.

SECTION 9 PUBLIC HEARINGS

- 9.1 The inland wetlands agency shall not hold a public hearing on an application unless the inland wetlands agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the inland wetlands agency not later than fourteen days after the date of receipt of such application, or the inland wetlands agency finds that a public hearing regarding such application would be in the public interest. The inland wetlands agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the inland wetlands agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.
- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.3 **Notice of the public hearing shall be mailed by the applicant to the owner(s) of record, as determined by the current Assessor's files, of abutting land no less than fifteen (15) days prior to the day of the hearing. Evidence of such mailings, in the form of United States Post Office certificates of mailing, shall be submitted to the Agency prior to the public hearing date. The Agency has the authority to require notification beyond the adjacent neighbors if deemed appropriate based on the impact to the wetlands or the neighbors; i.e. a residence located on a lake may require that all neighbors on the lake be notified.**
- 9.4 **An applicant for a permit which is the subject of a public hearing shall post a sign on the affected property, which sign shall be visible and legible to passersby on the principal street on which the property is located. Such sign, to be provided to the**

applicant by the Town, shall state the date, time, and place of the public hearing, shall indicate the general nature of the proposed activity for which a permit is being sought, and shall be in evidence for the continuous period of fourteen (14) days prior to the public hearing.

SECTION 10 CONSIDERATIONS FOR DECISION

- 10.1 The Agency may consider the following in making its decision on an application:
- a. The application and its supporting documentation;
 - b. Reports from other agencies, commissions, and officials including but not limited to the Town of North Branford:
 1. Planning and Zoning Commission
 2. Town Engineer
 3. Health Officer
 4. Building Official
 - c. The Agency may also consider comments on any application from the Southwest Conservation District, the South Central Regional Council of Governments or other regional organizations; agencies in adjacent municipalities which may be affected by the proposed activity or other technical agencies or organizations which may undertake additional studies or investigations.
 - d. Non-receipt of comments from agencies, commissions, and officials listed in subsection 10.1.c above within the prescribed time shall neither delay nor prejudice the Agency's consideration of the application.
 - e. For an application for which a public hearing is held, public comments, evidence and testimony.
- 10.2 Criteria for Decision:
- In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:
- a. The environmental impact of the proposed action, including the effects on the inland wetlands or watercourses;
 - b. The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses, ***which could readily attain the objective of the activity proposed in the application. This consideration should include, but is not limited to, these alternatives or requiring actions of different environmental impacts, such as using a different location for the activity;***

- c. The relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
 - d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland and watercourse resources.
 - e. The character and degree of injury to, or interference with, safety, health or the reasonable use of property **including abutting or downstream property, which would be caused or threatened by the proposed activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific, or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community;** and
 - f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.
- 10.3 In the case of an application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth in Section 10.2 of these regulations. This finding and the reasons therefore shall be stated on the record in the decision of the Agency and in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

- 10.5 For purposes of this section, (1) “wetlands and watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
- 10.6 A municipal inland wetland agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.7 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall be not considered by the Agency in its decision. **However, the Agency is not limited from seeking technical clarification and advice from its own staff on information already in the public hearing record.**

SECTION 11 DECISION PROCESS AND PERMIT

- 11.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources. **Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Agency, or its agent, determines that such restrictions are necessary to carry out the policy of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.**
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the

application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.

- 11.3 The Agency shall state upon its record the reasons and bases for its decision.
- 11.4 The Agency shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 11.5 If an activity authorized by the inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, variance or special exception, under Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a copy of the decision and report on the application with the Town of North Branford Planning and Zoning Commission within fifteen (15) days of the date of the decision thereon.
- 11.6 Any permit issued by the Agency for the development of land for which an approval is required under Chapter 124, 124b, 126 or 126a of the Connecticut General Statutes shall be valid until the approval granted under such chapter expires or for ten years, which ever is earlier. Any permit issued by the Agency for any activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years.
 - 11.6.1 Notwithstanding the provisions of Section 11.6 of these regulations, any permit issued by the Agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period of not less than nine years after the date of such approval.
- 11.7 No permit issued by the Agency shall be assigned or transferred without the written permission of the Agency.
- 11.8 If a bond or insurance is required in accordance with Section 13 of these regulations, the Agency may withhold issuing the permit until such bond or insurance is provided.
- 11.9 General provisions in the issuance of all permits:
 - a. The Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b. All permits issued by the Agency are subject to and do not derogate any present or

future rights or powers of the Agency or the Town of North Branford, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state and municipal laws or regulations pertinent to the subject land or activity.

- c. If the activity authorized by the Agency's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under Sections 8-3(g), 8-3C or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
- d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
- e. Permits are not transferable without the prior written consent of the Agency.

SECTION 12 ACTION BY DULY AUTHORIZED AGENT

- 12.1 The Agency may delegate to its duly authorized agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commission of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.5 of these regulations and any other information the Agency may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these regulations, such agent may approve or extend such an activity at any time.
- 12.2 Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within fifteen (15) days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

SECTION 13 BOND AND INSURANCE

- 13.1 The Agency may require as a permit condition the filling of a bond with such surety in such amount and in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with all provisions of the regulations and the terms, conditions, and limitations established in the permit.

SECTION 14 ENFORCEMENT

- 14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under Section 10.2 of these regulations.
- 14.2 The Agency or its agent may make regular inspections at reasonable hours of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- 14.3 In the case in which a permit has not been issued or a permit has expired, the Agency or its agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.
- 14.4 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
 - a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended.
 - b. Issue a notice of violation to such person conducting such activity or maintaining such

facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Section 14.4.a or other enforcement proceedings as provided by law.

- 14.5 The Agency may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Agency shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

SECTION 15 AMENDMENTS

- 15.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of North Branford may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- 15.3 These regulations and the Town of North Branford's Inland Wetlands and Watercourses Map shall be amended in the manner specified in Sections 22a-42a of the Connecticut

General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five (35) days before the public hearing on their adoption. Application fee schedules shall be considered as part of the Agency regulations.

- 15.4 Petitions requesting changes or amendments to the “Inland Wetland and Watercourses Map, North Branford, Connecticut” shall contain at least the following information:
- a. The petitioner’s name, address and telephone number;
 - b. The address, or location, of the land affected by the petition;
 - c. The petitioner’s interest in the land affected by the petition;
 - d. Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
 - e. The reasons for the requested action.
- 15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, North Branford, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:
- a. The name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
 - b. The names and mailing addresses of the owners of abutting land;
 - c. Documentation by a soil scientist of the disturbance of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
 - d. Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist, or other qualified individual.
- 15.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is

located at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days, before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.

- 15.8 The Agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Agency shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw such petition. Failure of the Agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

SECTION 16 APPEALS

- 16.1 Appeal on actions of the Agency shall be made in accordance with the provisions of Section 22a-43 of the General Statutes, as amended.
- 16.2 Notice of such appeal shall be served upon the Agency and the Commissioner of Environmental Protection.

SECTION 17 CONFLICT AND SEVERANCE

- 17.1 If there is a conflict among the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection or provision of these regulations shall not affect the validity of any other part which can be given effect without such valid part or parts.
- 17.2 If there is a conflict between the provisions of these regulations and the provisions of the Act, the provisions of the Act shall govern.

SECTION 18 OTHER PERMITS

18.1 Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of North Branford, State of Connecticut or the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

**SECTION 19
APPLICATION FEES**

19.1 Method of Payment: All fees required by these regulations shall be submitted to the Agency by **cash, check, or money order** payable to the Town of North Branford at the time the application is filed with the Agency.

19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection 19.7 of these regulations.

19.3 The application fee is not refundable unless it has been withdrawn prior to its application receipt at an Agency meeting.

19.4 Definition: As used in this Section:

“Commercial Uses” means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.

“Residential uses” means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

“Other Uses” means activities other than residential uses or commercial uses.

19.5 Fee Schedule: Application fees shall be based on the following schedule:

a. Permitted and Nonregulated Uses- Section 4 of these Regulations.

Permitted Uses As-of-Right (Section 4.1)..... No Charge
Non-Regulated Uses (Section 4.2).....\$45.00

b. Regulated Activities- Section 6 of these Regulations

Residential Uses.....\$60.00
Plus: \$25.00/lot or \$45.00/acre wetlands, rounded to the nearest tenth of an acre, on the property whichever is more

Plus: Fee from Schedule A

Commercial Uses.....\$60.00

Plus: Fee from Schedule A

All Other Uses.....\$60.00

Plus: Fee from Schedule A

Approval by Duly Authorized Agent.....\$25.00

Appeal of Duly Authorized Agent Decision....\$100.00

Significant Activity Fee.....\$200.00

In addition to base fee, assessed if IWWA determines that a significant activity is proposed; Section 7.6 of these Regulations

c. Regulation Amendment Petitions.....\$200.00

d. Map Amendment Petitions.....\$175.00

Plus: Fee from Schedule B

e. Modification of Previous Approval.....\$60.00

(There shall be no fee for correcting typographical or other errors)

Renewal of Previous Approval.....\$60.00

f. **NOTICE: All applications are subject to a surcharge of the state mandated fee in effect at the time of application/petition filing.....\$60.00 (2/23/15)**

g. **Cease and Desist Orders issued shall carry a fee of the cost of the newspaper publication of the Agency’s actions and shall be paid by the violator as part of his remedial requirements.**

SCHEDULE A.

For the purpose of calculating the permit application fee, the regulated area in Schedule A is the total area of wetlands and watercourses and the upland review area upon which a regulated activity is proposed.

SQUARE FEET OF AREA	FEE
LESS THAN 1,000.....	\$50.00
1,000 TO 5,000.....“a” plus.....	\$40.00
More than 5,000....“b” plus	\$30.00

SCHEDULE B

For the purpose of calculating the map amendment petition fee, the regulated area in Schedule B is the total length of wetland and watercourses boundary subject to the proposed boundary change.

LINEAR FEET	FEE
LESS THAN 500	\$50.00
500 TO 1,000...“a” plus.....	\$40.00
MORE THAN 1,000...“b” plus.....	\$60.00

- 19.6 Exemption. Boards, commissions, councils and departments of the Town of North Branford, Connecticut, are exempt from all fee requirements.
- 19.7 Waiver. The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this Section. The Agency may waive all or part of the application fee if the Agency determines that:
 - a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
 - b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
 - c. The applicant has shown good cause.

The Agency shall state upon its record the basis for all actions under this subsection.

**SECTION 20
EFFECTIVE DATE OF REGULATIONS**

- 20.1 These regulations are effective upon filing in the Office of the Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of North Branford.

APPENDIX A

Connecticut General Statute Section 1-1(q)

Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, **swine**, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

APPENDIX B

Connecticut General Statute Section 8-7d

Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality.

(a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning and zoning commission under chapter 126 or an inland wetlands agency under chapter 440 and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for additional notice. Such regulations shall include provisions that the notice be mailed to persons who own [or occupy] land that is adjacent to the land that is the subject of the hearing or be provided by posting a sign on the land that is the subject of the hearing, or both. For purposes of such additional notice, (1) proof of mailing shall be evidenced by a certificate of mailing, and (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or agency for the receipt of any petition, application, request or appeal.

(d) The provisions of subsection (a) of this section shall not apply to any action initiated by any zoning commission, planning commission or planning and zoning commission regarding adoption or change of any zoning regulation or boundary or any subdivision regulation.

(e) Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by a zoning commission or planning and zoning commission established pursuant to this section would elapse prior to the thirty-fifth day after a decision by the inland wetlands agency, the time period for a decision shall be extended to thirty-five days after the decision of such agency. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant or petitioner.

(f) The zoning commission, planning commission, zoning and planning commission, zoning board of appeals or inland wetlands agency shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) Any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

(g)(1) Any zoning commission, planning commission or planning and zoning commission initiating any action regarding adoption or change of any zoning regulation or boundary or any subdivision regulation or regarding the preparation or amendment of the plan of conservation and development shall provide notice of such action in accordance with this subsection in addition to any other notice required under any provision of the general statutes.

(2) A zoning commission, planning commission or planning and zoning commission shall establish a public notice registry of landowners, electors and nonprofit organizations qualified as tax-

exempt organizations under the provisions of section 501 (c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, requesting notice under this subsection. Each municipality shall notify residents of such registry and the process for registering for notice under this subsection. The zoning commission, planning commission or planning and zoning commission shall place on such registry the names and addresses of any such landowner, elector or organization upon written request of such landowner, elector or organization. A landowner, elector or organization may request such notice be sent out by mail or by electronic mail. The name and address of a landowner, elector or organization who requests to be placed on the public notice registry shall remain on such registry for a period of three years after the establishment of such registry. Thereafter any landowner, elector or organization may request to be placed on such registry for additional periods of three years.

(3) Any notice under this subsection shall be mailed to all landowners, electors and organizations in the public notice registry not later than seven days prior to the commencement of the public hearing on such action, if feasible. Such notice may be mailed by electronic mail if the zoning commission, planning commission or planning and zoning commission or the municipality has an electronic mail service provider.

(4) No zoning commission, planning commission or planning and zoning commission shall be civilly liable to any landowner, elector or nonprofit organization requesting notice under this subsection with respect to any act done or omitted in good faith or through a bona fide error that occurred despite reasonable procedures maintained by the zoning commission, planning commission or planning and zoning commission to prevent such errors in complying with the provisions of this section.

APPENDIX C

Guidelines, Upland Review Area Requirements