

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, September 10, 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 August 13, 2015 RPC Meeting **2**

2. Action Items

2.1. Town of Bethany: Proposed Zoning Regulation Amendments pertaining to Sections 1.2 – Definitions and 4.4 - Special Exception Uses - Residential Zones. Submitted by: Private Applicant. Received: August 17, 2015. Public Hearing: October 7, 2015 **3**

2.2. Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Section 7, Zoning Permits. Submitted by: Town of Clinton. Received: August 18, 2015. Public Hearing: October 5, 2015. **6**

2.3. Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Section 27. Submitted by: Town of Clinton. Received: August 18, 2015. Public Hearing: October 5, 2015. **13**

2.4. Town of Hamden: Proposed Zoning Regulation Amendment pertaining to Table 6.1, Allowed Uses by Zone. Submitted by: Private Applicant. Received: August 21, 2015. Public Hearing: October 13, 2015. **20**

2.5. Town of North Branford: Proposed Zoning Regulation Amendment to Section 54.4.1, Alcoholic Beverages - Location. Submitted by: Private Applicant. Received: September 1, 2015. Public Hearing: October 1, 2015. **24**

2.6. Town of North Branford: Proposed Zoning Regulation Amendment to add new Section 38 – Age Restricted Housing District (ARHD). Submitted by: Private Applicant. Received: September 3, 2015. Public Hearing: October 1, 2015. **28**

3. Other Business

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

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

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, August 13, 2015 Meeting

Present: Kevin DiAdamo, James Giulietti, Charles Andres, Christopher Traugh, Michael Calhoun, William Lake, Eugene Livshits

1 Administration

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

Motion to accept the minutes as presented: Christopher Traugh. Second: James Giulietti. Vote: Unanimous. Abstain: Kevin DiAdamo, William Lake

2 Statutory Referrals

2.1 *South Central Connecticut Regional Water Authority: 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*

The staff recommendation was amended to reflect consistency with the Regional Plan of Conservation and Development.

By resolution, the RPC has determined that 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 as the properties will be maintained as open space. The proposed application appears to be consistent with the South Central Region Plan of Conservation and Development.

Motion as amended: James Giulietti. Second: Michael Calhoun. Vote: Unanimous.

2.2 *City of West Haven: Proposed Zoning Regulation Amendments pertaining to Transit Oriented Design (TOD) District*

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

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

2.3 *Town of Clinton: Proposed Zoning Regulation Amendments regarding Multiple Dwelling Unit development in Commercial or Residential structures*

The staff recommendation was amended to reflect that the proposed regulations did not identify in which zoning districts the use is permitted by Special Exception.

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. The Commission should consider clarifying in which Zoning Districts the use is permitted by Special Exception.

Motion as amended: James Giulietti. Second: Charles Andres. Vote: Unanimous.

3 Other Business

Motion to Adjourn: James Giulietti. Second: Kevin DiAdamo. Vote: Unanimous.

Referral 2.1: Town of Bethany

Subject:

Proposed Zoning Regulation Amendments pertaining to Sections 1.2 – Definitions and 4.4 - Special Exception Uses- Residential Zones

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 Bethany proposed zoning regulation amendments to add a definition for “Horse Trainer” and modify Section 4.4. Section 4.4 is proposed to be revised as (proposed text in bold): “Boarding stables, indoor riding rings and riding academies as an accessory use on lots of at least 5 acres, provided all exercise yards and buildings for housing animals as well as all storage of materials and waste are maintained using best management practices and are at least 100 feet from any property line. Operation of this accessory use is limited to residents of the main/principal use and not more than 4 employees and **one additional horse trainer who operates on site.**”

Communication:

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



© 1988 Town of Bethany

PLANNING AND ZONING COMMISSION

TOWN OF BETHANY
Town Hall - 40 Peck Road
Bethany, Connecticut 06524-3338
Tel. (203) 393-2100 Ext. 115
Fax: (203) 393-0821

August 17, 2015

South Central Regional Council of Governments
127 Washington Avenue
4th Floor West
North Haven, CT 06473-1715
Camento@scrcog.org



Attention: Mr. Carl J. Amento, Executive Director

Dear Mr. Amento:

Pursuant to Section 8.3.b. of the Connecticut General Statutes, this letter is to serve as notification that the Bethany Planning and Zoning Commission will hold a public hearing in the Commission Meeting Room of the Bethany Town Hall, 40 Peck Road on Wednesday, October 7, 2015, beginning at 7:15 p.m. pertaining to the attached amendments to the Zoning Regulations.

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

Respectfully submitted,

Antonia R. Marek, Clerk
For the Planning and Zoning Commission

cc: E. Livshits

Attachment

**ZONING REGULATION AMENDMENTS SCHEDULED FOR PUBLIC HEARING
ON WEDNESDAY, OCTOBER 7, 2015, AT 7:15 P.M. IN THE COMMISSION
MEETING ROOM OF THE BETHANY TOWN HALL, 40 PECK ROAD, BETHANY,
CONNECTICUT. THE AMENDMENTS ARE PROPOSED BY LUIZA DASILVA OF
50 HUNTERS TRAIL, BETHANY, CONNECTICUT**

Proposed Bethany Zoning Regulation Amendments

Add the following to Section 1.2 Definitions:

Horse Trainer: One who trains, gives lessons, leases, boards, shows, buys and sells horses.

Amend the following in Section 4.4.E. (*Proposed changes in italics*)

Boarding stables, indoor riding rings and riding academies as an accessory use on lots of at least 5 acres, provided all exercise yards and buildings for housing animals as well as all storage of materials and waste are maintained using best management practices and are at least 100 feet from any property line. Operation of this accessory use is limited to residents of the main/principal use and not more than 4 employees *and one additional horse trainer who operates on site.*

Referral 2.2: Town of Clinton

Subject:

Proposed Zoning Regulation Amendments pertaining to Section 7 – Zoning Permits

Staff Recommendation:

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

Background:

The Town of Clinton has proposed several amendments to Section 7 – Zoning Permits. The amendments require that the conditions of all other permits are met to prior to the issuance of a Certificate of Zoning Compliance with a Certificate of Occupancy. The following language has been added:

“7.4.4 - Other Permits: It shall be the responsibility of the applicant to obtain all permits required by other agencies, if applicable, including other local authorities such as the Town's Engineer, Director of Health and the Inland Wetlands and Conservation Commission and any department or agency of the State or federal government.

(a) The applicant shall provide evidence of application to such agency or agencies and no Zoning Permit shall be issued until evidence of application for all other permits has been submitted.

(b) The ZEO may require evidence of approval from other authorities as a prerequisite to zoning approval and failure to receive approval from other agencies may be grounds for denial of a Zoning Permit.”

Additional amendments rearrange certain provisions within Section 7 – Zoning Permits.

Communication:

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

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

DATE OF SUBMISSION TO THE RIVERCOG: 8/18/2015
DATE OF PUBLIC HEARING: 10/5/2015
TOWN SUBMITTING REFERRAL: Clinton
ABUTTING MUNICIPALITIES OF THE RIVERCOG (IF ANY): Westbrook, Killingworth

SUMMARY OF PROPOSAL:

ZONING TEXT AMENDMENT:

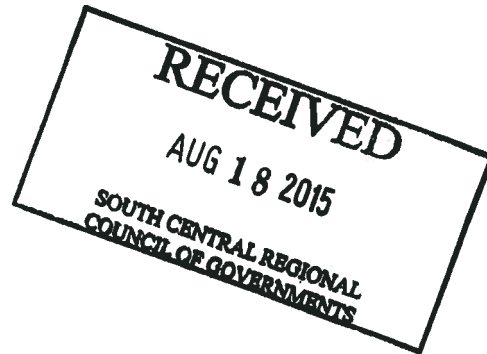
Addition of the requirement that the conditions of all other permits be met prior to the issuance of a Certificate of Zoning Compliance with a Certificate of Occupancy and a general rearrangement of the section for a more logical flow.

ZONING MAP AMENDMENT:

SUBDIVISION:

OTHER:

COMMENTS:



Section 7

Zoning Permits

(Amended 1/1/2015)

- 7.1 No building or other structure, or part thereof, shall be constructed, enlarged, extended, moved, used or occupied or structurally altered or demolished until a Zoning Permit has been approved by the ZEO.

(Amended 1/1/2012)

- 7.2 In the enforcement of these Regulations, a Zoning Permit may be issued in combination with a Building Permit, and Certificate of Zoning Compliance may be issued in conjunction with a Certificate of Occupancy, as required by CGS Section 8-3(f).

- 7.3 **Application:** Applications for Zoning Permits for uses designated "P" (Permitted) in the Schedules shall be submitted to the ZEO on a form provided by the Commission prior to construction, reconstruction, extension or moving of any building or other structure. Applications for such Zoning Permits shall be accompanied by an application fee and Plot Plan.

(Amended 1/1/2012)

- 7.3.1 The Commission may adopt forms and procedures and collect fees relating to the issuance of a Zoning Permit.

- 7.3.2 The failure of an applicant to provide the statement or to pay any additional fees required under Section 5 shall render the application incomplete and shall provide a basis for the ZEO to deny the application.

- 7.4 **Additional Requirements:** The following additional requirements shall apply to the issuance of all Zoning Permits, whether authorized as part of the approval the Commission, Board or plot plan, or as a part of an application for a Zoning Permit under Section 7.3.

(Amended 1/1/2012)

- 7.4.1 **Staking:** No Zoning Permit shall be issued by the ZEO for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction.

- (a) The ZEO may require the applicant to place stakes or markers on the lot indicating the location of lot lines.
- (b) The ZEO may required the placement of stakes or markers to be made and certified by either a land surveyor or engineer, licensed to practice in the State of Connecticut.

- 7.4.2 **Measurements:** If deemed necessary to determine compliance with these Regulations, the ZEO shall required the applicant to furnish measurements of any construction features subject to the requirements of these Regulations, including setback distances, which shall be prepared and certified by a land surveyor or professional engineer licensed to practice in the State of Connecticut.

7.4.3 Whenever a well or on-site septic system is to be installed in connection with, or as a part of, any project requiring a Zoning Permit, a copy of the approval of the Director of Health or authorized agent must be submitted with the application.

~~7.4.3~~7.4.4 Other Permits: It shall be the responsibility of the applicant to obtain all permits required by other agencies, if applicable, including other local authorities such as the Town's Engineer, Director of Health, and the Inland Wetlands and Conservation Commission, and any department or agency of the State or federal government.

- (a) The applicant shall provide evidence of application to such agency or agencies, and no Zoning Permit shall be issued until evidence of application for all other permits has been submitted.
- (b) The ZEO may require evidence of approval from other authorities as a prerequisite to zoning approval, and failure to receive approval from other agencies may be grounds for denial of a Zoning Permit.

(Amended 1/1/2012)

7.5 Certificate of Zoning Compliance: No land, building or other structure or part thereof requiring a Site Plan or Special Exception shall be used or occupied, or changed in use, until a Certificate of Zoning Compliance has been issued by the ZEO certifying conformity with these Regulations and the Commission approval.

(Amended 1/1/2012)

7.5.1 ~~The Commission may adopt forms and procedures and collect fees relating to the issuance of a Zoning Permit.~~

7.5.2 ~~The failure of an applicant to provide the statement or to pay any additional fees required under Section 5 shall render the application incomplete and shall provide a basis for the ZEO to deny the application.~~

7.5.3 ~~Whenever a well or on-site septic system is to be installed in connection with, or as a part of, any project requiring a Zoning Permit, a copy of the approval of the Director of Health or authorized agent must be submitted with the application.~~

7.5.4 As-Built Plans: The use or occupancy of any land, building or other structure involving site or plot plan approval shall not take place until a Certificate of Zoning Compliance shall have been issued by the ZEO. Upon completion of the project for which a Zoning Permit has been issued, the applicant shall submit to the ZEO "as-built plans" showing that the project has been completed in conformance with the requirements of the approved site or plot plan. Upon approval of such "as-built plans" the ZEO shall issue a Certificate of Zoning Compliance.

7.5.5 The applicant shall provide evidence that all conditions of approval of any other permit obtained shall have been complied with in full prior to the issuance of any Certificate of Zoning Compliance. Failure to comply with the conditions of any

Inland Wetlands Permit or any required permit shall be considered a reason to deny the Certificate of Zoning Compliance.

~~7.5.47.5.6 Other Permits: It shall be the responsibility of the applicant to obtain all permits required by other agencies, if applicable, including other local authorities such as the Town's Engineer, Director of Health, and the Inland Wetlands and Conservation Commission, and any department or agency of the State or federal government.~~

- ~~(a) The applicant shall provide evidence of application to such agency or agencies, and no Zoning Permit shall be issued until evidence of application for all other permits has been submitted.~~
- ~~(b) The ZEO may require evidence of approval from other authorities as a prerequisite to zoning approval, and failure to receive approval from other agencies may be grounds for denial of a Zoning Permit.~~

~~(Amended 1/1/2012)~~

7.5.57.5.7 Temporary Zoning Permit: Upon certification by an authorized person of the Department of Health that the public health and safety will not be impaired and there will be compliance with all other laws pertaining to health and safety, the ZEO may issue a Zoning Permit for a period not to exceed one hundred eighty (180) days, renewable for another period not to exceed one hundred eighty (180) days, for the temporary use of land, buildings, and other structures in the process of improvement and completion in accordance with an approved application for which a zoning permit has been issued.

7.6 Demolition: If a building or structure that was built prior to 1945 is to be demolished, no demolition shall occur for ninety (90) days after the legal notice of demolition.

(Entire Section 7.8 revised/amended 1/1/2012)

7.6.1 Said notice shall be in the form of a sign conforming to the following:

- (a) Facing the road frontage of the property in a location or locations approved by the Land Use Staff. In the event a property fronts on more than one road, a sign shall be required at each frontage in a location approved by the Land Use Staff.
- (b) Clearly legible from the road.
- (c) Produced of weather resistant material.
- (d) Professionally letter or manufactured lettering with a minimum letter size of two inches (2").
- (e) Maximum size of twenty square feet (20 sq. ft.)

- (f) The notice shall contain the following text, and the applicant shall fill in the date of demolition:
- “This structure shall be demolished 90 days after _____. For information, call (860) 669-6133.”
- (1) Evidence of the notice’s posting shall be provided by the applicant, in the form of photographs, to the Land Use office.
 - (2) Failure to post the required notice or failure to provide the required evidence shall result in the permit being denied.
 - (3) If the required notice is removed from the site, either by natural or human forces beyond the control of the applicant, a new notice shall be posted within twenty-four hours of the removal of the original notice.
- 7.6.2 A waiver of the ninety (90) day period may be issued by the Commission if circumstances demonstrated to the Commission upon written request warrant such a waiver.
- 7.6.3 Nothing herein contained shall prevent the immediate demolition of any structure upon the order of the Town Building Official whenever, in his judgment, there exists a risk to public safety.
- 7.6.4 A resident of the town of Clinton may file a letter of protest of the demolition of a building or structure with the Commission. The protest shall be heard at the next Regular Monthly Meeting of the Commission.
- 7.6.5 A resident of the town of Clinton may file a petition with the Commission containing twenty (20) signatures of property owners within five hundred feet (500’) of the subject property, or in the event that there are less than twenty (20) property owners within five hundred feet (500’) of the subject property, the signatures of a majority of the property owners within five hundred feet (500’) of the subject property. The Commission shall hold a public hearing within thirty days of the receipt of said petition.
- (a) The owner of the structure to be demolished shall grant access to Town representatives to the property and structure to evaluate the structure’s condition and significance. Said evaluations may include, but not be limited to:
- (1) Architectural design
 - (2) Construction technique, framing method, framing materials
 - (3) Foundation and chimney materials
 - (4) Nature and era of former alterations

- (5) Consideration of relationship if adjacent to structures of historical significance
 - (b) The owner/applicant for the structure to be demolished shall provide building plans for the proposed replacement structure, if any, at least seven days prior to the public hearing. In addition, the owner/applicant shall state if the structure to be demolished is located within the Historic District or is a contributing structure on the National Registry of Historic Places.
- 7.6.6 After the close of the public hearing or discussion of a letter of protest, the Commission shall determine if the demolition of the building or structure is in the best interest of the town of Clinton. The following criteria shall be considered by the Commission:
 - (a) The demolition of the building or structure shall not change the characteristics and harmony of the neighborhood.
 - (b) The building or structure to be demolished shall not be of distinctive architecture or of a significant historical nature.
 - (c) The report of the Town's representative that inspected the subject structure.

Referral 2.3: Town of Clinton

Subject:

Proposed Zoning Regulation Amendments pertaining to Sections 27 – Non-Conformities - Mobile Homes/Trailers

Staff Recommendation:

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

Background:

The Town of Clinton has proposed several amendments to Sections 27 – Non-Conformities - Mobile Homes/Trailers. In Section 27.3.3 the following language has been deleted “No non-conforming land, buildings or other structures which shall have been either ceased or been discontinued for a continuous period of one year or more shall therefore be resumed or replaced by any other non-conformance use.”

In addition the provisions pertaining to non-conforming lots and non-conforming buildings or structures have been moved to the beginning of Section 27.

Communication:

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

Section 27

Non-Conformities

Mobile Homes/Trailers

- 27.1 Non-Conforming Lot: Nothing in these Regulations shall prevent the construction, enlargement, extension or structural alteration of a building or other structure or the use of a lot, as defined, which does not conform to the area and shape requirements of these Regulations, subject to all of the following provisions:
- 27.1.1 The lot shall have access as required by Subsection 25.2.4.
 - 27.1.2 The use, building or other structure on such lot shall conform to all other applicable requirements of these Regulations.
 - 27.1.3 If used for a dwelling, the lot shall have a minimum area of five thousand square feet (5,000 sq. ft.).
 - 27.1.4 Any lot which does not conform to the above provisions shall not be used or shall be used only for a nursery, truck garden, farm or permitted off-street parking and no building or other structure shall be established in connection therewith.
 - ~~27.1.5~~ Non-conforming lots that abut each other and are under the same ownership shall be deemed one lot.
- 27.2 Non-Conforming Buildings or Structures:
- 27.2.1 No non-conforming building or structure shall be expanded or enlarged unless such expansion or enlargement is in conformity with all applicable requirements of these Regulations.
 - 27.2.2 No non-conforming building or structure, if once changed to conform or more nearly conform with these Regulations, shall thereafter be change so as to be non-conforming again.
 - 27.2.3 Any non-conforming building or structure or one or more of a group of non-conforming buildings or structures which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, terrorism, act of God or any governmental authority, may be reconstructed and used as before if it is completed within twenty-four (24) months after the damage is sustained.
 - 27.2.4 Except in the event of fire or other casualty as provided in Subsection 27.2.3, nothing in this Section shall be deemed to prohibit work on any non-conforming building or structure when necessary to protect the public health or safety and/or when ordered by the Building Official, Fire Marshal or the Director of Health,

provided that such work does not increase the non-conformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a non-conforming building or structure or replacement of existing materials with similar materials.

27.2.5 No change of title, possession or right of possession shall be deemed to affect the right to continue a non-conforming building or other structure.

27.3 Non-Conforming Uses: Any use of land, buildings and other structures lawfully existing on the effective date of these Regulations, or any amendment hereto, and which does not conform to one or more of the provisions of these Regulations, may be continued in accordance with the following provisions:

27.3.1 No non-conforming use shall be enlarged and no non-conforming use of land, buildings or other structures shall be extended to include any land, building or other structure, or portion thereof, which is not subject to such non-conformity. Any non-conforming use of a building or other structure, or portion thereof, however, may be extended to include any portion of the building or structure manifestly designed for such use.

27.3.2 No non-conforming use, if once changed to conform or more nearly conform with these Regulations, shall thereafter be changed so as to be non-conforming again.

~~27.3.3 No non-conforming use of land, buildings or other structures which shall have either ceased or been discontinued for a continuous period of one (1) year or more shall therefore be resumed or replaced by any other non-conforming use.~~

~~27.3.4~~27.3.3 No change of title, possession or right of possession shall be deemed to affect the right to continue a non-conforming use.

27.4 Non-Conforming Buildings or Structures:

~~27.4.1 No non-conforming building or structure shall be expanded or enlarged unless such expansion or enlargement is in conformity with all applicable requirements of these Regulations.~~

~~27.4.2 No non-conforming building or structure, if once changed to conform or more nearly conform with these Regulations, shall thereafter be change so as to be non-conforming again.~~

~~27.4.3 Any non-conforming building or structure or one or more of a group of non-conforming buildings or structures which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, terrorism, act of God or any governmental authority, may be reconstructed and used as before if it is completed within twenty-four (24) months after the damage is sustained.~~

- 27.4.4 ~~Except in the event of fire or other casualty as provided in Subsection 27.2.3, nothing in this Section shall be deemed to prohibit work on any non-conforming building or structure when necessary to protect the public health or safety and/or when ordered by the Building Official, Fire Marshal or the Director of Health, provided that such work does not increase the non-conformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a non-conforming building or structure or replacement of existing materials with similar materials.~~
- 27.4.5 ~~No change of title, possession or right of possession shall be deemed to affect the right to continue a non-conforming building or other structure.~~
- 27.5 ~~Non-Conforming Lot: Nothing in these Regulations shall prevent the construction, enlargement, extension or structural alteration of a building or other structure or the use of a lot, as defined, which does not conform to the area and shape requirements of these Regulations, subject to all of the following provisions:~~
- 27.5.1 ~~The lot shall have access as required by Subsection 25.2.4.~~
- 27.5.2 ~~The use, building or other structure on such lot shall conform to all other applicable requirements of these Regulations.~~
- 27.5.3 ~~If used for a dwelling, the lot shall have a minimum area of five thousand square feet (5,000 sq. ft.).~~
- 27.5.4 ~~Any lot which does not conform to the above provisions shall not be used or shall be used only for a nursery, truck garden, farm or permitted off-street parking and no building or other structure shall be established in connection therewith.~~
- 27.5.5 ~~Non-conforming lots that abut each other and are under the same ownership shall be deemed one lot.~~
- 27.6 Subdivision: No lot or land shall be subdivided, sold, encumbered or transferred so as to make a lot non-conforming or more non-conforming, to make any use, building or other structure non-conforming or more non-conforming, to reduce any setback, open space or off-street parking and loading spaces to less than is required by these Regulations or to make any non-conforming setback, open space or off-street parking or loading space more non-conforming.
- 27.7 Junk Yard: Any motor vehicle junk yard (as defined in CGS Section 14-67g) shall be completely surrounded with a solid fence at least eight feet (8') high with a suitable gate, which shall be locked except during work hours of such junk yard. All unregistered motor vehicles, used parts, old iron, metal, glass, paper and any other junk material or cutting up of parts such as vehicles must be carried on within this enclosure. Any existing motor vehicle junk yard shall have four (4) months from the effective date of this amendment to

commence and fifteen (15) months from the effective date to complete said fencing. Upon application, the Commission may modify the requirements of this Subsection for special reasons affecting the subject premises.

27.8 Mobile Homes/Trailers: A mobile home/trailer shall only be used or occupied within the town of Clinton as stipulated by this Section.

27.8.1 Mobile Home(s)/Trailer(s)-Parks: As a dwelling or for living quarter when such mobile home/trailer conforms to all applicable ordinances of the Town of Clinton and is located in a trailer park for which a Certificate of Zoning Compliance has been issued in accordance with this Section. No trailer park shall be established, and any trailer park existing on June 15, 1965, the effective date of these Regulations, shall be discontinued within ninety (90) days after the effective date of these Regulations, unless a Certificate of Zoning Compliance shall have been issued by the ZEO certifying that the trailer park conforms to the following standards:

- (a) The mobile home/trailer park shall be lawfully in existence on the effective date of these Regulations.
- (b) The mobile home/trailer park shall contain a specific maximum number of prepared and usable trailer sites accommodating a specific maximum number of trailers, which number of site and trailers shall not exceed the number for which the trailer park was designed and improvements were installed on the effective date of these Regulations.
- (c) Satisfactory provision is made for water supply, sewage disposal and refuse storage and collection approved by the Director of Health for the Town of Clinton.

27.8.2 Temporary Mobile Home Permit: A temporary permit may be issued, except in one hundred (100) or five hundred (500) year flood plains as indicated by the Flood Insurance Rate Map (FIRM) of the Town of Clinton, by the ZEO with extensions by the Commission, for the following mobile home/trailer uses as stipulated.

- (a) The use of a mobile home for sleeping and living quarters in connection with the permitted construction of a residence by virtue of a validly executed building permit. Such permit for living quarters shall be limited to the owner of the premises being constructed and their immediate family and such use shall terminate and the mobile home shall be removed from the property within thirty (30) days from the date of completion of the construction of said residence or upon the issuance of a Certificate of Occupancy for said residence; or six (6) months from the date of issuance of said temporary permit, whichever shall occur first.

- (b) The use of a mobile home as a field office, tool shop or storage shed in connection with a bona fide construction operation and provided the same shall not be used for sleeping or living quarters. Permit may be issued for six (6) months.

- (c) Renewal: Upon review of the circumstances, the ZEO may extend the temporary permit for one additional period not to exceed six (6) months. Application for further extensions must be made to the Commission. Continuous construction in compliance of the building permit is required for the maintenance of the temporary permit.

Referral 2.4: Town of Hamden

Subject:

Proposed Zoning Regulation Amendment pertaining to Table 6.1, Allowed Uses by Zone

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 Hamden has proposed a zoning regulation amendment to Table 6.1, Allowed Uses by Zone. In the current zoning regulations, Retail and Financial Services that are <1,500 sf gross leasable space are allowed by Special Permit in the T3 Zone. Per footnote “j,” the use is not allowed in the T3 Zone between James Street and the I-40 Connector. The proposed amendment eliminates footnote “j” from Retail and Financial Services that are <1,500 sf gross leasable space.

The T3 Zone between James Street and the I-40 Connector is not within 500 feet of a municipality of the South Central Region.

Communication:

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

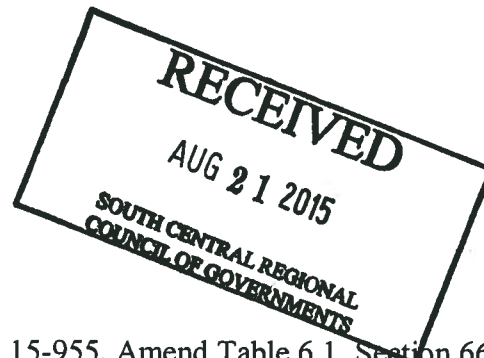


Town of Hamden
Planning and Zoning Department

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

August 20, 2015

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



Dear Mr. Amento;

Enclosed is the Proposed Zoning Regulation Amendment 15-955, Amend Table 6.1, Section 666, remove footnotes restricting use of retail and financial services less than 1500 square foot of gross leasable space in a T-3 zone. The Public Hearing date for this application is October 13, 2015.

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

Sincerely yours,

Stacy Shellard
Administrative Assistant to Boards & Commissions

Enclosures



RECEIVED
TOWN OF HAMDEN

AUG 14 2015

PLANNING AND
ZONING DEPT.

Date of Filing 15-955
Fee _____
Date Paid _____
Receipt # _____
Application # _____

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

Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations

APPLICANT Bernard Pellegrino TELEPHONE 203-787-2225
(Name)

ADDRESS 475 Whitney Avenue, New Haven, CT 06510
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: bp@pellegrinolawfirm.com

REGULATION TO BE: AMENDED ADDED or DELETED:
Article Number V1 Section 61D Group Use 6e6e

CURRENT
LANGUAGE See attached Table 6.1 allowed uses by zone in particular line item
666 retail and financial services less than 1500 square foot; gross leasable space
and footnote restricting such uses in T3 zone between James Street and the I-40
connector.

PROPOSED
LANGUAGE Eliminate f.n.j from retail and financial services less than 1500
square foot gross leasable space, thus permitting said use for less than 1500
square foot gross leasable space in T3 zone between James Street and the I-40
connector.

REASON FOR PETITION FOR
CHANGE See attached

Have there been any previous petitions for same or similar amendments? YES NO

If YES, list name of
applicant _____

Application to Amend the Zoning Regulations, Revised 07/17/12

EXPLANATION OF PROPOSED REGULATION TEXT AMENDMENT

The Applicant seeks to amend Table 6.1, Allowed Uses by Zone. In particular, Section 666 - Retail and Financial Services, $\leq 1,500$ sf of gross leasable space. The proposal seeks to eliminate footnote "j" from this section, thus permitting Retail and Financial Services of $\leq 1,500$ sf of gross leasable space in the T3 Zone between James Street and the I-40 Connector.

This area of the T3 zone between James Street and the I-40 Connector (which was previously zoned R4) permitted Restricted Commercial Development under section 727 of the Regulations prior to major changes to the zoning map and regulations. As a result, there are a number of smaller retail and office locations currently existing in this section of Whitney Avenue. When the zoning map regulations were proposed to be amended in 2008, this section of Whitney Avenue was originally proposed as a T4 zone. Based on the size and types of uses to be in the T4 zone, the area was changed to T3 and footnote "j" was added, eliminating all retail and financial service uses. The area however still contains a number of properties that, given traffic volume and speed, have become increasingly difficult to maintain as traditional single family residences. Many have been converted to student housing. The highest and best use of others may be for modestly sized retail or office uses.

Permitting Retail and Financial Services of $\leq 1,500$ sf of gross leasable space is compatible with many of the current pre-existing, non-conforming uses previously developed as Restricted Commercial Developments, since the regulations were amended. This proposal would restore such properties as existing conforming uses as well as increase the marketability of other properties by again permitting retail and office uses on a scale that would be compatible with the surrounding neighboring environs, which to the east and west off the Avenue, remain residential.

This amendment would, in effect, restore the restricted office and retail uses to the area, eliminate a number of preexisting non-conformities that currently exist because of the regulation and map amendment of 2009, increase the marketability of many properties in the area and, given the size limitation of $\leq 1,500$ sf of gross leasable space, would not have a negative impact on the surrounding environs.

Referral 2.5: Town of North Branford

Subject:

Proposed Zoning Regulation Amendment to Section 54.4.1, Alcoholic Beverages - Location

Staff Recommendation:

Background:

A private applicant in the Town of North Branford has proposed a zoning regulation amendment to Section 54.4.1, Alcoholic Beverages - Location. Section 54.4.1 currently prohibits liquor outlets from being located within 500 feet of any church, synagogue, college, school, park, or town-owned playground. The proposed amendment adds the following sentence to the end of Section 54.4.1 – “Except that Liquor Outlets for on premises consumption of beer and wine only shall be permitted within 500 feet of any church, synagogue, college, school, park, or town-owned playground.”

Communication:

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

MAYOR
ANTHONY S. CANDELORA

DEPUTY MAYOR
JOANNE S. WENTWORTH

TOWN MANAGER
MICHAEL T. PAULHUS



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

TOWN OF NORTH BRANFORD

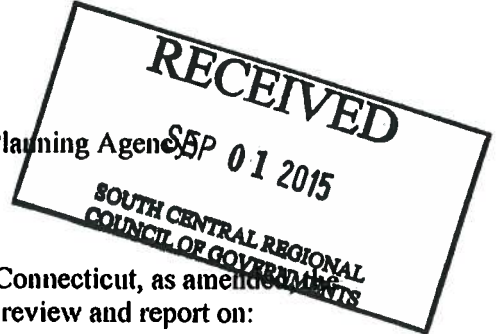
TOWN HALL 909 FOXON ROAD NORTH BRANFORD, CONNECTICUT 06471-1290
Building Department (203) 484-6008 Engineering Department (203) 484-6009 Planning & Zoning (203) 484-6010
Department Fax (203) 484-6018

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

Date: September 1, 2015

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

FROM: North Branford Planning and Zoning Commission



Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed application is referred to the Regional Agency to review and report on:

- () Proposed subdivision located within 500 feet of another South Central municipality
- (X) Adoption or Amendment of ZONING REGULATIONS affecting the use of a zone within 500 feet of another South Central municipality

The change was originally requested:

- () by municipal agency
- (X) by petition PZ Application #2015-10, Applicant Albert Pacileo

Proposed Zoning Regulation Amendment: PZ Application #2015-10, Proposed Amendment to Section 54 Alcoholic Beverages of the North Branford Zoning Ordinance to modify the text of Section 54.4.1 to add the following sentence to the end of said section:

“Except that Liquor Outlets for on premises consumption of beer and wine only shall be permitted within 500 feet of any church, synagogue, college, school, park or town owned playground.”

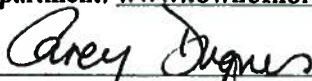
Applicant: Albert Pacileo

Public hearing to be scheduled for October 1, 2015.

Material submitted herein:

- () Legal Notice
- () Supporting statements, site map
- () Map of proposed subdivision
- (X) Text of proposed amendment

Other: See Current Zoning Regulations and Zoning Map on Town Web Site under Planning Department. www.townofnorthbranfordct.com

 (Authorizing Signature)

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

AMENDMENT TO ZONING REGULATIONS
AMENDMENT TO ZONING MAP

SUBMISSION DATE: 8/28/15
DATE OF RECEIPT: _____
FEE: \$360

APPLICATION INFORMATION FOR MAP OR TEXT CHANGES:

1. Applicant's Name: ALBERT Pacileo
2. Applicant's Address: 4285 Faxon RD North Branford
Description of text change per Bernie Pellegrino

FOR MAP CHANGES, PLEASE SUPPLY ADDITIONAL INFORMATION BELOW

1. Owner of Record: ~~ALBERT PA~~
2. Owner's Address: _____ Phone _____
3. Address of Property: _____
4. Assessor's Map No.: _____ Parcel No.: _____
5. Existing Zoning District _____
6. Proposed Zoning District _____
7. Has a previous zone change been requested for this property? _____
If so, when _____?

I hereby certify that the above information is correct and that I have submitted herewith all of the pertinent documentation required by the Regulations.


Applicant's Signature


Owner's Signature

360

Text Amendment for Al Pacileo

Amend Section 54.4.1 to add the following sentence to the end of said section:

“Except that Liquor Outlets for on premises consumption of beer and wine only shall be permitted within 500 feet of any church, synagogue, college, school, park or town-owned playground.”

Referral 2.6: Town of North Branford

Subject:

Proposed Zoning Regulation Amendment to add new Section 38 – Age Restricted Housing District (ARHD)

Staff Recommendation:

Background:

A private applicant in the Town of North Branford has proposed a zoning regulation amendment to add new Section 38 – Age Restricted Housing District (ARHD). The ARHD is a “Planned Development District (floating zone). An ARHD must be no less than five acres and one acre, or twenty percent of the tract, whichever is greater, must be set aside for open space. Each dwelling unit in an ARHD must be occupied by at least one person who is at least 55 years of age.

An application for an ARHD must include a written statement and conceptual plans, both of which are defined in the proposed regulations. Following Commission approval of an ARHD, the applicant must submit Special Use and Site Development Plan applications. The information that must be included in the Site Development Plans includes a discussion regarding the present and proposed land uses, proposed vehicular and pedestrian circulation patterns, locations of proposed off-street parking facilities, proposed open areas, and utility information.

Section 38.6 lists the minimum standards that must be met by each ARHD development. These standards include (1) 125 feet of frontage on a public street, (2) maximum building height of 3 stories, (3) maximum building coverage of 35%, (4) no more than 6 units per acre, and (5) 1.5 parking spaces per unit, plus spaces for guests (number to be determined by the Commission).

Communication:

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

MAYOR
ANTHONY S. CANDELORA

DEPUTY MAYOR
JOANNE S. WENTWORTH

TOWN MANAGER
MICHAEL T. PAULHUS



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

TOWN OF NORTH BRANFORD

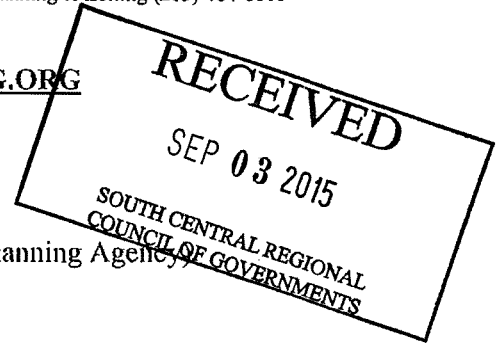
TOWN HALL 909 FOXON ROAD NORTH BRANFORD, CONNECTICUT 06471-1290
Building Department (203) 484-6008 Engineering Department (203) 484-6009 Planning & Zoning (203) 484-6010
Department Fax (203) 484-6018

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

Date: September 2, 2015

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

FROM: North Branford Planning and Zoning Commission



Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed application is referred to the Regional Agency to review and report on:

- Proposed subdivision located within 500 feet of another South Central municipality
- Adoption or Amendment of ZONING REGULATIONS affecting the use of a zone within 500 feet of another South Central municipality

The change was originally requested:

- by municipal agency
- by petition **PZ Application #2015-11, Applicant Diane Whitney, Pullman & Comley**

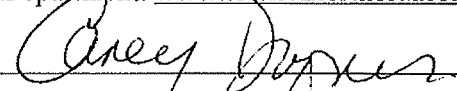
Proposed Zoning Regulation Amendment: PZ Application #2015-11, Proposed Amendment to the North Branford Zoning Ordinance to add new Section 38 - Age Restricted Housing District (ARHD). Applicant: Diane Whitney, Pullman & Comley, LLC

Public hearing will be scheduled for October 1, 2015.

Material submitted herein:

- Legal Notice Supporting statements, site map
- Map of proposed subdivision Text of proposed amendment

Other: See Current Zoning Regulations and Zoning Map on Town Web Site under Planning Department. www.townofnorthbranfordct.com

 (Authorizing Signature)

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

AMENDMENT TO ZONING REGULATIONS
AMENDMENT TO ZONING MAP

SUBMISSION DATE: 9/2/15
DATE OF RECEIPT: _____
FEE: \$360

APPLICATION INFORMATION FOR MAP OR TEXT CHANGES:

1. Applicant's Name: Diane Whitney
2. Applicant's Address: Pollman + Comley LLC, 90 State House Square
Hartford, CT. 06103

FOR MAP CHANGES, PLEASE SUPPLY ADDITIONAL INFORMATION BELOW

1. Owner of Record: N/A
2. Owner's Address: _____ Phone _____
3. Address of Property: _____
4. Assessor's Map No.: _____ Parcel No.: _____
5. Existing Zoning District _____
6. Proposed Zoning District _____
7. Has a previous zone change been requested for this property? _____
If so, when _____?

I hereby certify that the above information is correct and that I have submitted herewith all of the pertinent documentation required by the Regulations.

Diane W Whitney
Applicant's Signature

RECEIVED

SEP 2 2015

PLANNING &
ZONING DEPT.

N/A
Owner's Signature

SEP 2 2015

PLANNING &
ZONING DEPT.**SECTION 38 AGE-RESTRICTED HOUSING DISTRICT. (ARHD)****38.1 Purpose.**

An Age-Restricted Housing District ("ARHD") is a Planned Development District (floating zone) that may be established by the Commission in accordance with the procedures hereinafter specified. The provisions of this Section are designed to permit modifications of the strict application of the standards and provisions of these Regulations to accomplish the purposes set forth below. An ARHD may be established by the Commission when found necessary and appropriate for the following purposes:

- (a) To advance the goal of the Town Plan of Conservation and Development to respond to changing demographics by providing additional housing opportunities for persons who are 55 years and older.
- (b) To allow the use of flexible design techniques on parcels of land on which development under conventional zoning standards may be constrained by difficult topography, soils, rock, wetlands or other limiting features.
- (c) To allow the preservation of significant areas of open space on tracts on which more conventional forms of development would cause the loss of natural features or resources the Commission deems important to the Town.

38.2 Location, Size, Dwelling Density and Open Space.

The tract, or adjoining tracts, of land for which application is made for the establishment of an Age-Restricted Housing District must contain a contiguous area of not less than five acres zoned for either residential or industrial use. No less than one (1) acre, or 20 percent of the tract, whichever is greater, shall be set aside for open space. The area proposed for open-space preservation is to be conveyed to the Town or another suitable entity and shall be excluded from the proposed ARHD, but the area of such portion shall be included in the calculation of the five (5) acres required in this Section 38.2. If approved by the Commission, the open space requirement may be satisfied by conveying other, non-contiguous property to the Town or another suitable entity approved by the Town for use as open space. The area of such other property must be at least 30% of the area to be developed and must be determined by the Commission to be of value to the Town as open space. The Commission may also accept a fee in lieu of a dedication of open space, as authorized by Connecticut General Statute 8-25(a). The maximum residential density in the ARHD shall be six (6) units per acre, and shall be based upon the total area of land to be included in the ARHD plus any additional area of land to be conveyed as open space in connection with the adoption of the ARHD. No building permits may be issued for any structure approved in connection with an ARHD application unless and until any such conveyance of land to the Town or another suitable entity has been made or a suitable fee paid. Such conveyance must be made by warranty deed and must be free of any encumbrances.

38.3 Age Restrictions.

Each dwelling unit must be occupied by at least one (1) person who is 55 years of age or older. Homeowners' associations may place additional age restrictions on residents.

38.4 Application.

A formal zone change application for the establishment of an Age-Restricted Housing District must be submitted to the Commission in writing, signed by the owner or owners of all parcels within the proposed District. An application for an Age-Restricted Housing District shall be subject to a public hearing and must include the following:

1. **Statement:** A written statement specifying in detail any special provisions which are proposed to be applicable to the use of land, buildings and other structures in the Age-Restricted Housing District; the location and bulk of buildings and other structures; and the area, shape and frontage of lots within the District.
2. **Conceptual Plans:** Conceptual Plans for the proposed development in sufficient detail to show the existing conditions and general layout of improvements proposed to be erected on the site, including streets, the open spaces to be provided, the nature and location of the proposed use or uses and the relationship of the proposed development to surrounding properties. Conceptual Plans are not intended to be prepared to the detail required in Site Development Plans, but rather are to give the Commission a general idea of what is proposed for the property in question.

38.5 Special Use and Site Development Plan Procedures.

1. Following approval of the ARHD, the applicant shall submit Special Use and Site Development Plan applications, which shall be subject to a public hearing. The Special Use application shall be consistent with the requirements in Sections 42.1 through 42.4.4 of these Regulations.

These applications shall include the following information:

- (1) Evidence that sewers are available to the project for tie-in and that the sewer lines, sewage treatment plan and related appurtenances have the capacity for the project volumes or, if no public sewers are available, a statement from the East Shore Health District that the private sewage disposal systems are adequate;
- (2) A statement from the Police Commission that the proposal will not cause any undue traffic hazards;
- (3) A statement from the Fire Marshal that the proposal meets fire safety standards;
- (4) A statement from the Town Engineer that the basic drainage system, public street design and the design of elements to be served by the Public Works Department of the Town are adequate;
- (5) A statement from any other municipal department or advisory committee whose opinion is deemed appropriate by the Commission.

2. Site Development Plans

Six (6) copies of all Site Development Plans shall be submitted and shall include the following information:

- (1) Location and size of the property including a boundary map with an accuracy meeting or exceeding standards for a Class A-2 Transit Survey as defined by the Connecticut Technical Council, Inc.;
- (2) Present and proposed land uses and the acreage of each use, as well as existing land uses in the surrounding areas;
- (3) Present and proposed buildings and structures including use, dimensions and locations of each;
- (4) Proposed vehicular and pedestrian circulation patterns including locations and dimensions of private and public streets and common drives, pedestrian walkways, malls and other public and private paths;
- (5) Location of proposed off-street parking facilities with dimensions, including location, size and number of parking spaces, access drives and walkways;
- (6) Proposed open areas such as parks, lawn area, and recreational facilities;
- (7) Existing and proposed landscaping treatment, including major tree areas, water bodies and related treatment of open space areas, screening, and existing and proposed topography;
- (8) Utility information including water supply, sewage disposal, storm drainage, including capacity of water courses and the additional flow being produced, electrical service and exterior lighting;
- (9) A location map showing the site's situation within the Town's circulation system and all streets and intersections within 1,000 feet of the site;
- (10) Preliminary architectural plans including generalized floor plans, exterior elevations, perspective drawings and descriptive information on types of building materials and exterior finishes;
- (11) Any additional information which the Commission may reasonably require or the applicant may wish to submit, including such items as a traffic study, storm drainage and flooding report, soils and geology map, covenants and/or easements related to public access rights, legal information related to disposition, ownership and maintenance of community facilities and open space, and proposed homeowners' associations, if any.

38.6 Development Standards

The following minimum standards shall apply to developments in the ARHD District:

1. The ARHD lot must have 125 feet of frontage on a public street
2. Each building must have a front setback from the street of 40 feet and rear setback of 30 feet
3. Separation between single family homes – 20 feet; separation between duplex or multi-family buildings – 30 feet
4. Open space for the lot to be developed – 20%; see section 38.2 for requirements if open space is located other than on the lot being developed
5. building height – 3 stories (35 feet)
6. building coverage for the entire lot – 35%
7. density per acre – 6 units
8. impervious surface area ratio – 50%
9. 1.5 parking spaces shall be provided for every unit, plus spaces for guests in a number to be determined by the Commission. Spaces in garages and driveways count as required parking.
10. There shall be a buffer area 15 feet wide containing landscaping, fencing, and/or berms between the district and adjacent property in order to provide privacy from the adjacent use. Buffer areas may be part of the required lot setbacks if there is sufficient landscaping, berm, and/or fencing to assure privacy. The Commission may reduce the width of the buffer if a combination of a berm, fencing, and/or landscaping in a narrower buffer area satisfies the goal of privacy. Maintenance of buffer areas shall be the responsibility of property owners or a homeowners' association.
11. Streets shall be built to town standards unless a deviation from those standards is approved by the Commission.

38.7 Findings Required.

The Commission may adopt the Age-Restricted Housing District, thereby amending these Regulations and the Zoning Map, only after the Commission makes the following findings in addition to other findings necessary for the amendment of these Regulations.

1. The ARHD and its standards and Basic Development Plans will accomplish the purposes set forth in Section 38.1.
2. The applicant has provided, where appropriate, for the continued maintenance of the development in general, including those open space and recreational areas not dedicated for general public use, and drainage, landscaping, buffer areas and private streets;
3. The streets and drives will be suitable and adequate to accommodate anticipated traffic and projected development intensity will not generate traffic in such amounts as to overload the street system in the area;
4. The existing and proposed utility services are adequate for the proposed development and the utilities and drainage have been so arranged as to not overburden the capacity of the facilities connected therewith.

The Commission shall review the Special Use and Site Development Plans consistent with its usual procedures for such applications. The ARHD shall be fully approved and ready for development when the initial ARHD application, the Special Use, and the Site Development Plan have all been approved.

38.8 Financial Guarantees.

1. The petitioner shall file with the Commission a financial guarantee, in form, amount and surety approved by the Commission, to guarantee the faithful performance of the site improvements work to be undertaken within the public rights-of-way, unless said improvements are subject to a financial guarantee under the provisions of the North Branford Subdivision Regulations.
2. Prior to the issuance of any Certificate of Zoning Compliance to permit occupancy of the development, the developer shall file with the Commission a financial guarantee, in form, amount and surety approved by the Commission, to guarantee the provision of all facilities common to the entire development, including but not limited to private roads, buffer strips, walkways, recreational facilities, club houses and other common areas. Said financial guarantee shall be conditioned upon completion of said common facilities within five (5) years of the date of approval of the first such Certificate of Zoning Compliance, except that the Commission may extend the time for completion for an additional period not to exceed one (1) year for good cause shown.

38.9 Additional Limitations.

1. Effect of Adoption of District: Adoption of an Age-Restricted Housing District by the Commission shall constitute authorization to establish the uses, buildings, structures and site development in accordance with the standards and Detailed Development Plans adopted by the Commission for the District and in accordance with detailed specifications approved by the Commission.
2. Completion of Construction: The development authorized by the Commission shall be completed within five (5) years from the effective date of the District, except that the Commission may extend the time for completion for one (1) year periods after public hearing for good cause demonstrated to the satisfaction of the Commission.
3. Enforcement of Age Restrictions. In order to assure compliance with the age restrictions required by Section 38.3 of these Regulations, the Commission or its enforcement agent may make reasonable requests for documentation of compliance with such restrictions, including, but not limited to, the following: (1) if the dwelling units are rented, an affidavit from the owner indicating the methods used by the owner to assure compliance with the age restrictions, as well as copies of any written documentation of age provided to the owner; (2) affidavits or other proof of age from the occupants of any dwelling unit.

38.10 Modification of Detailed Site Plans.

In the event any application is submitted to modify Site Development Plans, such application shall be processed as follows:

1. Except as provided in subsection 2.2 of this Section 38.10, if any of the proposed modifications would create additional structures or dwelling units, change the layout of structures, or change the traffic flow through the development, such proposed modifications shall be treated as an application to amend the Regulations applicable to the ARHD, and the procedure for the Commission to review and act upon such application shall be the same as the procedure to establish an ARHD.
2. Such proposed modifications shall be treated as an application to modify a Site Plan if none of the proposed modifications would create additional structures or dwelling units, and all of the proposed modifications would either:
 - (1) comply with (A) the dimensional standards applicable to the Multifamily District, or (B) comply with any special regulatory text standards adopted in connection with the establishment of the Age-Restricted Housing District; or
 - (2) reduce the extent of any noncompliance with the dimensional standards applicable to the Affordable Housing District.