

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:
Vacant

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Thursday, August 13, 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 July 9, 2015 RPC Meeting 2

2. Action Items

2.1. Representative Policy Board of the South Central CT Regional Water District: Proposed Application in accordance with Special Act 77-98, as amended for the Transfer of Interest in Real Property to the State Connecticut over 60 acres located of Great Hill Rd. in Guilford, CT. Submitted by: South Central CT Regional Water District. Received: May 27, 2015. Public Hearing: August 30, 2015 3

2.2. City of West Haven: Proposed Zoning Regulation Amendments pertaining to Transit Oriented Design (TOD) District. Submitted by: City of West Haven. Received: June 29, 2015. Public Hearing: August 25, 2015. 26

2.3. Town of Clinton: Proposed Zoning Regulation Amendments regarding Multiple Dwelling Unit development in Commercial or Residential structures. Submitted by: Private Applicant. Received: July 30, 2015. Public Hearing: October 5, 2015. 54

3. Other Business

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

La Agenda y Adjuntos para esta reunión están disponibles en nuestro sitio web en www.scrco.org. 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, July 9, 2015 Meeting

Present: James Giulietti, Christopher Suggs, Charles Andres, Christopher Traugh, Michael Calhoun, Fran Lescovich, Davide White, Richard Szczypek, Eugene Livshits

1 Administration

1.1 *Minutes of the June 11, 2015 RPC meeting.*

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

2 Statutory Referrals

2.1 *Town of Stratford: Proposed Zoning Regulation Amendments pertaining to Sign Regulations*

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

Motion: Richard Szczypek. Second: Fran Lescovich. Vote: Unanimous.

2.2 *Town of Southington: Proposed Zoning Regulation Amendments pertaining to Section 4 (Business Zone Requirements), Section 5 (Industrial Zone Requirements), Section 9 (Site Plan Review), Section 11 (Special Regulations), and Section 13 (Signs)*

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: David White. Vote: Unanimous.

2.3 *Town of Cheshire: Proposed Zoning Regulation Amendments to permit outdoor events and activities as part of a working farm.*

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: Fran Lescovich. Vote: Unanimous.

3 Other Business

Motion to Adjourn: Richard Szczypek. Second: Michael Calhoun. 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 Transfer of Interest in Real Property to the State Connecticut over 60 acres located of Great Hill Rd. in Guilford, CT

Staff Recommendation:

The Proposed Application does not appear to have any adverse inter-municipal impacts or adverse impacts to the habitat and ecosystem of the Long Island Sound provided the properties as the land will be maintained as open space.

Background:

The Regional Water Authority (RWA) has submitted an application for the Transfer of over 60 acres located on Great Hill Rd. in Guilford to the State of Connecticut through a conservation easement. The land is mostly Class I and Class II that drains into Lake Menunketuc. RWA received a grant through the Connecticut Department of Energy and Environmental Protection. As a condition of the grant, the RWA must convey a conservation easement in favor of the State of CT.

Communication:

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

Representative Policy Board

South Central Connecticut Regional Water District
90 Sargent Drive, New Haven, Connecticut 06511-5966 / 203-401-2515
<http://www.rwater.com>

Via Express Mail

May 26, 2015

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



Dear Mr. Amento:

In accordance with the provisions of Special Act 77-98, as amended, the Representative Policy Board of the South Central Connecticut Regional Water District is considering an Application submitted to it by the South Central Connecticut Regional Water Authority ("Authority") for the Transfer of Interest in Real Property (Conservation Easement) to the State of Connecticut over 60+/- acres located off Great Hill Rd. in Guilford, CT, which is currently referred to as Land Unit GU 12A.

The subject land comprises 60.81 acres. The subject land is mostly Class I and II land that drains to Lake Menunketuc. A very small portion of the property, less than two acres, is Class III land. It is located off Great Hill Road in Guilford and was purchased from the Dandio family in June 2014. The property does not appear in its Land Use Plan.

The Authority applied for, and received, an open space grant from the State of Connecticut Department of Energy and Environmental Protection. As a condition for receiving the grant money, the Authority must grant a conservation easement in favor of the State of Connecticut. The value of the grant is \$396,500. The proposed action will allow the Authority to receive these funds.

A public hearing has been scheduled for this application on Thursday, August 20, 2015 at 7:00 p.m. at the Nathanael B. Green Community Center, Guilford/Whitfield Room, 32 Church Street, Guilford, Connecticut 06437.

Comments may be received in writing in advance of the public hearing and should be sent to: Chairperson, Representative Policy Board, South Central Connecticut Regional Water District, 90 Sargent Drive, New Haven, CT 06511. Comments submitted via facsimile should be sent to (203) 562-0808; comments submitted electronically should be sent to jslubowski@rwater.com.

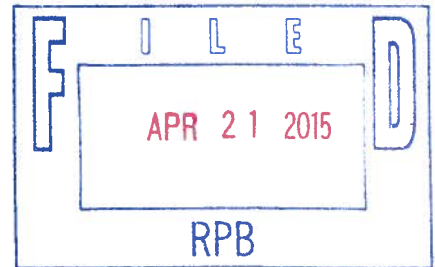
Very truly yours,

A handwritten signature in blue ink that reads "Thomas P. Clifford III".

Thomas P. Clifford III
Chairperson
Enclosure

cc: Jasper J. Jaser, Vice Chair
Edward O. Norris III, Vice President – Asset Management, Regional Water Authority
Charles Havrda, RPB Member

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



Date: April 16, 2015

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

Subject: Application to the RPB for the Proposed Transfer of Interest in Real Property
(Conservation Easement) over 60+/- acres to Recover DEEP Open Space Grant
Money (Dandio Property – Land Unit GU 12A)

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 the Proposed Transfer of Interest in Real Property
(Conservation Easement) over 60+/- acres to Recover DEEP Open Space Grant Money
(Dandio Property – Land Unit GU 12A)

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
Gail F. Lieberman, Secretary – Treasurer
Kevin Curseaden, Board Member
R. Douglas Marsh, Board Member

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

DATE: April 16, 2015

TO: Anthony DiSalvo, Chair
Joseph A. Cermola
Gail F. Lieberman
R. Douglas Marsh
Kevin J. Curseaden

FROM: Ted Norris

SUBJECT: Application to the RPB for the Proposed Transfer of Interest in Real Property (Conservation Easement) over 60+/- acres to Recover DEEP Open Space Grant Money (Dandio property – Land Unit GU 12A)

Enclosed for your review is a proposed application to the Representative Policy Board (RPB) for the conveyance of a conservation easement to CTDEEP over 60+/- acres of land located off of Great Hill Rd. in Guilford. This is the former Dandio parcel now referred to as Land Unit GU 12A.

We received a commitment for an open space grant from the CTDEEP for the Dandio parcel in Guilford. The amount of the grant is \$396,500 and receiving it is dependent upon a conveyance of the easement to CTDEEP

As part of receiving the grant money we must convey a conservation easement to the State. This is a condition of the State open space grants that has been in place since the CTDEEP grants were initiated. This condition was not discussed with the Authority during the acquisition phase. The conveyance necessitates an application to the RPB for disposition approval because we are giving away an interest in real property. Our attorneys at Murtha Cullina have confirmed that we need RPB approval and commented on how the application can be simplified due to its unique nature.

Modifications to the standard application for disposition include:

1. Appraisals – Although not part of Section 18, the disposition flow chart notes that appraisals (one or two depending on the expected value of the property) are required. In this case, an appraisal is not needed and is skipped entirely.
2. Preliminary Assessment – A Preliminary Assessment was completed in-house rather than hiring a consultant to do it.
3. Offer to DEEP, right of first refusal – Since the conveyance is to the State, we will skip this step. We will still have to offer the easement to the town.

We would like to discuss the application at your April 16, 2015 meeting and upon your approval, request that it be submitted to the RPB. If you have any questions prior to the April 16 meeting, please contact me.

CC: Larry Bingaman
John Triana

**Proposed Transfer of Interest in Real Property over
Class I, II, and III Lands**

**GU 12A
Great Hill Road, Guilford**

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

March 2015

1. AUTHORIZATION SOUGHT

The Regional Water Authority (Authority) proposes to transfer an interest in real property, more than 60.81 acres of unimproved Class I, II, and III lands (hereinafter referred to as "subject land"), located within Guilford, Connecticut. This interest is in the form of a conservation easement to the State of Connecticut.

The subject land, part of the South Central Connecticut Regional Water Authority (RWA) land unit GU 12A, comprises 60.81 acres of Class I, II, and III land. The subject land is mostly Class I and II land that drains to Lake Menunketuc. A very small portion of the property, less than two acres, is Class III land. It is located off Great Hill Road in Guilford and was purchased from the Dandio family. The property was bought by the Authority in June 2014 and does not appear in its Land Use Plan.

2. NEED FOR PROPOSED ACTION

The Authority applied for, and received, an open space grant from the State of Connecticut Department of Energy and Environmental Protection. As a condition for receiving the grant money, the Authority must grant a conservation easement in favor of the State of Connecticut. The value of the grant is \$396,500. The proposed action will allow the Authority to receive these funds.

3. ANALYSIS OF ALTERNATIVES

This application considers one alternative to the Proposed Action: No Action.

No Action

An alternative to the proposed transfer of interest in real property is to not grant the conservation easement to the State. Under this scenario, the Authority would not be able to receive the grant funds from the State. That would mean forfeiture of \$396,500.

**RESOLUTION FOR ADOPTION
BY REGIONAL WATER AUTHORITY**

Authority Meeting April 16, 2015

Resolved. That the Authority hereby accepts the Application for the Proposed Transfer of Interest in Real Property (Conservation Easement) to the State of Connecticut over 60+/- acres located off of Great Hill Rd. in Guilford, CT, which is currently referred to as Land Unit GU 12A 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.

4. COSTS INCURRED OR SAVED BY THE PROPOSED ACTION

Apart from the preparation of this application, there are no costs to the Authority for this action. If the application is approved and a conservation easement granted, the Authority will be able to receive the grant funds equaling \$396,500.

5. UNUSUAL CIRCUMSTANCES FOR THE RPB TO CONSIDER

Since this is a transfer of interest in real property, it triggers the Authority's disposition process that is detailed in Section 18 of its enabling legislation. However, the nature of the transfer is in the best interest of all parties – the Authority, the State, and the public interest in general.

6. ANNEXED MATERIALS

- | | |
|-----------|---|
| Exhibit A | Location Map – Great Hill Road parcel (former Dandio property) – March 2015 |
| Exhibit B | Preliminary Assessment, March 2015 |
| Exhibit C | A-2 survey of the subject land prepared by Gesick and Associates, dated June 2, 2014 |
| Exhibit D | Letter from DEEP to RWA regarding steps to complete in order to retrieve grant funds, February 18, 2015 |

7. FACTS UPON WHICH THE RPB IS EXPECTED TO RELY IN MAKING ITS DECISION

- A. The Proposed Action, to transfer an interest in real property of RWA's land unit GU 12A consists of conveying a conservation easement to the State of Connecticut.
- B. The Proposed Action will not have an adverse impact upon the public water supply.
- C. Under the Proposed Action, the Authority will receive open space grant funds totaling \$396,500.
- D. The grant will help finance RWA's long-range plan to acquire and protect additional watershed property, thereby ensuring the further protection of the public water supply.
- E. The nature of the Proposed Action is such that it is in the best interest of the Authority, the State, and the greater public interest.

8. FINAL EVALUATION AND RECOMMENDATION OF THE AUTHORITY

The Authority has concluded that the Proposed Action constitutes a transfer of interest in real property. The Authority has further concluded that the Proposed Action 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 a transfer of interest in real property, in the form of a conservation easement to the State of Connecticut, of more than 60.81 acres of Class I, II, and III land, be approved by the RPB.

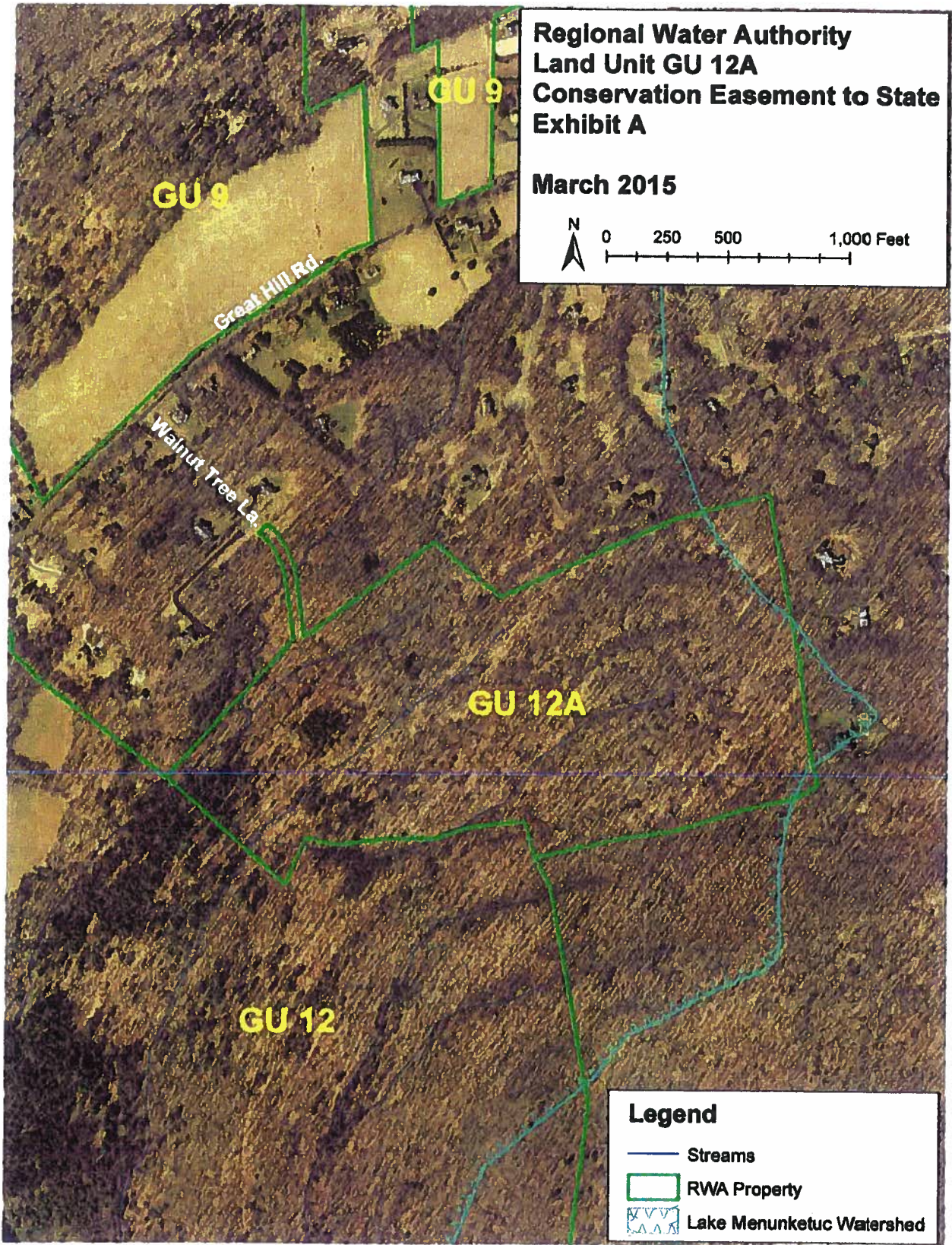


Exhibit B - PRELIMINARY ASSESSMENT

**Conservation Easement over 60.81 acres of Class I, II, and III Land
Guilford, Connecticut**

Location: Great Hill Road, Guilford – GU 12A (former Dandio property)

Proposed Action: Transfer of interest in real estate for: Conservation easement over 60.81 acres of Class I, II, and III land

Notes to Preparer(s):

This Preliminary Assessment form provides for consideration of potential impacts on specific aspects of the environment, and is 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 in 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: John Triana

Date: March 23, 2015

A. Geology, Topography, Soils

Yes No

- | | |
|---|----|
| 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. | X |
| 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. | X |
| 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. | X |
| 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. | X* |
| 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. | X |
| 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. | X |

Notes (including sources of information):

A. Geology, Topography, Soils

A-4. * The property contains some steep slopes associated with the streams that run through the property. These areas will not be impacted by the proposed conservation easement.

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> | <p>X</p> |
| <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> | <p>X</p> |
| <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> | <p>X</p> |
| <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> | <p>X</p> |

5. Is the site located in a floodprone area? X
 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.

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 the conservation easement includes Class I, II, and III land. The Class I and II land drain to Lake Menunketuc.

B.-3. Wetland soils are found along the streams that cross the property.

C. Air Quality, Climate, Noise **Yes No**

1. Is the present on-site air quality below applicable local, state, or federal air quality control standards? X
 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.

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? X
 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.

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. X
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. X
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. X
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. X

Notes (including sources of information):

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 will not have any impact upon air quality.¹

D. Biotic Communities Yes No

1. Are there any rare or endangered plant or animal species on the site? X
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.

I. ¹ Attainment and Non-Attainment of the National Ambient Air Quality Standards in Connecticut, DEEP

2. Are there unusual or unique biotic communities on the site? X
 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.
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? X
 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.
4. Does the proposed action significantly reduce the amount, productivity, or diversity of the biotic habitat? X
 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.

Notes (including sources of information)

D. Biotic Communities

<u>E. Land Use</u>	<u>Yes</u>	<u>No</u>
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? X
 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.
5. Will the proposed action break up any large tracts or corridors of undeveloped land? X
 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.
6. Does the proposed action include features not in accord with the Authority's Land Use Plan or land disposition policies? X*
 If yes, specify the nature and extent of conflict.
7. Is the proposed action part of a series of similar or related actions that might generate cumulative impacts? X
 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.

Notes (including sources of information)

E. Land Use

E. 6.* The property was bought by the Authority in June 2014 and does not appear in its Land Use Plan. The Authority applied for, and received, an open space grant from the State of Connecticut Department of Energy and Environmental Protection. As a condition for receiving the grant money, the Authority must grant a conservation easement in favor of the State of Connecticut. Since this is a transfer of interest in real property, it triggers the Authority's disposition process which is detailed in Section 18 of its enabling legislation.

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

- | | |
|--|---|
| <p>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.</p> | X |
| <p>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.</p> | X |
| <p>3. Will the proposed action require expenditures greater than the projected revenues to the Authority?
If yes, specify the estimated difference.</p> | X |
| <p>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.</p> | X |
| <p>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.</p> | X |

Notes (including sources of information):

F. Natural Resources and Other Economic Considerations

G. Public Safety and Health **Yes No**

- | | |
|--|----------|
| <p>1. Is the site subject to unusual fire hazard (from flammable vegetation, difficulty of access, lack of water for fire fighting, or other causes)?</p> <p>If yes, specify the type of hazard, the extent to which the proposed action might increase the fire hazard, the extent to which it is subject to damage from such fires, and any measures included in the proposed action to reduce the risk of fire damage.</p> | <p>X</p> |
| <p>2. Does the site include any features that present potential safety hazards under the proposed conditions of use, or will the proposed action create any hazards to public safety?</p> <p>If yes, specify the hazards, the extent to which the public, workers, or others will be exposed to the hazard, the degree of risk, and any measures that will be included in the proposed action to eliminate hazards or reduce the risk of injury.</p> | <p>X</p> |
| <p>3. Does the proposed action have the potential to create increased risks to public health?</p> <p>If yes, specify the nature of the health hazards, population at risk, the degree of risk, and any measures that will be incorporated in the proposed action to avoid adverse impacts on public health.</p> | <p>X</p> |

Notes (including sources of information):

G. Public Safety and Health

H. Community Factors **Yes No**

- | | |
|---|----------|
| <p>1. Does the proposed action include any features that are not in conformity with local, regional, or state plans of conservation and development?</p> <p>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> | <p>X</p> |
| <p>2. Does the proposed action differ from the established character of land use in the surrounding area?</p> <p>If yes, specify the nature and extent of the conflict and any actions that might be taken to resolve it.</p> | <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? X
 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.
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.)? X
 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.
5. Will the proposed action produce an increase in projected growth rates for the area? X
 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.
6. Is there any indication that the proposed action can be expected to generate public opposition or conflict over environmental concerns? X
 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.

Notes (including sources of information):

H. Community Factors

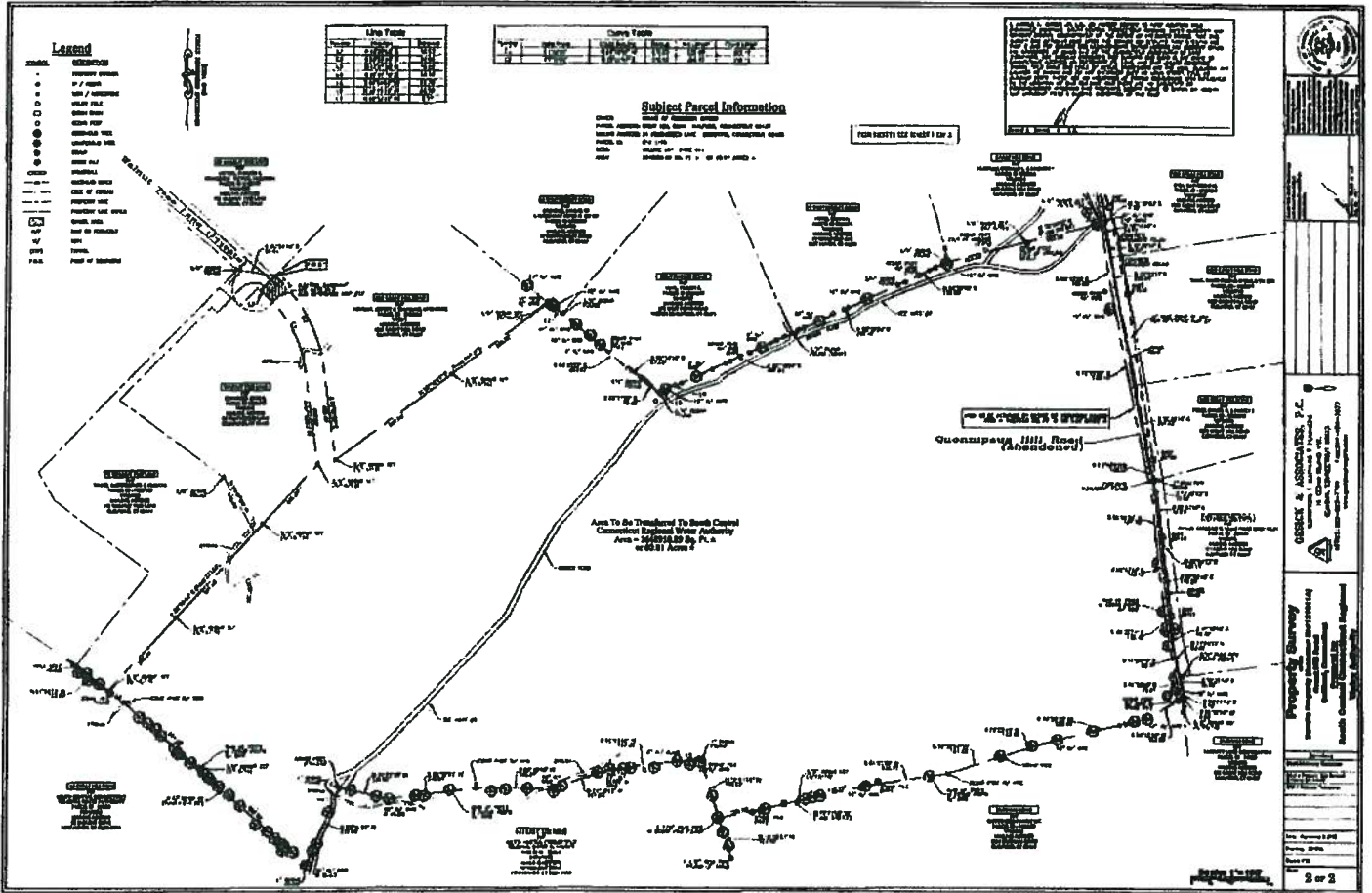


Exhibit D



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

February 18, 2016

Edward O. Norris
Vice President – Asset Management
South Central Connecticut Regional Water Authority
90 Sargent Avenue
New Haven, Connecticut 06511

RE: Dandio Property OSWA-479

Dear Mr. Norris,

The South Central Connecticut Regional Water Authority (RWA) under the Open Space and Watershed Land Acquisition Program was approved to receive a grant to purchase the above referenced properties. The RWA has submitted all the required documentation, which has been reviewed and had aided us in the development of the Grant Agreement which is now being forwarded to the RWA for execution. In order for the RWA to access the funds from this grant, the enclosed agreements need to be reviewed and executed.

Please follow and include all requested documentation as described below.

- ✦ The CEO/president must sign, date and have sealed two copies of the agreement. If the RWA has taken title to the property, then the RWA is able to place an encumbrance, the easement on the property. Therefore, the signature page to Exhibit D will also need to be signed, dated and sealed.
- ✦ A corporate resolution, with the corporate seal (if one exist), authorizing the Chief Executive Officer to enter into the agreement needs to be attached to the agreement. The Corporation Secretary must certify this resolution; it must have the Secretary signature, current date and corporation seal. The format enclosed incorporates a Certificate of Incumbency that is also needed.
- ✦ The enclosed Contract Compliance Assurance forms must be completed. The RWA as contractor, must fill out the forms or be on the Contract Compliance Vendor's list in order to for the State of Connecticut to process the agreement and reimbursement.
- ✦ Please complete the accompanying "Nondiscrimination Certification" Form B.

☐ Please return all required documents to: Dave Stygar; Department of Energy & Environmental Protection (DEEP); Constituent Affairs/Land & Mgmt.; 79 Elm Street; Hartford, CT 06106.

We will make payment of the funds for this project upon approval of the enclosed agreement by the Office of the Attorney General. Because of the funding source a check will be mailed.

Upon approval, a copy of the Grant Agreement and an original Conservation Easement (Exhibit D) will be forwarded to you for recording, this being that the RWA holds title to this property. The RWAs' responsibility toward the Conservation Easement is to record and return the approved original Conservation Easement (with Volume & Page shown) to the Department of Energy and Environmental Protection (address noted on the Easement or above).

Should you have any questions, please feel free to contact me at 424-3081.

Sincerely,

David D. Stygar
Environmental Analyst

ODS:dds
Enclosure

79 Elm Street, Hartford, CT 06106-5127
www.ct.gov/deep
Affirmative Action/Equal Opportunity Employer

authority may amend such standards and policies from time to time with the approval of the representative policy board, which shall hold public hearings if it deems such amendments substantial.

(c) After approval of land use standards and disposition policies in the manner provided in subsection (b) of this section, the authority shall not sell or otherwise transfer any real property or any interest or right therein, except for access or utility purposes, or develop such property for any use not directly related to a water supply function, other than for public recreational use not prohibited by section 25-43c of the general statutes, without the approval of a majority of the weighted votes of all of the members of the representative policy board, excluding vacancies, in the case of a parcel of twenty acres or less, and by three-fourths of the weighted votes of all of the members of said board, excluding vacancies, in the case of a parcel in excess of twenty acres. The representative policy board shall not approve such sale or other transfer or development unless it determines, following a public hearing, that the proposed action (1) conforms to the established standards and policies of the authority, (2) is not likely to affect the environment adversely, particularly with respect to the purity and adequacy of both present and future water supply and (3) is in the public interest, giving due consideration, among other factors, to the financial impact of the proposed action on the customers of the authority and on the municipality in which the real property is located.

(d) Each request by the authority for approval pursuant to subsection (c) shall be accompanied by an evaluation of the potential impact of the proposed action for which approval is requested, which shall include: (1) A description of the real property and its environment, including its existing watershed function and the costs to the authority of maintaining such property in its current use; (2) a statement that the proposed action conforms to the land classification standards and disposition policies of the authority; (3) a detailed statement of the environmental impact of the proposed action and, if appropriate, of any alternatives to the proposed action, considering (A) direct and indirect effects upon the purity and adequacy of both present and future water supply, (B) the relationship of the proposed action to existing land use plans, including municipal and regional land

use plans and the state plan of conservation and development, (C) any adverse environmental effects which cannot be avoided if the proposed action is implemented, (D) any irreversible and irretrievable commitments of resources which would be involved should the proposed action be implemented and (E) any mitigation measures proposed to minimize adverse environmental impacts; except that for a sale or transfer identified in accordance with subsection (b) as being unlikely to have any significant effect on the environment, the authority may submit a preliminary assessment of the impact likely to occur in lieu of such detailed statement of environmental impact, and the representative policy board may, on the basis of such preliminary assessment, waive or modify the requirements for such detailed statement, and (4) a summary of the final evaluation and recommendation of the authority.

(e) The representative policy board shall submit the evaluation required by subsection (d) of this section for comment and review, at least sixty days in advance of the public hearing, to the department of health, the department of planning and energy policy, the regional planning agency for the region, the chief executive officer of the city or town in which the real property is situated and other appropriate agencies, and shall make such evaluation available to the public for inspection. The decision of the representative policy board approving or disapproving the proposed action shall be published in a newspaper or newspapers having a general circulation within the district and copies of such decision shall be filed with the clerk of each town and city in the district.

(f) Whenever the authority intends to sell or otherwise transfer any unimproved real property or any interest or right therein after approval by the representative policy board, the authority shall first notify in writing, by certified mail, return receipt requested, the commissioner of environmental protection and the legislative body of the city or town in which such land is situated, of such intention to sell or otherwise transfer such property and the terms of such sale or other transfer, and no agreement to sell or otherwise transfer such property may be entered into by the authority except as provided in this subsection. (1) Within ninety days after such notice has been given, the legislative body of the city or town or the commissioner of environmental protection may give written notice to the authority by certified mail, return receipt requested, of the desire of the city, town or state to

Referral 2.2: City of West Haven

Subject:

Proposed Zoning Regulation Amendments pertaining to Transit Oriented Design (TOD) 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:

The City of West Haven has proposed Zoning Regulation Amendments pertaining to the Transit Oriented Design (TOD) District. The proposed regulations are intended to replace Section 35 – Transit Oriented Design District. The proposed Table 35.1 – TOD Form Standards are intended to replace Table 36.1 – Area and Bulk Requirements in Design Districts for TOD's.

The intent of the TOD zone is to provide a walkable, mixed use community, protection of environment and open space, reduction in sprawl, improved mobility and the enhancement of existing development fabric. The district would promote adaptive reuse of existing buildings and infill development. The TOD zone would discourage commercial strip development that break the urban street fabric. The proposed regulations address the situations with pre-existing conditions and establish standards for both adaptive reuse and new construction. Residential density is limited to what is specified in the proposed TOD Form Standards. Commercial density has a ratio which can range from 50 square feet to 500 square feet of commercial floor area per dwelling unit. There are standards pertaining to common open space, parking, design standards, streetscape standards and guidelines. The specific standards can be reviewed in the agenda packet. The new TOD District introduces design guidelines and form based standards that were not in the existing TOD District.

Communication:

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

Please mail to:

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

RPC Referral Submission Form

South Central CT Regional Planning Commission

1.) General Information:

Date Sent: 6/29/15

Subject: West Have Transit Oriented District Regulations

Applicant Name: City of West Haven / Robert Librandi Assistant City Planner

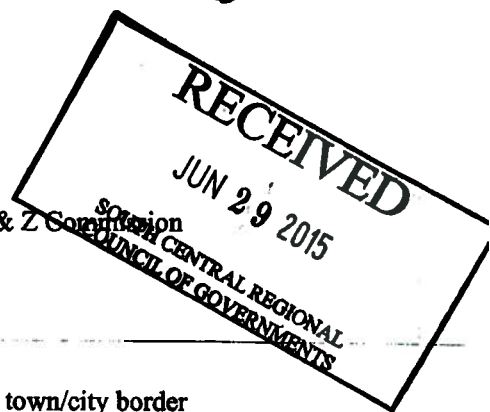
Property Address (if applicable): TOD zone

Town/City: West Haven

Referral is from a private individual

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

Public Hearing Date: 8/25/15



2.) Statutory Responsibility:

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

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

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

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

Other: _____

3.) Process:

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

Information on proposed change included

Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: Robert Librandi

Telephone Number: (203) 937-3500

E-mail Address: r.librandi@westhaven-ct.gov

Comments: _____

Questions: (203) 234-7555

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



DRAFT:
APRIL 3, 2015 11:09 AM

TOD ZONE REGULATIONS

West Haven TOD Zone Regulations 5
Figure 35.1: West Haven Zoning Map 14
Table 35.1: TOD Form Standards..... 16
Definitions..... 24

NOTES:

These regulations are intended to replace Section 35 - Transit Oriented Design (TOD) District, of the West Haven, Connecticut Zoning Regulation.

'Table 35.1 TOD Form Standards' are intended to replace 'Table 36.1 Area and Bulk Requirements in Design Districts' for TOD's.

WEST HAVEN TOD ZONE REGULATIONS

35.1 STATEMENT AND PURPOSE

- 35.1.1 The purpose of the Transit-Oriented Design (TOD) zone is to guide the physical development of the area by capitalizing on the locational attributes of the West Haven Train Station area.
- 35.1.2 **The TOD zone is intended to:**
- a. Provide a walkable, mixed use and attractive community including protection of the environment and open spaces.
 - b. Encourage a harmonious relationship between different land uses.
 - c. Reduce sprawl.
 - d. Enhance the existing development fabric and infill undeveloped areas by encouraging the redevelopment of sites and/or adaptive reuse of existing structures where possible.
 - e. Provide improved mobility and greater health benefits of a pedestrian environment through an enhanced public realm.
 - f. Preserve the character of adjacent neighborhoods.
 - g. Protect environmentally sensitive lands and provide adequate open space.

35.2 DESCRIPTION AND INTENT

- 35.2.1 This provision exists to encourage the adaptive reuse of existing structures and new mixed-use development within a walkable, pedestrian-friendly public realm.
- 35.2.2 **The TOD District shall:**
- a. Encourage the retention and/or the adaptive reuse of existing buildings and new infill construction that accommodates the demands of the automobile, while prioritizing other forms of circulation (transit, walking and cycling).
 - b. Promote and encourage the adaptive reuse and infill structures that respect the architectural heritage of West Haven, and are in keeping with the scale of surrounding communities.
 - c. Encourage the seamless integration of residential, office, commercial, light industrial, and civic uses that do not attract large volumes of traffic and that present pedestrian-friendly facades to the street.
 - d. Discourage commercial strip development that break the urban street fabric and negatively impacts the pedestrian environment.
 - e. Minimize visual and functional conflicts between residential and non-residential uses within and adjacent to the TOD development.
 - f. Provide a range of retail experiences, including shops for daily neighborhood needs as well as more specialized products for a wider market.

35.3 APPLICABILITY / RELATIONSHIP TO OTHER PARTS OF ZONING CODE

- 35.3.1 This Section shall apply to all streets, public right-of-ways, properties, buildings and uses occurring within the TOD zone, as shown on the City of West Haven's Zoning Districts Map.
- 35.3.2 All development shall comply with the standards and guidelines of this Section.
- 35.3.3 Permitted deviations from the dimensional and/or numeric requirements contained in this Section may be approved if determined to be consistent with the intent of this Section. Permitted deviations are defined as deviations of 10% or less. Deviations of more than 10% off any dimensional and/or numeric requirement shall require a variance and the approval of the Zoning Board of Appeals.

WEST HAVEN TOD ZONE REGULATIONS

- 35.3.4 All applications for building construction are required to conform to applicable building code and life safety and health ordinances. The provisions of this Section, when in conflict, shall take precedence over those of other codes, ordinances and standards, except for those Local Health, Safety and Building Codes.
- 35.3.5 This Section is intended to supersede and replace all conflicting rules in the West Haven Zoning Code in order to create a more harmonious and walkable public realm within the TOD area. When this Section is silent on matters related to land use or development, applicable provisions of the City of West Haven Zoning Code that do not conflict with this Section shall apply.
- 35.3.6 The City of West Haven shall encourage all entitles that are not legally required to comply with this Section, to consider the purpose of this Section when submitting designs for the area.
- 35.3.7 Amendments to this Section shall demonstrate compliance with Sections 35.1: Statement of Purpose and Section 35.2: Description and Intent.

35.4 PRE-EXISTING CONDITIONS

- 35.4.1 Existing buildings that do not conform to the provisions of this Section, may continue in use as they are until a substantial modification is requested, at which time, the Planning and Development Commissioner shall determine the provisions of this Section that shall apply.
-
- 35.4.2 Minimum lot width, lot depth and lot areas assigned to the TOD District shall only apply to newly platted lots and shall not preclude the redevelopment of existing lots that do not meet these standards. The redevelopment of such existing lots shall be considered a pre-existing condition and shall be allowed as of right.
 - 35.4.3 The modification of existing buildings shall be permitted as of right if such changes result in greater conformance with the provisions of this Section.
 - 35.4.4 The restoration or rehabilitation of an existing building shall not require the provision of parking in addition to the existing, subject to the following conditions:
 - a. It shows its inability to park on-site the required parking.
 - b. It shows that the building can be accessed by pedestrians and cyclists.
 - c. It provides potential off-site parking, where possible.
 - d. Approval of the Zoning Board of Appeals shall be required.
 - 35.4.5 Any undeveloped area over five acres, shall provide connectivity as necessary to comply with block perimeter requirements listed in Section 35.6.1.
 - 35.4.6 Where buildings exist on adjacent lots, the Planning and Development Commissioner may require that a proposed building match one or the other of the adjacent setback, rather than the provisions of this Section, if those setbacks establish a dominant character.

35.5 ADAPTIVE REUSE STANDARDS

- 35.5.1 Adaptive reuse of existing older loft style multi-level commercial and industrial structures to a mix of uses as permitted in Table 39.2 shall be encouraged.
- 35.5.2 The ground floor of converted structures should be reserved for commercial uses.
- 35.5.3 Live-work Loft conversions shall require a commercial or office use, which shall be limited to a maximum of 50% of the dwelling unit area. A minimum residential square footage of 900 square feet shall be required.

WEST HAVEN TOD ZONE REGULATIONS

- 35.5.4 Work-live conversions shall require a commercial, office or light industrial component that exceeds 50% of the dwelling unit area. A minimum residential square footage of 900 square feet shall be required.
- 35.5.5 Review standards for Live-work Lofts shall meet Special Permit requirements, in addition to the following standards:
- The proposed physical configuration shall be compatible with industrial and commercial uses on adjacent parcels.
 - The proposal shall not preclude development of permitted industrial and commercial uses on adjacent parcels.
 - The site can reasonably accommodate Live-Work and/or Work-Live Lofts with minimal or no conflict with existing tenants.
 - The site can reasonably accommodate parking and loading needs for the uses.
 - No equipment or process shall be used which creates undue noise, vibration, glare, fumes or odors detectable to normal senses of the property.

35.6 NEW CONSTRUCTION STANDARDS

- 35.6.1 **Block Configuration:** One of the measure to ensure that the TOD District develop as an urban pedestrian-oriented area is to require human-scaled block sizes. The intent is to maintain the permeability of all blocks in order to facilitate pedestrian movement and ensure the opportunity for blocks to accommodate different types of uses. Block size shall be limited as follows:
- Block sizes shall have a maximum perimeter of 2,000 feet. Block perimeter shall be measured as the right-of-way perimeter adjacent to public streets.
 - Where mid-block pedestrian passages of 30 feet minimum are provided, the block perimeter shall be measured from public right-of-ways to the mid-block pedestrian connections. Under this provision, the mid-block pedestrian passages shall be continually open to the public and connect two public streets.
 - Other mid-block pedestrian passages in mixed-use and commercial areas shall be allowed to be a minimum of 15 feet wide. They may be hardscaped and/or softscaped and shall be well lit for security and comfort purposes.
 - Block perimeters that include civic space or topography challenges may be exempt from block perimeter requirements.
- 35.6.2 **Plot Standards:** All blocks shall be subdivided into plots and shall comply with the following requirements:
- The minimum and maximum plot areas shall be determined by building type and as specified in "Table 35.1: TOD Form Standards". Plots shall have frontages on a minimum of one street (vehicular or pedestrian) and/or civic space.
- 35.6.3 **Area and Bulk Development Regulations** shall supercede the general regulations listed in Table 36.1 and instead, shall be determined by building type and as specified in "Table 35.1: TOD Form Standards".
- 35.6.4 **Density** limits shall be as follows:
- Residential density shall be limited as specified in "Table 35.1: TOD Form Standards".
 - Commercial density ratio should range from a minimum of 50 square feet to a maximum of 500 square feet of commercial floor area per dwelling unit. This shall include the provision of jobs for retail and office uses. If the proposed development exceeds this ratio limit, it shall require a Special Permit.

WEST HAVEN TOD ZONE REGULATIONS

35.7 COMMON OPEN SPACE

- 35.7.1 As an important component of the public realm, open spaces shall be used for a wide range of social, recreational and/or natural environment preservation purposes. A collection of useful public spaces, ranging in size and character will positively contribute to the vitality of the urban environment, enrich the civic spirit of a community and reinforce the area's habitat biodiversity and ecology. Open space requirements shall be as follows:
- a. The uses authorized shall be appropriate to the character of the open space, including its topography, size and vegetation, as well as the character of the development including its size and density.
 - b. Common open space connections to the greater regional open space network shall be encouraged.
 - c. Common open spaces shall be accessible and designed to invite people of all ages and mobility.
 - d. Common open spaces shall be visible with a minimum of one side bordering a street unless constrained by natural conditions. Open spaces shall be entered directly from a street.
 - e. Landscaping shall be consistent with the City's Landscape requirements. Plants within common open spaces should require minimal maintenance and be horticulturally acclimatized to the region.
 - f. Common open space shall contain benches, trash receptacles and bike racks, in keeping with the scale of the space. All furnishings shall meet applicable city standards.
 - g. Paving within common open spaces should consist of the following pervious and/or impervious materials such as: scored concrete, concrete pavers, stone, brick or gravel.
 - h. Materials within common open spaces should be selected with consideration of their maintenance and durability and reflect their importance as a civic space.
 - i. Common open spaces should not be fenced, except playgrounds, pools and dog parks. If provided, walls should be constructed of brick, stone or concrete. Fences shall be built of painted metal.

35.8 USE STANDARDS

35.8.1 General Standards for Permitted Uses:

- a. Permitted uses shall be as listed in Tables 39.1 and 39.2 Summary of Permitted Uses in the TOD District. They shall also be subject to the following conditions:
 - i. The requirements of Section 35
 - ii. Minimum distance requirements, if provided and as specified in Tables 39.1 and 39.2
- b. In each district, certain uses are permitted as-of-right, that do not require approval of either the Commission or the Board except where a Site Plan is required, but require a CZC (Certificate of Zoning Compliance) be issued when the application conforms to all applicable requirements. In Tables 39.1 and 39.2 permitted uses with the letter R indicates a use permitted as-of-right.
- c. Noise, odors, lights, signs and all other possible disturbing aspects connected with operation of such uses shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the area use and enjoyment of properties or streets.
- d. Uses not listed in Tables 39.1 and 39.2 as either permitted, prohibited or allowed by Special Use Exception, but found to be similar to listed permitted uses by the Planning and Development Commissioner, may be allowed by Special Use Exception, provided that such uses:
 - i. Are consistent with Section 35.1 Statement of Purpose and Section 35.2: Description and Intent;
 - ii. Will not adversely affect neighboring properties;
 - iii. Will contribute positively to the economic vitality and enhance the walkability character of the TOD District.

WEST HAVEN TOD ZONE REGULATIONS

35.8.2 **Special Permit and Special Use Exception:**

Certain uses are a necessary part of the community, and if properly controlled are compatible with surrounding uses. In making its decision on any application for a Special Use Exception or Special Permit, the Commission must weigh community and landowner interests in having the use.

- a. Applications for Special Permit and Special Use Exceptions shall be reviewed using the procedures and criteria of Article 10, including a Public Hearing and Article 8: Site Plan Review.

35.8.3 **Residential Development:**

- a. A range of residential dwelling types shall be encouraged within the TOD.
- b. A minimum of 15% of all dwelling units, excluding accessory units and multi-family units on upper floors, should have a clearly defined front yard. Standards for the front yards shall be as specified in Section 35.10: Urban Design Standards.

35.8.4 **Commercial Development:**

- a. The maximum ground level footprint of a commercial building shall be 20,000 square feet. Buildings with larger footprints shall require the approval of the Zoning Board of Appeals.
- b. Commercial uses shall front on arterial and collector streets.
- c. Commercial uses shall be allowed to be mixed and integrated with dwelling units, public and semi-public uses, community clubs and community facilities.

35.8.5 **Signs:**

- a. All permitted uses shall comply with Section 65: Sign Requirements and Table 69.3: Commercial, industrial and advertising signs and shall not negatively impact residential uses.
- b. Internal illumination of signs shall be permitted, subject to the following conditions:
 - i. Illuminated signs shall not negatively impact residential properties.
 - ii. Illuminated signs shall not be permitted higher than 35 feet.
 - iii. Illuminated signs shall not be permitted between the hours of 10:30 pm and 6:30 am.

35.9 **PARKING STANDARDS**

This section seeks to balance the needs of pedestrians, cyclists and transit users with necessary parking. Parking should accommodate the minimum number of spaces necessary to support the uses it serves, without being excessive, in order to support an active, walkable TOD, not degrade the public realm and remain compatible with surrounding neighborhoods.

- 35.9.1 Shared parking shall be encouraged. In general, parking both on-street and off-street in the TOD is to be treated as a shared resource. A goal is to achieve mixed-use "park-once" areas where multiple destinations are served by parking once, or one time. The land uses and projects within the TOD are therefore encouraged to share parking, so that different land uses that occupy parking at different times of day may use the same parking spaces; this will reduce paved surfaces, minimize environmental impacts and enhance the non-motorist realm. The Planning and Zoning Commission shall accept a shared parking analysis of on-street spaces within 500 feet and all assigned off-street spaces prepared in conformance with the latest edition of the Urban Land Institute's Shared Parking (current edition 2005).

- 35.9.2 Parking shall conform to Section 60: Parking, Loading and Access Standards, except if those standards are superseded by the standards listed in this section:

- a. Section 60.5.1: Parking may be provided within 400 feet of a principal entrance.
- b. Section 60.24: Parking areas, where possible, should be screened by buildings.
- c. Section 60.25 – A landscape buffer between different uses in TOD shall not be required.

WEST HAVEN TOD ZONE REGULATIONS

- 35.9.3 Required off-street parking spaces shall conform to the following requirements:
- a. The number of spaces shall be provided in accord with Table 62.1: Summary Table of Parking and Loading Requirements, except for the following standards which shall supersede.
 - i. All residential uses within 1,320 feet (1/4 mile) of the train station shall have no minimum requirements and a maximum of 1.5 spaces/unit.
 - ii. All office uses within 1,320 feet (1/4 mile) of the train station shall have no minimum requirements and a maximum of 3.25 spaces/1,000 square feet.
 - b. Section 60.13: An additional reduction of parking requirements for all other uses, up to 30%, should be considered by the Planning and Zoning Commission based on recognized industry-standard published work(s) or examples of similar land use/parking ratios from an existing functioning TOD.
 - c. Liner uses that line parking structures or lots, with a depth of 30 feet or less shall be exempt from parking requirements.
 - d. A minimum of one bicycle rack shall be required for every 20 vehicular spaces for bicycle parking.
- 35.9.4 Off-street parking reductions shall be as follows:
- a. Required parking for adaptive reuses or historic renovations may be reduced by exception by the Zoning Board of Appeals.
 - b. Developments within a 1,320 foot radius of the train station may have their parking reduced by 30% administratively, ~~except when the development is within 500 feet of R-1 and R-2 districts.~~
 - c. One automobile parking space may be eliminated for every 5 bicycle parking spaces provided in excess of that required.
- 35.9.5 Off-street parking access shall comply with the following requirements:
- a. Parking shall be located to the rear of structures and screened from the view shed of the street. Exceptions may be granted for:
 - i. Parking for single-family dwellings on lots wider than 55 feet.
 - ii. As permitted in Section 60.7: Front Yard Parking Permitted by Special Permit.
 - b. Where alleys are provided, parking shall be accessed from the alleys.
 - c. Parking for townhouses shall be accessed from an alley.
 - d. Where alleys are unavailable, excluding for townhouses, parking may be accessed by driveways directly from the street.
 - e. Parking entrances shall not face public open spaces.
 - f. Curb cuts shall be kept to a minimum along all streets.
- 35.9.6 Above-grade parking structures, or portions of underground parking that protrude above grade shall comply with the following requirements:
- a. Primary and secondary frontages shall be lined with an active use at grade for a minimum depth of 30 feet along a minimum of 50% of its frontages, or shall be screened on all levels with an architectural treatment compatible with the building for 100% of its frontages.
 - b. Internal elements such as pipes, fans and lights shall be concealed from public view.
 - c. Pedestrian access into above-grade parking structures shall be directly to a street or public frontage.
- 35.9.7 Deviations and/or reliefs from these standards and Section 60: Parking and Access shall require approval by the Zoning Board of Appeals as defined in Section 60.28.

WEST HAVEN TOD ZONE REGULATIONS

35.10 URBAN DESIGN STANDARDS & GUIDELINES

35.10.1 Building Character and Massing:

- a. Buildings shall provide an appropriate architectural scale and elements to reduce the appearance of the height and length of building facades through the use of changes in fenestration, wall plane, balcony locations, height and/or materials.
- b. HVAC and mechanical equipment shall be integrated into the overall building design and not be visible from adjoining streets and or open spaces. Through-wall units or vents shall be prohibited along street frontages and open spaces, unless recessed within a balcony.
- c. Uninterrupted facades shall be discouraged. Long buildings (over 200 feet long) shall be broken down to a scale comparable to adjoining properties, by articulating the building in plan or elevation. Multiple rhythm of window openings shall be encouraged for larger buildings.
- d. A variety of building heights shall be encouraged.
- e. The facades of mixed-use buildings shall differentiate commercial uses from residential uses with distinguishing elements and expression lines, architectural projections, changes in fenestration and/or material changes.
- f. Within a building, window types shall be complementary and minimize the use of different styles.
- g. Window openings should reveal their thickness within the building wall, when appropriate to the building material used.
- h. When used, shutters shall be appropriately sized to cover the window opening.
- i. Rooftop equipment shall be concealed by a parapet and/or screened architecturally with materials or elements consistent with the building design and designed to minimize its overall impact.
- j. With the exception of utility rooms, building mechanical and utility equipment and trash storage shall be located in alleys where possible. Where otherwise provided along streets, they shall be adequately screened with landscaping walls or integrated into the design of the building.

35.10.2 Building Orientation and Entries:

- a. Building orientation shall provide a complementary façade to the building it faces across a street, or open space such that the front of a building faces the front or side of buildings, except in instances when it faces existing buildings.
- b. Buildings shall have their principal pedestrian entrance along a street, pedestrian passage or open space with the exceptions of visible entrances off a courtyard.
- c. All residential units shall be raised above the level of the adjacent sidewalk by a minimum of two feet, as measured from the average sidewalk elevation. Exceptions shall be allowed for ADA/FHA compliance.
- d. Building entries for mixed-use buildings shall distinguish entrances for residential and commercial uses.
- e. Residential buildings with ground-floor units shall provide landscaping, walls, fences, stoops or similar elements to provide an attractive and private frontage to the building.
- f. Multifamily buildings should provide protection from the elements with canopies, marquees, recesses or roof overhangs.
- g. Townhouse shall distinguish each unit entry with changes in plane, color, materials, front porches or front stoops and railings.
- h. Usable front yards shall be clearly defined for buildings, using landscaping, hedging, fencing, or a brick or stone wall, none of which shall exceed three feet in height. Front yards of single-family dwellings may be unified into one common yard and treated as a single yard for the entire building.

35.10.3 Retail Storefronts:

- a. Retail frontages shall be architecturally articulated through the varied use of materials, colors, display windows, entrances, awnings and signage.

WEST HAVEN TOD ZONE REGULATIONS

- b. Retail shops shall provide a minimum of 16 feet of height from floor to floor.
- c. Retail shops shall provide a minimum of 40% glazing (void to solid ratio) along primary facades. Exceptions may be granted by the Zoning Board of Appeals.
- d. Special consideration shall be given to the scale and configuration of large format retail buildings to ensure they are in keeping with the massing and urban character of buildings.
- e. Opaque, smoked, and reflective glass on storefront windows shall be prohibited unless used as accent materials.
- f. Retail storefront materials shall consist of high-quality durable materials, such as stone, brick, concrete, metal, glass, and wood.
- g. Storefront awnings shall be appropriate to the style of the building and storefront.
- h. Awnings and canopies shall have a minimum depth of three feet and provide at least eight feet of clearance above the sidewalk.
- i. Requests for sidewalk sales shall be reviewed by the Building Department and the Planning and Zoning Commissioner. The building permit application shall specify the following:
 - i. the location of the sale;
 - ii. the hours and timeframe of the sale; and
 - iii. what is being sold at the sale.

35.10.4 Eating and Drinking Establishments:

- a. Eating and drinking establishments shall be allowed and outdoor seating is encouraged. Outdoor seating on sidewalks, including within courtyards and public right-of-ways shall be allowed subject to the following standards and guidelines:
 - i. Access to store entrances shall not be impaired.
 - ii. Sidewalks of a minimum of five feet along the curb and leading to an establishment shall be maintained free of tables and other encumbrances to allow for pedestrian circulation.
 - iii. Planters, posts, ropes and other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the eating and drinking place.
 - iv. Awnings, canopies and large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.
 - v. Outdoor trash receptacles shall be provided at establishments with outdoor seating.
 - vi. Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
 - vii. Outdoor signage shall not be entitled to additional signage over and beyond what is permitted for the establishment.
 - viii. Outdoor seating operators shall maintain a clean, litter-free and well-kept appearance within and immediately adjacent to the area of their activities.

35.11 STREETSCAPE STANDARDS & GUIDELINES

35.11.1 Sidewalks & Walkways:

- a. In order to promote pedestrian activity, a continuous sidewalk network shall be provided throughout the development to interconnect residential uses, commercial uses and open spaces. Sidewalks shall be separate and distinct from motor vehicle circulation to the greatest extent possible, provide a pleasant and safe route for pedestrians, promote enjoyment of the development and encourage incidental social interaction among pedestrians.
- b. Sidewalk Network Standards:
 - i. Barrier-free design sidewalks shall be used to the greatest extent possible.
 - ii. Sidewalks shall align with one another with direct links and connect to open space trails and paths, providing an unbroken circulation system.

WEST HAVEN TOD ZONE REGULATIONS

- iii. The pedestrian circulation system shall include gathering/seating areas and provide landscaping, benches and other street furniture where appropriate.
 - iv. Sidewalks shall have a minimum width of five feet, along major pedestrian routes, six feet along major pedestrian routes and 10 feet in mixed-use areas.
 - v. Sidewalks shall be constructed of slate textured concrete pavers, concrete with accent materials, such as brick borders, or some combination thereof compatible with the style, material, colors and details of surrounding buildings. Functional, visual and tactile properties of paving materials shall be appropriate to the proposed functions of pedestrian circulation.
- c. Walkways shall be raised and curbed along buildings and within or adjacent to parking lots where practical. Pedestrian street crossings shall be clearly delineated by a change in pavement color and/or texture.
 - d. All sidewalks and walkways shall have appropriate lighting, using pedestrian-scaled poles and fixtures consistent with the overall design theme for the development.

35.11.2 Bikeways:

- a. A continuous bikeway circulation route shall be provided. Bikeways shall link open space areas, and link development within the TOD and with surrounding areas.
- b. One-way bikeways shall be a minimum of five feet wide, and two-way bikeways shall be a minimum of eight feet wide, and both may use asphalt paving.

35.11.3 Street Furnishings:

- a. **Benches:**
 - i. They shall be provided in areas of gathering and high pedestrian activity.
 - ii. They shall meet city standards.
- b. **Bike Racks:**
 - i. They shall be properly anchored to promote stability and security.
 - ii. They shall hold at least two bicycles.
 - iii. Bike racks should be provided in safe, accessible, convenient, and well-lit locations. They should be placed within 100 feet of a building's entrance.
- c. **Trash Receptacles:**
 - i. Trash receptacles shall be placed adjacent to building entrances and other convenient locations determined by property owners where they do not impede pedestrian movement.
 - ii. A minimum of 1 trash receptacle shall be provided at each intersection in mixed-use and commercial areas.
- d. **Street Trees:**
 - i. Continuity of street character shall be reinforced through the placement of street trees lining both sides of each street. 30 feet on center /average shall be provided. Tree species should alternate for disease resistance (e.g. oak, maple oak one side of a street and maple, oak, maple across the same street).
 - ii. Contrasting tree species shall highlight special locations such as plazas and within common open spaces.
 - iii. Tree species shall be approved by the City and shall have a three inch caliper minimum at the time of planting.
 - iv. Tree wells and/or landscape strips shall be planted with appropriate ground cover plantings and shall be a minimum width of four feet. Tree wells shall be planted at the outside edge of the sidewalk. Trees shall be planted centered on the landscape strip.
- e. **Street Lights:**
 - i. Street lights shall be designed to direct light to the ground and to minimize light spillover.
 - ii. Where located along or next to residential buildings, street lights shall have a maximum height of 12 feet.
 - iii. Street lights shall be placed to avoid conflicts along sidewalks and with street trees.
 - iv. High pressure sodium lamps shall not be permitted.

FIGURE 35.1: WEST HAVEN ZONING MAP

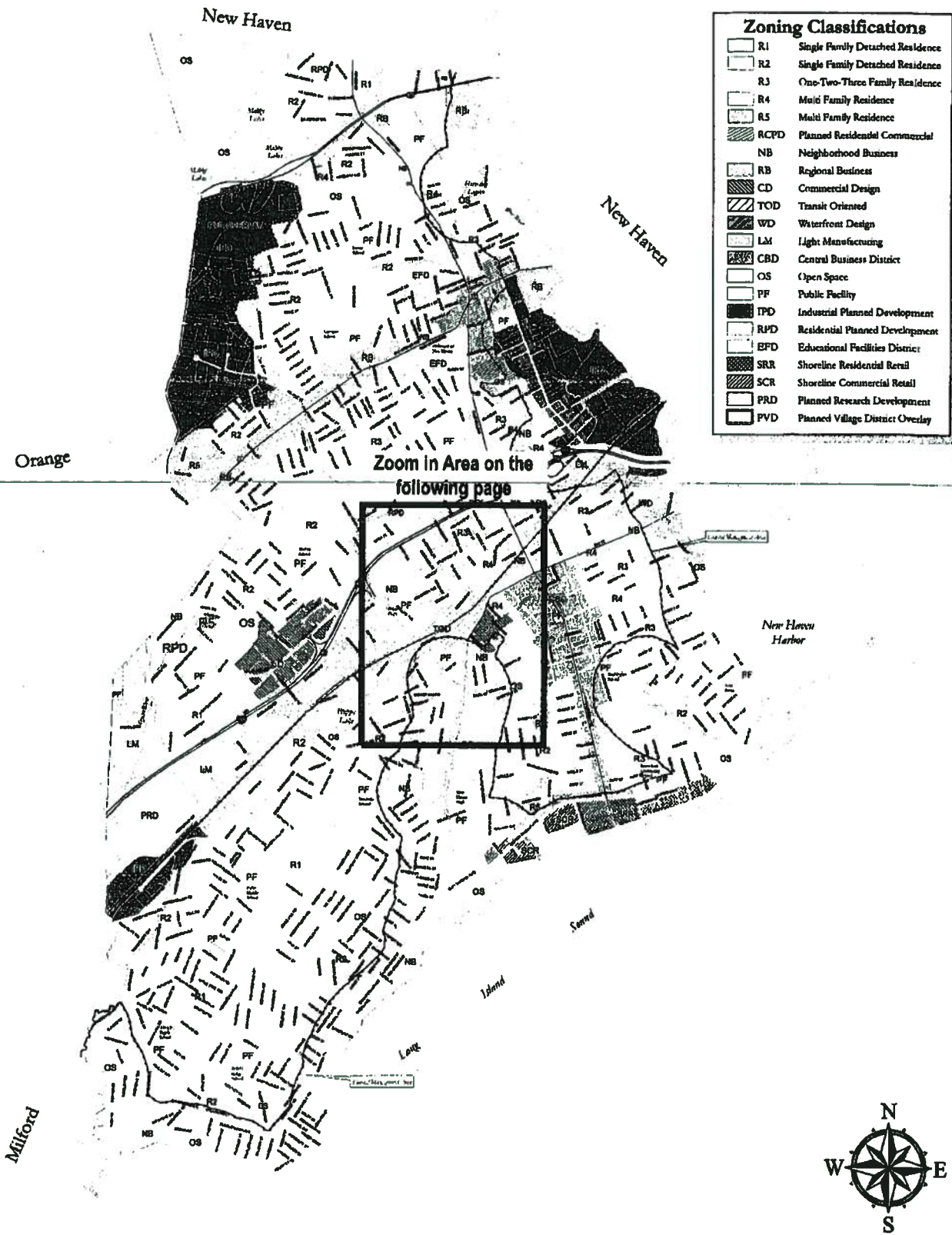


FIGURE 35.1: WEST HAVEN ZONING MAP

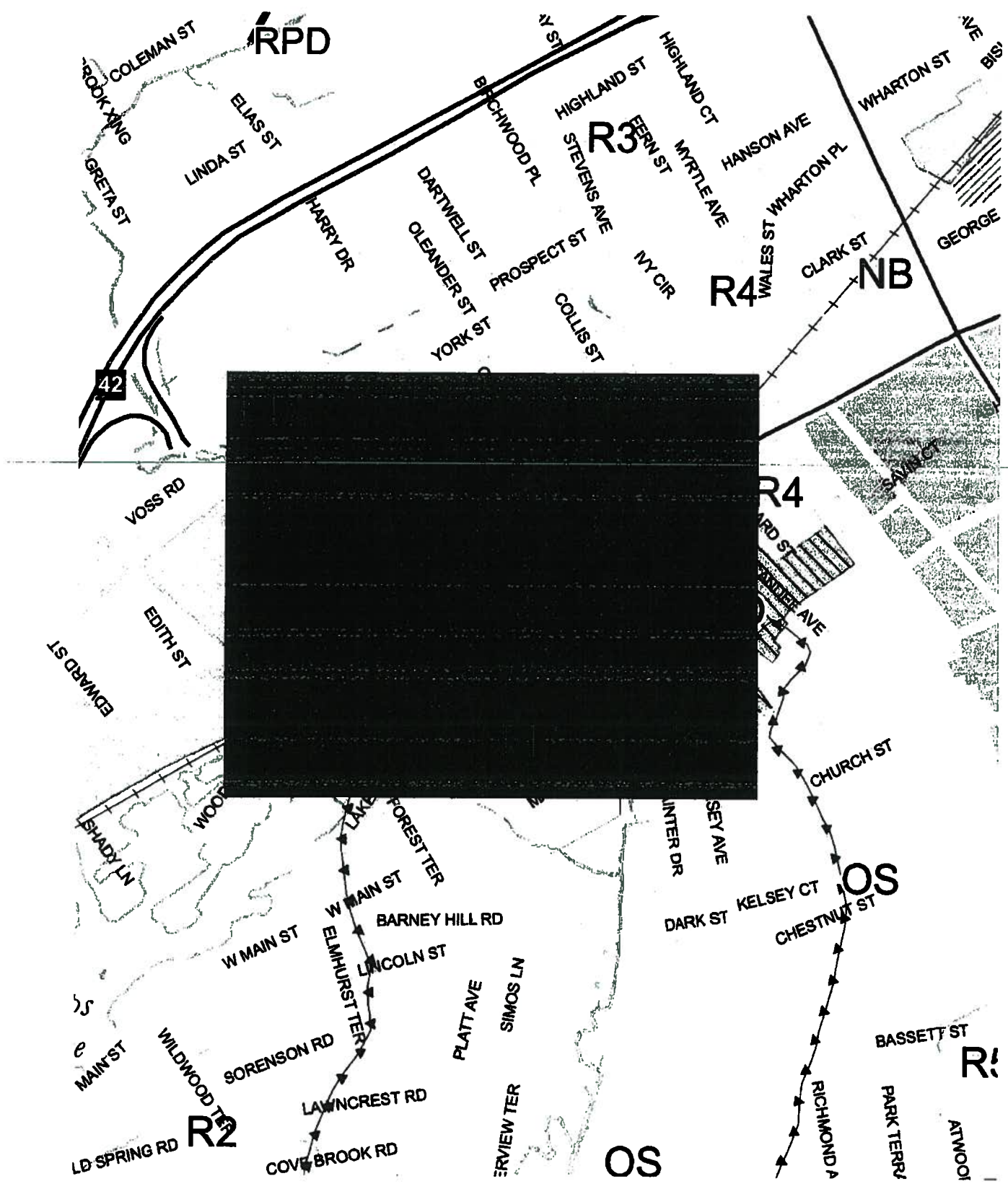
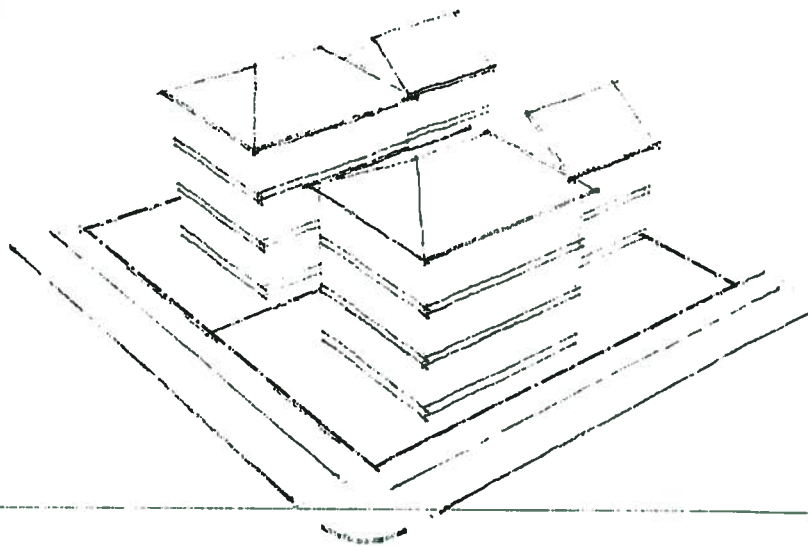


TABLE 35.1: TOD FORM STANDARDS

Table 35.1.2: Single-Family House

LOT OCCUPATION	
(A) Lot Width (min.)	50 ft.
(B) Lot Depth (min.)	100 ft.
Lot Area (min.) / (max.)	5,000 s.f
Lot Coverage (max.)	65%
Open Space (min.)	20 %
Frontage Build-out (min.)	50 %
SETBACKS	
Principal Building	
(C) Front Setback (min.)	15 ft.
(D) Side Setback (corner) (min.)	5 ft.
(E) Side Setback (Interior) (min.)	5 ft.
(F) Rear Setback (min.)	25 ft.
Accessory Building / Garage	
(G) Side Setback (min.)	2 ft.
(H) Rear Setback (min.)	2 ft.
BUILDING HEIGHT	
Principal Bldg (max.)	3
Arcade (max.)	N/A
Accessory (max.)	2
PARKING	
Spaces	(See Article 5: Section 60 - Parking & Access)
NOTES	



1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.

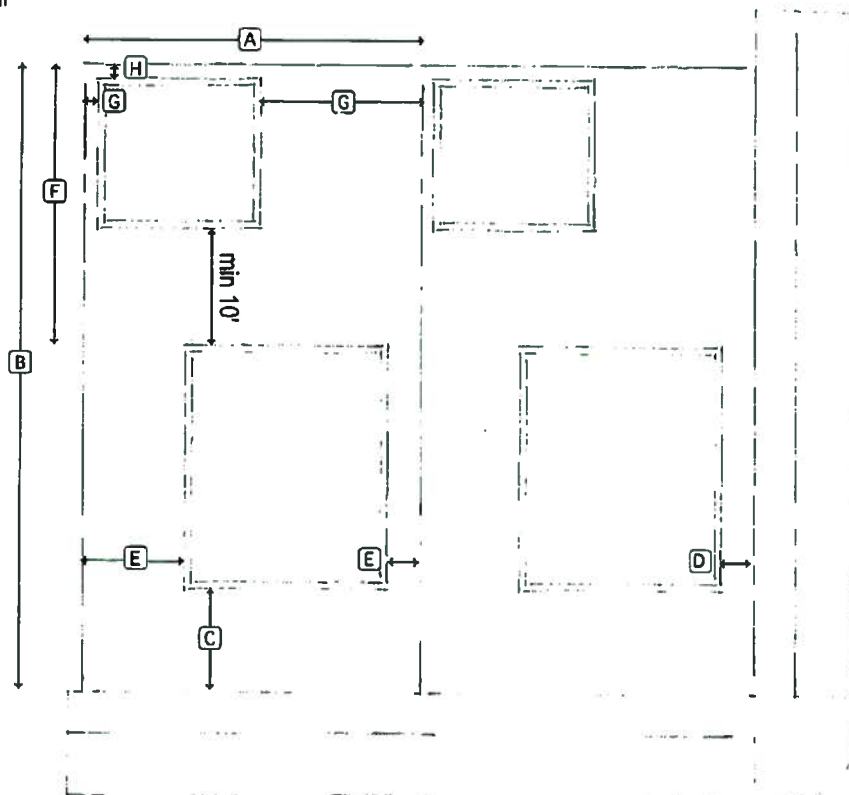


TABLE 35.1: TOD FORM STANDARDS

Table 35.1.1: Single-Family Tuckunder

LOT OCCUPATION	
A Lot Width (min.)	40 ft.
B Lot Depth (min.)	40 ft.
Lot Area (min.) / (max.)	1,600 s.f
Lot Coverage (max.)	65%
Open Space (min.)	20 %
Frontage Build-out (min.)	50 %
SETBACKS	
Principal Building	
C Front Setback (min.)	5 ft.
D Side Setback (corner) (min.)	5 ft.
E Side Setback (interior) (min.)	5 ft.
F Rear Setback (min.)	5 ft.
Accessory Building	
G Side Setback (min.)	N/A
H Rear Setback (min.)	N/A
BUILDING HEIGHT	
Principal Bldg (max.)	4
Arcade (max.)	N/A
Accessory (max.)**	N/A
PARKING	
Spaces	(See Article 5: Section 60 - Parking & Access)
NOTES	

1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.

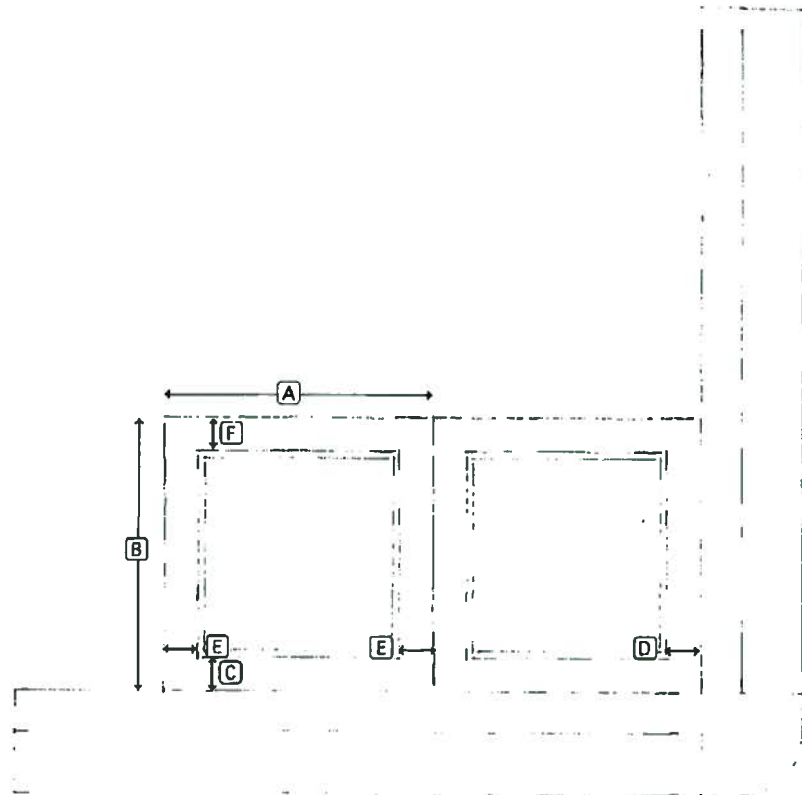
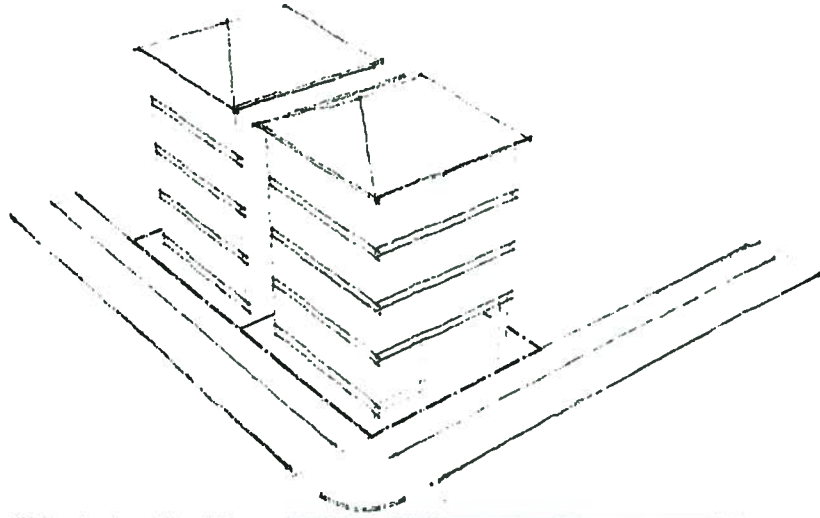


TABLE 35.1: TOD FORM STANDARDS

Table 35.1.3: Two-Family

LOT OCCUPATION	
A Lot Width (min.)	24 ft.
B Lot Depth (min.)	100 ft.
Lot Area (min.) / (max.)	2,400 s.f.
Lot Coverage (max.)	60%
Open Space (min.)	20 %
Frontage Build-out (min.)	50 %
SETBACKS	
Principal Building	
C Front Setback (min.)	15 ft.
D Side Setback (corner) (min.)	5 ft.
E Side Setback (interior) (min.)	5 ft. / 0 ft.
F Rear Setback (min.)	25 ft.
Accessory Building	
G Side Setback (min.)	0 ft. / 5ft. (corner)
H Rear Setback (min.)	2 ft.
BUILDING HEIGHT	
Principal Bldg (max.)	2
Arcade (max.)	N/A
Accessory (max.)	2
PARKING	
Spaces	(See Article 5: Section 60 - Parking & Access)
NOTES	
1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.	
2. Minimum lot width for single-family homes is 55'. Narrower lots shall require alley access for parking.	

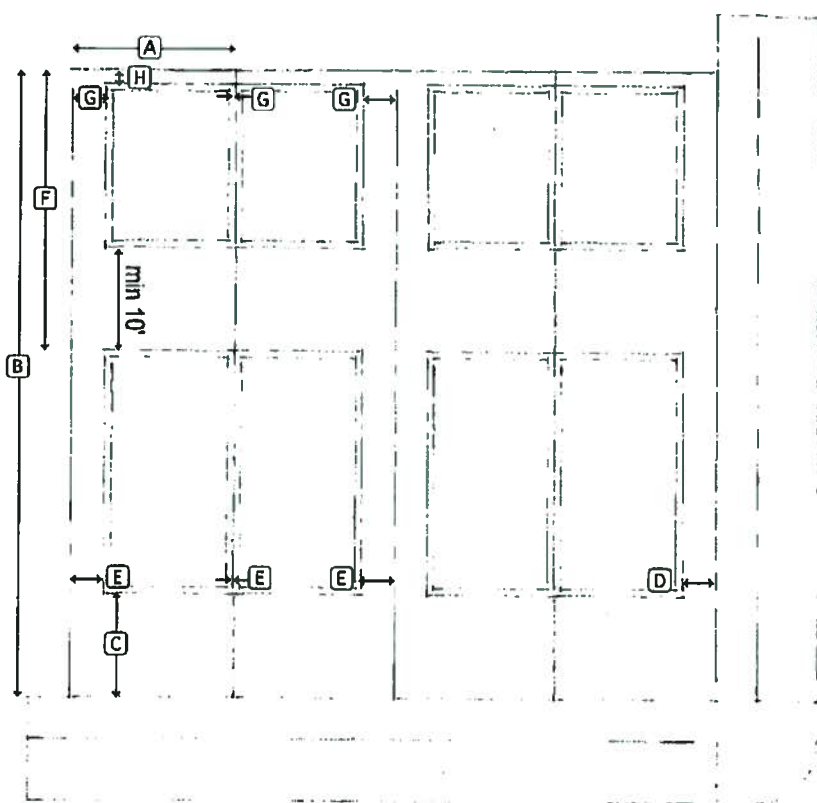
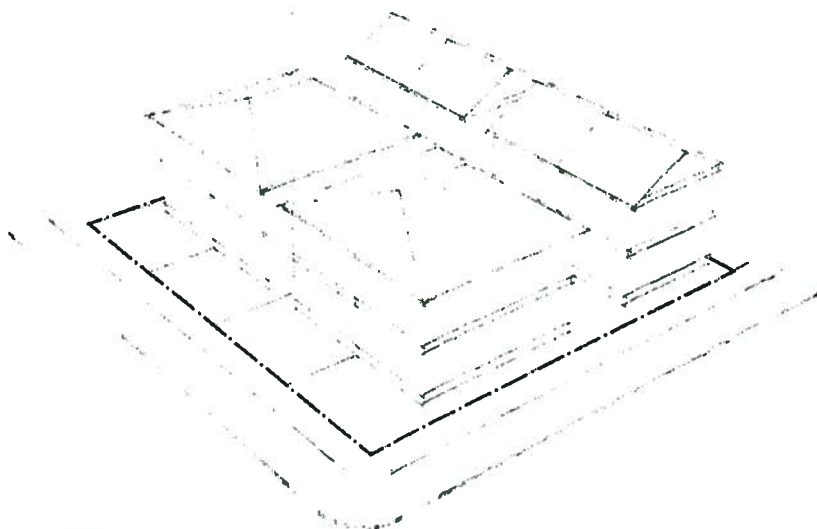


TABLE 35.1: TOD FORM STANDARDS

Table 35.1.5: Townhouse

LOT OCCUPATION	
A Lot Width (min.)	16 ft.
B Lot Depth (min.)	100 ft.
Lot Area (min.) / (max.)	1,600 s.f.
Lot Coverage (max.)	65%
Open Space (min.)	20%
Frontage Build-out (min.)	75%

SETBACKS	
Principal Building	
C Front Setback (min.)	5 ft.
D Side Setback (corner) (min.)	5 ft.
E Side Setback (interior) (min.)	0 ft.
F Rear Setback (min.)	35 ft.
Accessory Building / Garage	
G Rear Setback (min.)	2 ft.
H Side Setback (min.)	0 ft / 5 ft. (corner)

BUILDING HEIGHT	
Principal Bldg (max.)	3
Arcade (max.)	N/A
Accessory (max.)	2

PARKING	
Spaces	(See Article 5: Section 60 - Parking & Access)

NOTES	
1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.	

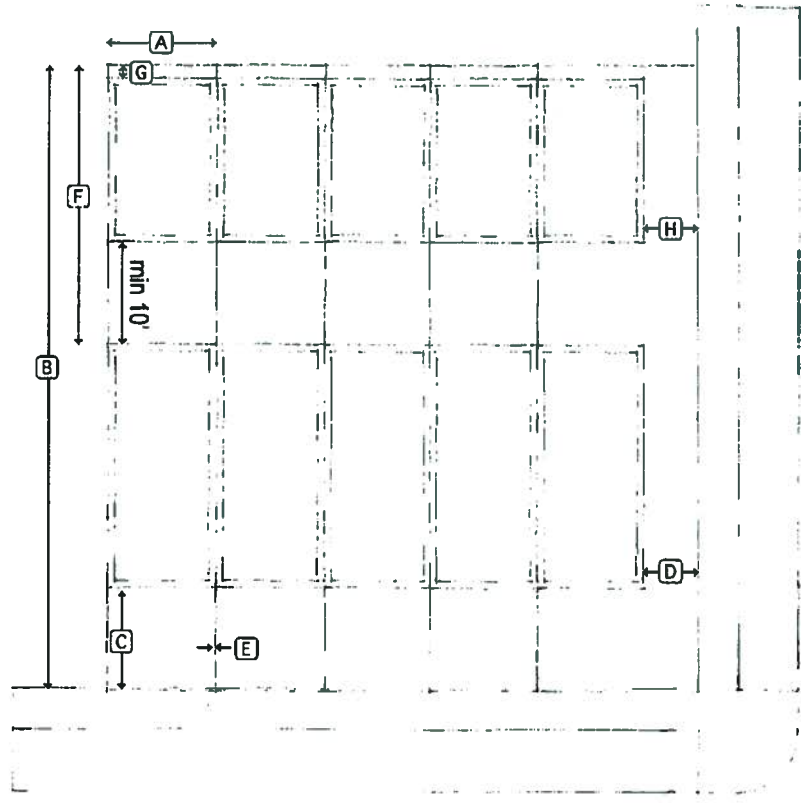
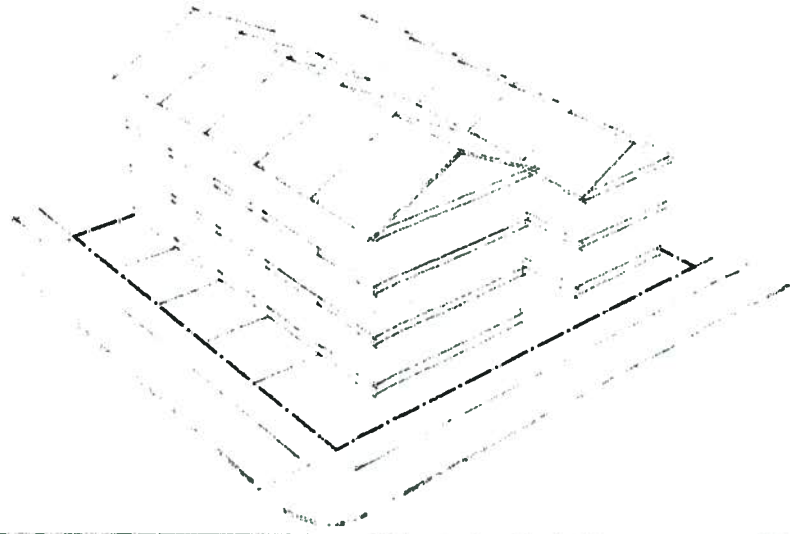


TABLE 35.1: TOD FORM STANDARDS

Table 35.1.4: Tuckunder Townhouse

LOT OCCUPATION	
(A) Lot Width (min.)	16 ft.
(B) Lot Depth (min.)	40 ft.
Lot Area (min.) / (max.)	640 s.f.
Lot Coverage (max.)	75%
Open Space (min.)	10%
Frontage Build-out (min.)	75%
SETBACKS	
Principal Building	
(C) Front Setback (min.)	5 ft.
(D) Side Setback (corner) (min.)	5 ft.
(E) Side Setback (interior) (min.)	0 ft.
(F) Rear Setback (min.)	5 ft.
Accessory Building / Garage	
(G) Side Setback (min.)	N/A
(H) Rear Setback (min.)	N/A
BUILDING HEIGHT	
Principal Bldg (max.)	4
Arcade (max.)	N/A
Accessory (max.)	N/A
PARKING	
Spaces	(See Article 5: Section 60 - Parking & Access)
NOTES	

1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.

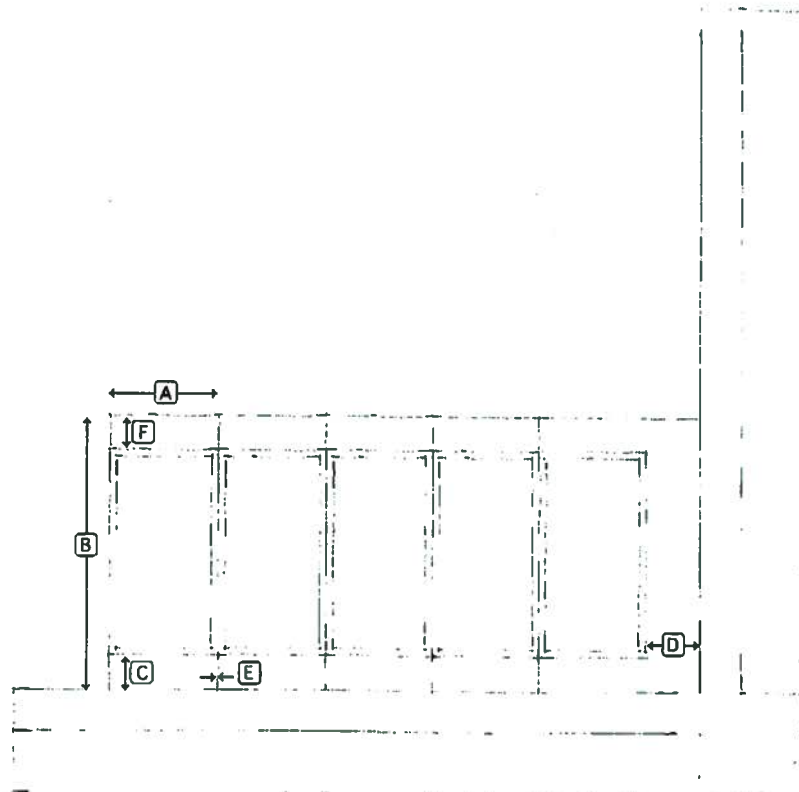
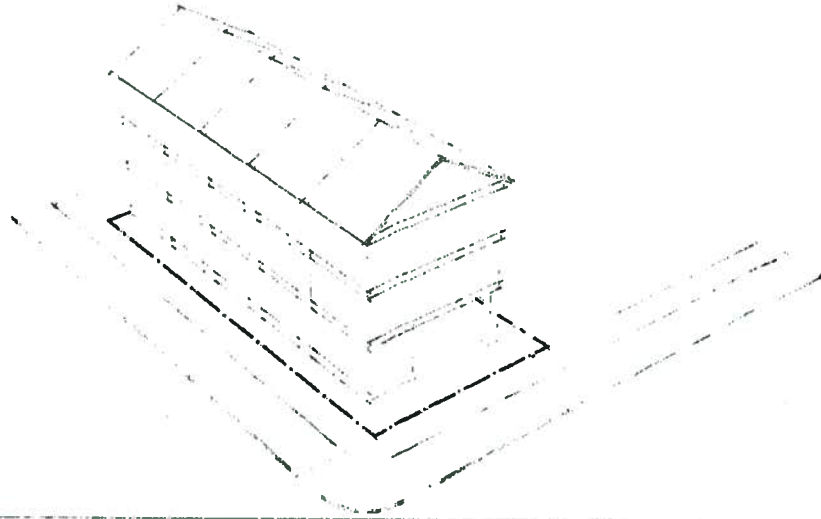


TABLE 35.1: TOD FORM STANDARDS

Table 35.1.6: Live-Work

LOT OCCUPATION	
(A) Lot Width (min.)	16 ft.
(B) Lot Depth (min.)	80 ft.
Lot Area (min.) / (max.)	1,280 s.f.
Lot Coverage (max.)	65%
Open Space (min.)	20%
Frontage Build-out (min.)	75%
SETBACKS	
Principal Building	
(C) Front Setback (min.)	2 ft.
(D) Side Setback (corner) (min.)	2 ft.
(E) Side Setback (interior) (min.)	0 ft.
(F) Rear Setback (min.)	2 ft.
Accessory Building / Garage	
(G) Rear Setback (min.)	N/A
(H) Side Setback (min.)	N/A
BUILDING HEIGHT	
Principal Bldg (max.)	3
Arcade (max.)	N/A
Accessory (max.)	N/A
PARKING	
Spaces	(See Article 5: Section 60 - Parking & Access)
NOTES	

1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.

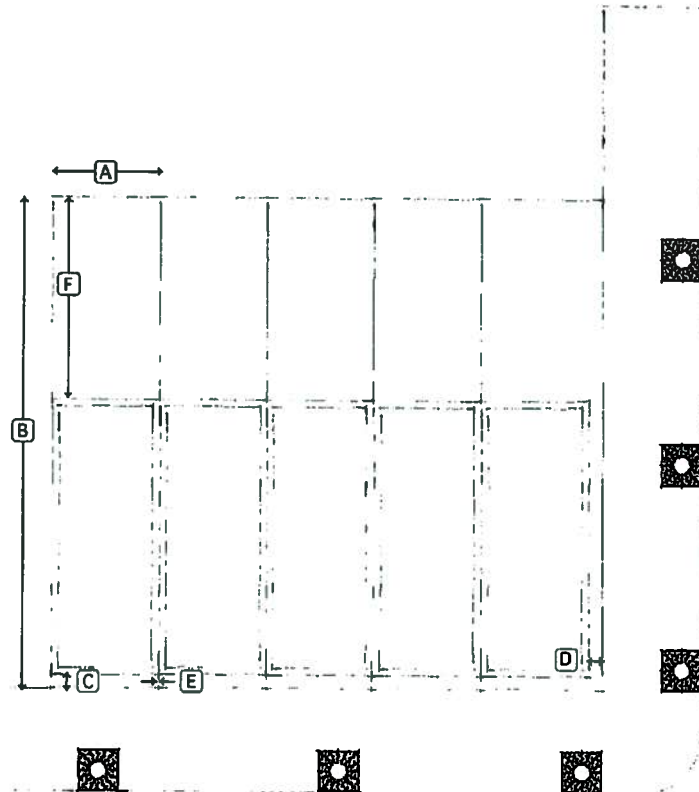
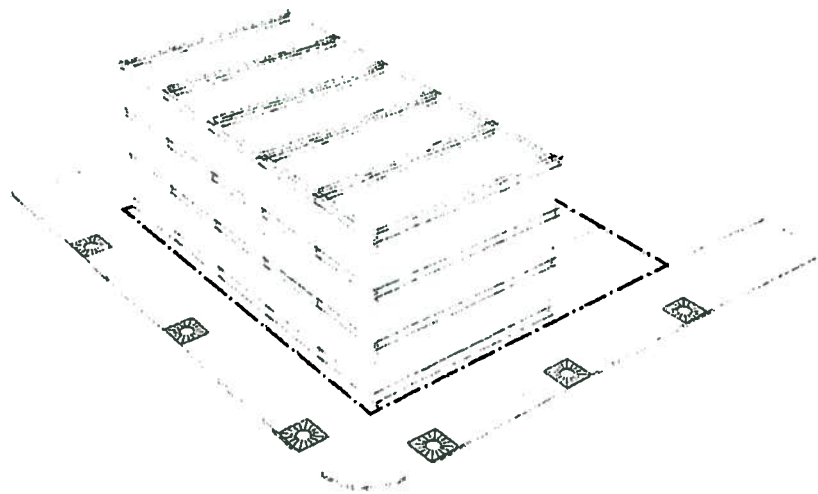


TABLE 35.1: TOD FORM STANDARDS

Table 35.1.7: Multi-Family

LOT OCCUPATION	
A Lot Width (min.)	72 ft.
B Lot Depth (min.)	90 ft.
Lot Area (min.) / (max.)	N/A
Lot Coverage (max.)	80%
Open Space (min.)	10%
Frontage Build-out (min.)	70%

SETBACKS	
Principal Building	
C Front Setback (min.)	15 ft.
D Side Setback (corner) (min.)	5 ft.
E Side Setback (interior) (min.)	5 ft.
F Rear Setback (min.)	2 ft.
Accessory Building	
G Rear Setback (min.)	N/A
H Side Setback (min.)	N/A

BUILDING HEIGHT	
Principal Bldg (max.)	8
Arcade (max.)	N/A
Accessory (max.)	N/A

PARKING	
Spaces	(See Article 5: Section 60 - Parking & Access)

NOTES	
1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.	

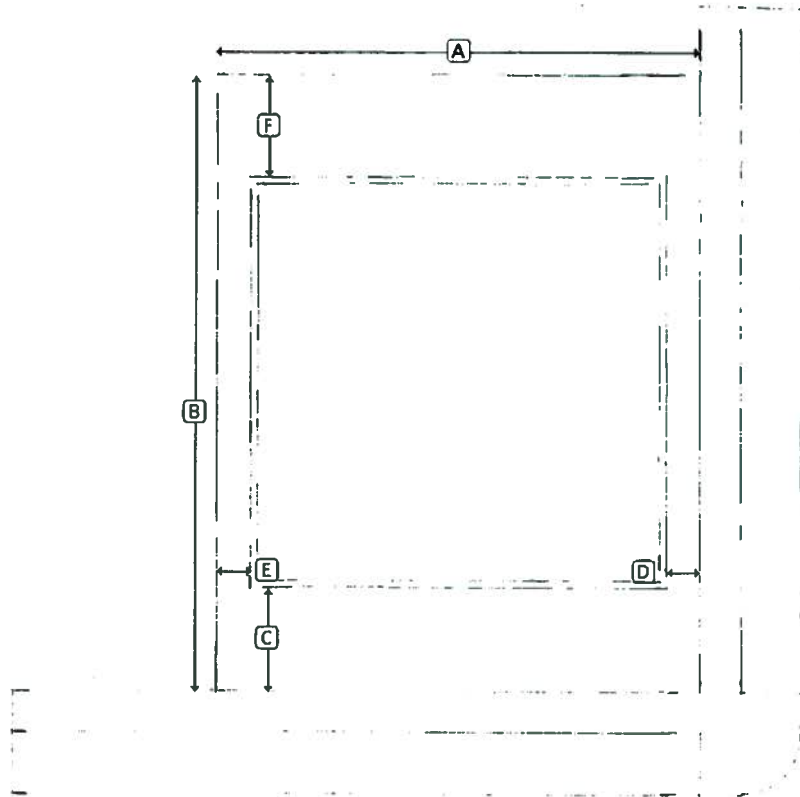
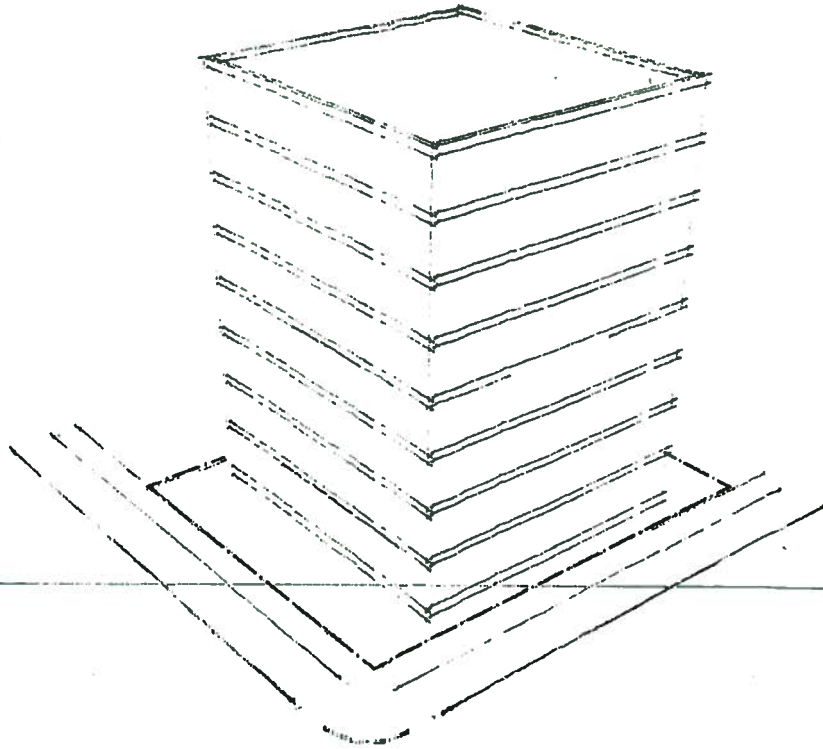


TABLE 35.1: TOD FORM STANDARDS

Table 35.1.8: Mixed-Use / Commercial

LOT OCCUPATION	
A Lot Width (min.)	None
B Lot Depth (min.)	None
Lot Area (min.) / (max.)	N/A
Lot Coverage (max.)	90%
Open Space (min.)	10%
Frontage Build-out (min.)	70%

SETBACKS	
Principal Building	
C Front Setback (min.)	2 ft.
D Side Setback (corner) (min.)	5 ft.
E Side Setback (interior) (min.)	5 ft.
F Rear Setback (min.)	2 ft.

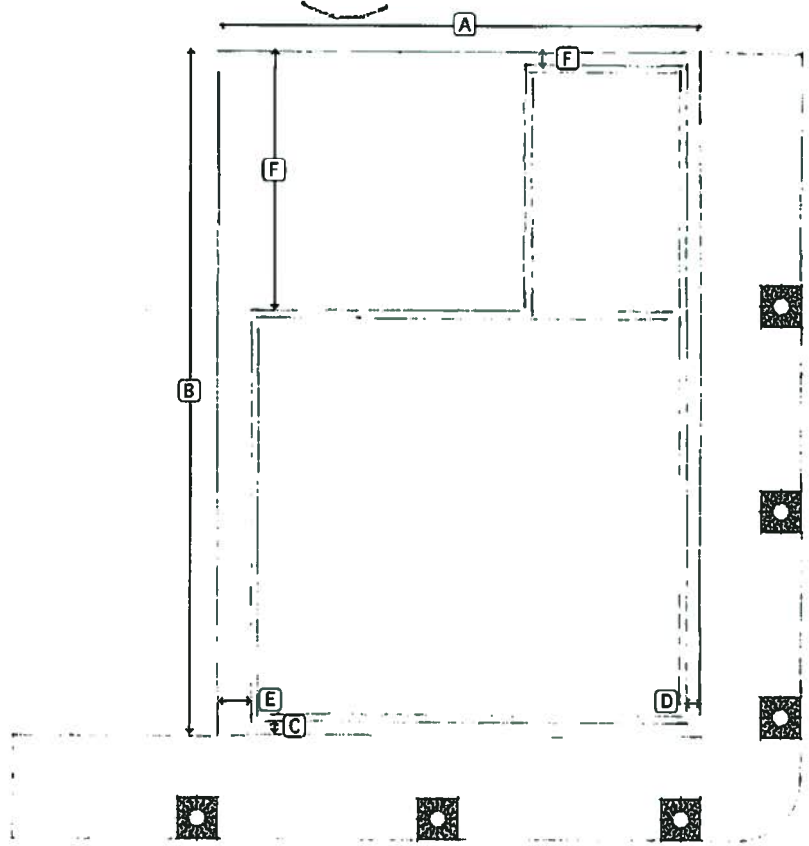
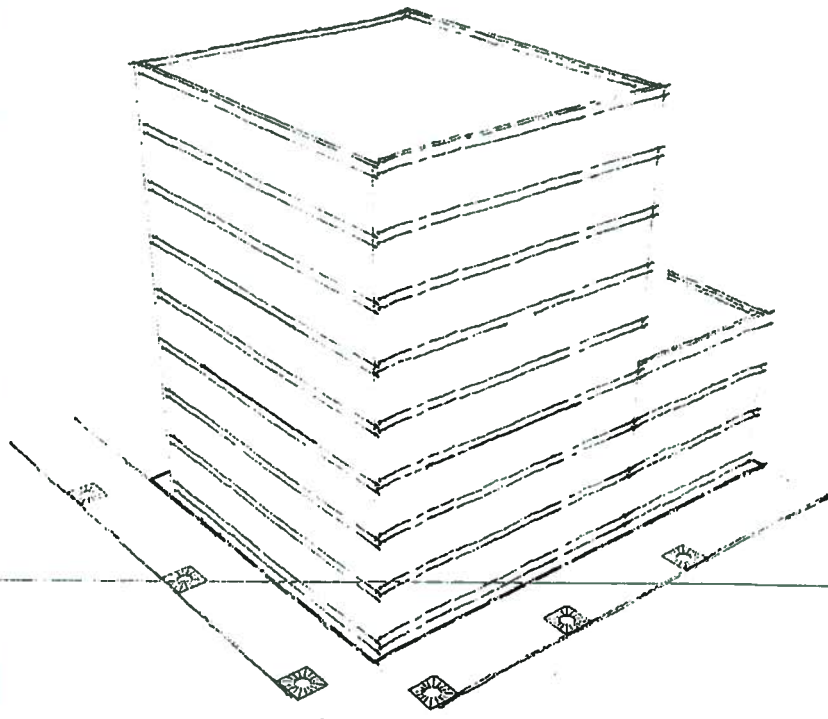
Accessory Building	
G Rear Setback (min.)	N/A
H Side Setback (min.)	N/A

BUILDING HEIGHT	
Principal Bldg (max.)	8
Arcade (max.)	N/A
Accessory (max.)	N/A

PARKING	
Spaces	(See Article 5: Section 60 - Parking & Access)

NOTES

1. Accessory Buildings shall not exceed a 484 sq. ft. maximum footprint.



DEFINITIONS

Live-Work: a rearyard, fully mixed-use building type with one dwelling above or behind a commercial space, that shall be limited to a maximum of 50% of the dwelling unit area.

Mixed-Use: a rearyard, flexible commercial building type. Commercial buildings have floor-plates deeper than residential ones.

Town House: a rearyard building type. A single-family dwelling with common walls on the side lot lines, the facades forming a continuous frontage line. Townhouses are the highest density type able to provide private yards.

Work-Live: a rearyard, fully mixed-use building type with one dwelling above or behind a commercial space, that exceeds 50% of the dwelling unit area.

SECTION 35 – TRANSIT ORIENTED DESIGN (TOD) DISTRICT

35.1 STATEMENT OF PURPOSE.

The purpose of the Transit Oriented Design (TOD) zone is to capitalize upon the locational attributes of the West Haven train station area, the access and personal mobility provided by high volume transit service that connects residential areas and employment centers by encouraging adaptive reuse of existing structures, entrepreneurship and homeownership by allowing alternative forms of physical development that enhance the existing development fabric and infill underdeveloped areas.

35.2 DESCRIPTION AND INTENT

This provision exists to encourage adaptive reuse of existing structures and new mixed use development in the form of self-contained, tightly-gridded, walkable areas identified design features such as front porches, bay windows to create a seamless mix of commercial, office, civic and residential uses. The intent is to:

- Encourage retention and/or adaptive reuse of existing buildings and new infill construction that accommodates the demands of the automobile while designing less auto dependent pedestrian oriented communities.
 - Promote and encourage adaptive reuse and infill structures that respect, maintain or extend the visual character and architectural scale of existing area development.
-
- Encourage office and commercial uses that do not attract large volumes of traffic and continuous customer turnover.
 - Limit and discourage strip commercial development that generates higher traffic volumes and encourage consolidated curb cuts.
 - Minimize visual and functional conflicts between residential and non-residential uses within and adjacent to TOD development.
 - Provide shops for neighborhood needs and more specialized products for a wider market.

35.3 USES PERMITTED IN THE TRANSIT ORIENTED DESIGN DISTRICT (TOD)

In the Transit Oriented Design District (hereafter TOD) uses listed in Table 39.2 Summary of Permitted Use in the Commercial, Industrial and Other Districts, subject to all the applicable Section 35.3.2 General Standards, Table 36.1 Area and Bulk Regulations and the requirements below, are permitted.

35.3.1 General Standards.

1. **Disturbing Aspects.** Noise, odors, lights, **signs** and all other possible disturbing aspects connected with operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the area use and enjoyment of properties or streets.
2. **Utility Services** shall be underground.
3. **Signs.** All **uses** permitted by this section shall comply with Section 65-Sign requirements.
4. **Parking** shall be subject to Section 60-Parking, Loading and Access requirements.

- 35.3.2 **As-of-Right.** In each district certain uses are permitted **as-of-right** that do not require approval of either the Commission or the Board except where a Site Plan is required, but require a **CZC (Certificate of Zoning Compliance)** be issued when the

application conforms to all applicable requirements. In **Table 39.2 Summary Uses** the letter **R** indicates a use permitted As-of-Right.

35.3.3 Special Permit and Special Use Exception.

It is hereby recognized that certain uses are a necessary part of the community and if properly controlled are compatible with surrounding uses. In making its decision on any application for a Special Use Exception or Special Permit the Commission must weigh community and landowner interests in having the use.

Applications for Special Permits and Special Use Exceptions in TOD Districts shall be reviewed using the procedures and criteria of Article 10 including a Public Hearing and Article 8 Site Plan Review.

35.4 ADAPTIVE REUSE

Adaptive reuse of existing older loft style multi-level commercial and industrial structures to limited work, office, and residence use is encouraged.

35.4.1 Conversion Standards. Upper levels of multi-floor loft structures may be converted to retail, office, live-work lofts and conventional dwelling units provided they meet §35.3.2 General Standards and the specific standards below, as follows:

1. **Ground Floors** of structures shall remain in commercial use.
2. **Live-Work Loft.** A Minimum Floor Area **gross floor area** per unit of not less than 900 square feet and an Average Floor Area per unit of not less than 1200 square feet in the residential portion of the structure is required.
3. 1 **dwelling unit** per 2,000 square feet gross floor area in the residential portion of the converted structure is the maximum residential density permitted.

35.4.2 Review Standards for Live-Work Lofts. In addition to meeting Special Permit requirements the Commission shall determine whether the specific proposal meets the following additional standards:

1. The proposed physical configuration will be compatible with existing surrounding industrial and commercial uses.
2. The proposal will not preclude development of permitted industrial and commercial uses on adjacent parcels.
3. The site can reasonably accommodate work-live lofts with minimum conflict with existing commercial and industrial tenants.
4. The structure size and configuration makes future commercial or industrial use unlikely.
5. The site can reasonably accommodate parking and loading needs for work-live lofts and commercial and industrial use.

35.5 NEW CONSTRUCTION

35.5.1 Land Area: Not less than two (2) acres or more than ten (10) acres.

35.5.2 Area and Bulk Regulations. Development shall be subject to Table 36.1 Area and Bulk Requirements.

35.6 MINIMUM PARKING

Parking shall be located to the rear of the structures and screened from the view shed of the street and shall conform to §60 Parking, Loading and Access standards.

35.7 COMMON OPEN SPACE.

Not less than 10% of gross area of the TOD (excluding accepted city streets) shall be allocated to and shall remain in common open space in perpetuity. Common open space shall be used for social, recreational, and/or natural environment preservation purposes. The uses authorized must be appropriate to the character of the

common open space, including its topography, size and vegetation, as well as the character of the development including its size and density.

35.8 RESIDENTIAL DEVELOPMENT WITHIN THE TOD.

A range of residential dwelling types shall be provided and no more than 60% shall be the same dwelling unit type. Buildings design shall conform with the selected design vocabulary and shall vary in terms of footprint, architectural elevations, fenestration, roof type, height, front entrance, and porch or balcony location.

- 35.8.1 **Color, materials, and architectural details** should be limited in number, compatibility and repetition throughout the development.
 - 35.8.2 **First Floor to be Raised.** All residential units shall be raised above the level of the adjacent sidewalk, and the residential units shall be raised above ground level at the front of the building by a minimum of two feet.
 - 35.8.3 **Usable Front Yards Required.** A minimum of 50% of all dwelling units, excluding accessory buildings and apartments on upper floors, shall have a clearly defined front yard using landscaping, hedging, fencing, or a brick or stone wall, none of which shall exceed three (3) feet in height. Front yards of attached duplexes or townhouses may be unified into one common yard treated as a single yard for the entire building.
 - 35.8.4 **Usable Open Space per Dwelling Unit Required.** A minimum **usable open space per dwelling unit of 250 square feet is required.**
-

35.9 COMMERCIAL DEVELOPMENT WITHIN THE TOD.

- 35.9.1 **Commercial Density.** TOD commercial density ratio shall range from a minimum of 100 square feet to a maximum of 300 square feet of commercial floor area per dwelling unit. This shall include the provision of jobs for retail and office/job generating uses.
 - 35.9.1.1 **Commercial to Residential Ratio Limit.** At no time during development shall the commercial density in the developed section exceed the ratio permitted above.
 - 35.9.1.2 **TOD Service Requirement.** The commercial component shall consist of a minimum of 25% commercial use primarily oriented to serve the TOD and the immediately surrounding area within 1500 feet of the TOD. Remaining commercial uses may consist of any permitted commercial uses, including other types of retail and service use.
- 35.9.2 **Orientation.** Commercial components shall front on arterial and collector streets. Commercial uses can be mixed and integrated with dwelling units and public and semi-public uses, community clubs, and community facilities.
- 35.9.3 **Location.** Commercial uses shall be contained in multi-story, mixed-use structures with commercial/retail uses on the ground level and apartment dwellings or offices on the upper levels. Such buildings shall vary in terms of footprint and architectural elevations. The maximum ground level footprint of a commercial building shall be 20,000 square feet. In a multi-story building, the second floor may contain either apartments or commercial uses.
- 35.9.4 **Eating and drinking places shall be allowed and outdoor seating** is encouraged. Outdoor seating on sidewalks, including within courtyards and public rights-of-way, provided pedestrian circulation and access to store entrances shall not be impaired, shall be allowed subject to the following standards and guidelines:

1. **Sidewalks.** Sidewalk of a minimum of 5 feet width along the curb and leading to the entrance to an establishment shall be maintained free of tables and other encumbrances to allow for pedestrian circulation.
2. **Planters, posts, ropes, or other removable enclosures** are encouraged and shall be used as a way of defining the area occupied by the eating and/or drinking place.
3. **Awnings, canopies, or large umbrellas** shall be permitted and located to provide shade. Colors shall complement building colors.
4. **Outdoor Trash Receptacles** shall be provided at establishments with outdoor seating.
5. **Architectural Compatibility.** Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
6. **No additional Signage.** Outdoor seating shall not be entitled to additional signage over and beyond what is permitted for the establishment.
7. **Maintenance.** Outdoor seating operators shall maintain a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of their activities.

35.10 SIDEWALKS, WALKWAYS AND BIKEWAYS.

35.10.1 A **sidewalk network** shall be provided throughout the development to interconnect residential, commercial and open spaces to promote pedestrian activity within each site and through the development; they shall be separate and distinct from motor vehicle circulation to the greatest extent possible, provide a pleasant route for uses, promote enjoyment of the development, and encourage incidental social interaction among pedestrians.

35.10.2 **Sidewalks Network Standards.**

- a. **Barrier free design** sidewalks shall be used to the greatest extent possible.
- b. The **pedestrian circulation** system shall include gathering/sitting areas and provide, landscaping, benches and other street furniture where appropriate.
- c. **Sidewalks** shall have a minimum width of 4 feet, along major pedestrian routes 5 to 6 feet, and in commercial areas 8 to 12 feet.
- d. **Material.** Sidewalks shall be constructed of brick, slate, textured concrete pavers, concrete with accent materials such as brick borders, or some combination thereof compatible with the style, materials, colors, and details of surrounding buildings. Functional, visual and tactile properties of paving material shall be appropriate to the proposed functions of pedestrian circulation.

35.10.3 **Walkways** shall be raised and curbed along buildings and within parking lots where suitable. Pedestrian street crossings shall be clearly delineated by a change in pavement and/or texture. All sidewalks and other pedestrian walkways shall have appropriate lighting, using poles and fixtures consistent with the overall design theme for the development.

35.10.4 **Bikeways** shall be provided, where possible, to link open space areas, and to link to surrounding development. Bikeways shall be a minimum of six feet wide and may use asphalt paving. Bike racks shall be provided in internal open space areas where feasible.

Referral 2.3: Town of Clinton

Subject: Proposed Zoning Regulation Amendments regarding Multiple Dwelling Unit development in Commercial or Residential structures

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 Clinton has proposed Zoning Regulation Amendments regarding Multiple Dwelling Unit development in Commercial or Residential structures. The proposed special exception regulation would allow three dwelling units or less in existing commercial or residential structures. A Multiple Dwelling Unit can include only residential or both residential and commercial uses. There are specific qualifications for a special exception to be granted for a Multiple Dwelling Unit in a commercial or residential structure. Additionally, there are standards and requirements above and beyond those stated in Section 9 of the Zoning Regulations. The specific qualifications and the standards and requirements can be found in the background section of the agenda packet. There are a list of procedures that an applicant must follow in addition to those stated in Section 4 of the Zoning Regulations, which include a model lease for the residential units; a demonstration that adequate parking is provided for all uses, and suitable sketches, architectural elevations, or photographs that show the character and extent of the façade.

Communication:

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

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



DATE OF SUBMISSION TO THE RIVERCOG: 7/30/2015
DATE OF PUBLIC HEARING: 10/5/2015
TOWN SUBMITTING REFERRAL: Clinton
ABUTTING MUNICIPALITIES OF THE RIVERCOG Killingworth
(IF ANY): Madison
SUMMARY OF PROPOSAL:
 ZONING TEXT AMENDMENT: Petition to Amend the Zoning Regulations:
 "Conversion of Current Buildings to Allow
 Three Dwelling Units or Less in Commercial
 or Residential Structures"

 ZONING MAP AMENDMENT:
 SUBDIVISION:
 OTHER:
COMMENTS:
Submitted by applicant as a remedy to two existing violations.



Clinton Land Use Commissions

Application #: 15-142

Petition for Amendment to Regulations Change of Zone Boundary/Zone Classification

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

Applicant: This information and attachments are to be submitted as 15 individual packets collated and stapled.

1. **Applicant:** 1 Nod Road Associates, LLC Telephone #: 203.245.5846
Mailing Address: 10 Scotland Road, Madison, CT 06443 FAX #: _____
E-Mail Address: _____ Cell #: _____

2. **Agent:** Law Offices of Michael Iacurci, LLC Telephone #: 203.245.2400
Mailing Address: 70 Wall Street, Madison, CT 06443 FAX #: 203.245.2886
E-Mail Address: michael_iacurci@hotmail.com Cell #: 203.605.2227

3. **Person to contact:** Michael Iacurci Daytime Telephone #: 203.245.2400

Property Information

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

Water Company Watershed CAM Zone Flood Zone, note zone designation _____

Within 500' of Madison Within 500' of Killingworth Within 500' of Westbrook

5. The Clinton Planning and Zoning Commission or Clinton Inland Wetlands Commission is hereby required to call a public hearing on all petitions to amend the Zoning Regulations, Subdivision Regulations, Inland Wetlands & Watercourse Regulations, Zoning Map or Inland Wetlands Map, pursuant to Connecticut General Statutes. For petitions to amend the Zoning Map, at least 15 days prior to the public hearing and continuously thereafter until the public hearing, the applicant shall post a notice in accordance with the Clinton Zoning Regulations.

Date Received

6. Signatures (Both are required):

Applicant: Print Name: William Plunkett Member Date: 7/24/15

Agent: Print Name: Michael Iacurci Date: 7/24/15

Conversion of Current Buildings to Allow Three Dwelling Units or Less in Commercial or Residential Structures

Purpose: The Town of Clinton adopted the following special exception regulation to allow three (3) dwelling units or less in existing commercial or residential structures. The goal and purpose of this regulation is to craft a procedure for more flexible uses of existing buildings, benefitting persons of moderate income by increasing the supply of affordable rental housing in the Town and helping to preserve older houses that give the Town much of its attractive character, while still remaining consistent with the adopted Plan of Conservation and Development and promoting the health, safety and welfare of the Town of Clinton.

A Multiple Dwelling Unit development in Existing Structures may consist of solely residential or both residential and commercial uses, as hereinafter permitted, in a balance that recognizes that these developments are designed to be integrated neighbors, encouraging pedestrian access and walking to commercial and recreational services provided within the village setting. Unlike the accessory apartment regulations, the goal of this regulation is to allow a mixture of commercial and residential uses to reflect the needs of the specific location.

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

- (a) The lot must be serviced by the exclusive public water supplier or a community water system approved by the Department of Energy and Environmental Protection and the Department of Public Health.
- (b) None of the commercial uses in the structure can be: adult entertainment (Section 10.27) or tattoo parlors (10.26). If a ventilation system is required to be installed for a retail or restaurant use, it shall be designed so that it does not affect any residential units above that space or elsewhere in the building.
- (c) Residential uses may be accessed from both the front and rear of the structure and may be provided with a separate entrance.
- (d) There may be no more than three (3) units in total.
- (e) Multiple Dwelling Unit developments shall only be permitted on lots that are in conformance with all Zoning regulations of the zoning district within which they are located.

Residential- A Special Exception may be granted for a Multiple Dwelling Unit development in a Residential Structure provided that:

- (a) The structure must be serviced by the exclusive public water supplier or a community water system approved by the Department of Energy and Environmental Protection and the Department of Public Health.
- (b) Residential uses may be accessed from both the front and rear of the structure and may be provided with a separate entrance.
- (c) There may be no more than three (3) units in total.

- (d) Multiple Dwelling Unit developments shall only be permitted on lots that are in conformance with all Zoning regulations of the zoning district within which they are located.

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

- (a) All residential units within each structure shall have a gross floor area of no less than five hundred square feet (500 sq. ft.).
- (b) The average number of bedrooms located within the residential dwelling units shall not exceed 2 per unit.
- (c) Transient lodging shall not be permitted. The minimum length of stay shall be 180 days. The applicant shall provide a copy of the written lease agreement or other rental agreement, inclusive of the specified duration, that will be required of tenants, as part of the application documentation. Upon the sale of the property, the new property owner shall file an updated model lease within thirty (30) days of the change of ownership.
- (d) Provisions for removal of trash shall be provided. Trash collection areas shall be screened from the public right-of-way.
- (e) While dedicated parking spaces for each commercial and residential unit are not required, the applicant shall demonstrate that there is adequate convenient available parking.
- (f) Lighting shall be located in a manner which minimizes glare or direct lighting into residential units. All commercial lighting shall be extinguished within one hour of close of business, except for security, street lighting or safety lighting.
- (g) All buildings shall conform to the design standards for the underlying zoning district, if any or the overall Design Standards.
- (h) No portion of the living area in any residential dwelling shall be located in a basement area or the third floor space of any residential structure.
- (i) All the dwelling units shall meet the requirements of the Building, Public Health and Fire Codes.
- (j) Each residential dwelling unit shall provide a kitchen and complete bathroom.
- (k) Residential dwelling units may be detached from the principal structure.
 - (i) Any detached building must conform with respect to location and use.
- (l) The units must be serviced by the exclusive public water supplier or a community water system approved by the Department of Energy and Environmental Protection and the Department of Public Health.
- (m) Unless already existing at the time of these amendments, no new curb cuts may be created to serve a unit. The access from the road shall serve all the units.
- (n) Common space for tenants shall be set forth in the lease or in a separate document containing the rules and regulations regarding the property.
 - (i) Where possible common space will include landscaped and outdoor furnished spaces, garden plots and walking paths.

- (ii) Where possible, there shall be landscaping to buffer single family residences from multi dwelling unit lots and residential lots from commercial lots.

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

- (a) A model lease for the residential units.
- (b) A demonstration that the parking provided is adequate for all uses.
- (c) Suitable sketches, architectural elevations or photographs sufficient to show the character and extent of the exterior façade construction including any alterations. The depictions should also allow for visualizing the building within the context of the neighborhood.
- (d) If applicable, any separate document containing the rules and regulations regarding the property and its common space.
- (e) The following plans shall be submitted for developments including commercial units:
 - (i) Parking analysis prepared by a Professional Engineer or Traffic Engineer which demonstrates that the parking provided is adequate for the use.
 - (ii) Lighting plan