RPC Representatives

Bethany:
Michael Calhoun
(Secretary)

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Walter Corbiere

Hamden:
Robert Roscow

Madison:
Christopher Traugh

Meriden:
David White
(Vice-Chair)

Milford:
Anthony D. Sutton

New Haven:
Kevin DiAdamo

North Branford:
Frances Lescovich

North Haven:
James Giulietti
(Chair)

Orange:
Vacant

Wallingford:
Vacant

West Haven:
Al Posey

Woodbridge:
Vacant

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Thursday, September 8, 2016 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 14, 2016 RPC Meeting **1**

2. Action Items

2.1. City of Milford: Proposed Zoning Regulation Amendments pertaining to Digital Billboards. Submitted by: Private Applicant. Received: August 17, 2016. Public Hearing: TBD **2**

2.2. Town of North Haven: Proposed Zoning Regulation Amendments pertaining to Outdoor Advertising Signs. Submitted by: Private Applicant. Received: August 29, 2016. Public Hearing: October 4, 2016. **4**

2.3. City of West Haven: Proposed Zoning Regulation Amendments pertaining to Use Restrictions in Waterfront Design (WD) Districts, and Hearing and Notice Restrictions for Coastal Site Plan Applications. Submitted by: Private Applicant. Received: August 1, 2016. Public Hearing: September 13, 2016. **9**

2.4. Town of Clinton: Proposed Zoning Regulation Amendment to add Schedule of Uses for the approved MSD-1 District. Submitted by: Town of Clinton. Received: August 17, 2016. Public Hearing: October 3, 2016. **24**

2.5. City of Middletown: New Zoning Code and Zoning Map. Submitted by: City of Middletown. Received: August 9, 2016. Public Hearing: September 28, 2016.

3. Other Business

The agenda and attachments for this meeting are available on our website at www.scrcog.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.scrcog.org. Favor en contactar con SCRCOG al (203) 234-7555 para obtener una copia de la Agenda en un idioma distinto al Inglés. Ayudas/servicios auxiliares e intérpretes para personas de Dominio Limitado del Inglés serán proporcionados con dos semanas de aviso.

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, July 14, 2016 Meeting

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

1 Administration

1.1 *Minutes of the June 9, 2016 RPC meeting.*

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

2 Statutory Referrals

2.1 *Town of North Haven: Proposed Zoning Regulation Amendment to add Section – 5.1.3.5.4(e)*

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

3 Other Business

3.1 *Regional Recreational Trails*

The Representative were provided with information pertaining to the Regional Recreational Trails Project including a brief demonstration of the GIS component of the project.

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

Referral 2.1: City of Milford

Subject:

Proposed Zoning Regulation Amendments pertaining to Digital Billboards

Staff Recommendation:

The Proposed Zoning Regulation Amendment does not define or regulate "Digital Billboards" which would be permitted within the ICD and ID Zoning Districts within Milford. Consideration should be given to how the term is defined and differentiated from "Electronic Message Signs" and whether additional provisions to regulate "Digital Billboards" may be appropriate.

Background:

A private applicant has submitted a proposed zoning regulation amendments to Article V, Section 5.3.7.16. Language has been added to allow digital billboards to be located in the ICD or ID zones. This application was submitted in response to the desire to replace an existing billboard at 84 Research Drive with a digital billboard. Section 5.3.7.16 would now read, "Electronic message signs are prohibited. An electronic message sign shall now be defined to include clocks and/or thermometer displays, and/or digital billboards located in the ICD or ID zones, oriented towards I-95."

The ID Zone is adjacent to the Town of Orange. The term digital billboard is not defined within the Milford Zoning Regulations.

Communication:

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

City of Milford, Connecticut

Founded 1639
70 West River Street ◆ Milford, Connecticut ◆ 06460-3317
www.ci.milford.ct.us

Department of Permitting and Land Use

David B. Sulkis,
City Planner

TO:

- [X] South Central Regional Council of Governments
- [X] Greater Bridgeport Regional Planning Council
- [X] City Attorney, City of Milford
- [X] State of CT DEEP
- [X] City of West Haven, City Clerk
- [X] Town of Stratford, City Clerk
- [X] Town of Orange, City Clerk

RECEIVED
AUG 17 2016
SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

FROM : David B. Sulkis, City Planner/DBS

DATE: August 17, 2016

RE: **Proposed Changes to the City of Milford Zoning Regulations; Article V, Section 5.3.7.16**

The following change is submitted for your review and comment.

Please provide this office with your comments or approval within 35 days of the above date.

EXISTING TEXT:

Sec. 5.3.7.16 Electronic message signs are prohibited. An electronic message sign shall not be defined to include clocks and/or thermometer displays.

PROPOSED TEXT:

Sec. 5.3.7.16 Electronic message signs are prohibited. An electronic message sign shall not be defined to include clocks and/or thermometer displays, ***and/or digital billboards located in the ICD or ID zones, oriented towards I-95.(new)***

REASON FOR CHANGE:

To allow the replacement of the existing billboard at 84 Research Drive with a digital billboard?

A petition for substantially the same change in regulations has previously been filed:

Yes _____ No __X___ if Yes, date of hearing:

This regulation change is proposed by: Petitioner: Winthrop S. Smith, Jr. or ☐ Planning and Zoning Board Subcommittee

C: Anthony D Sutton, Chairman, P & Z
John L. Grant, P & Z
J. Griffith, DPLU

Referral 2.2: Town of North Haven

Subject:

Proposed Zoning Regulation Amendments pertaining to Outdoor Advertising Signs

Staff Recommendation:

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

Background:

A private applicant has submitted proposed zoning regulation amendments to create Section 8.8.8 – Outdoor Advertising Signs. This addition would permit the creation of advertising signs in designated zoning districts, subject to the provisions of the Regulation. Advertising signs will be allowed on properties adjacent to the Interstate-91 corridor, with regulations on the allowed height and placement of the signs. Previously, advertising signs were not permitted in the Town of North Haven.

Communication:

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

TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET
NORTH HAVEN, CONNECTICUT 06473

REPLY TO: PLANNING & ZONING COMMISSION

Tel. (203) 239-5321
Fax (203) 234-2130

26 August 2016

Mr. Eugene Livshits
Regional Land Use Planner
South Central Regional Council of Governments
127 Washington Avenue-4th Floor West
North Haven, CT 06473

RECEIVED
AUG 29 2016
SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

Re: Proposed Amendment to the North Haven Zoning Regulations
Add Section 8.8.8 - Outdoor Advertising Signs

Dear Mr. Livshits,

In accordance with Connecticut General State Statutes, enclosed please find a copy of the above referenced proposed amendment to the North Haven Zoning Regulations.

A Public Hearing for this application is scheduled for 4 October 2016.

Very truly yours,

Alan A. Fredricksen
Land Use Administrator
AAF/llh
Enclosures

cc: First Selectman
V. Carlson, Chairman, Planning & Zoning Commission

8/23/16 Date of Receipt
$150/$160 Fee and date paid

#P16-24 File Number
Approval date

TOWN OF NORTH HAVEN
PLANNING AND ZONING COMMISSION
APPLICATION FORM
(Only one item per form)

(ADDRESS OF BUILDING OR BLOCK MAP, BLOCK & LOT NUMBER) | ZONE | TOTAL SQUARE FOOTAGE

THIS APPLICATION IS FOR AND **MUST** INCLUDE THE FOLLOWING:
_____ Site plan approval (Submit 14* copies of the site plan) ▶ 1 original and 14 copies of the application
_____ Certified A-2 Survey
_____ 2 copies of Bond Estimate Form
_____ Cite the regulation that permits proposed use

*** 14 PLANS @ 24" x 36"**

TITLE OF PLAN: _____

Date and most current revision date of plan: _____
_____ CAM site plan review (Submit 14* copies)
__X__ Amend zoning regulations __8.8*__ Section to be amended (Submit 8 copies of proposed amendment) * Add new Section 8.8.8
_____ Proposed zone change (Submit 14* copies of location map)
_____ Special Permit _____ Cite regulation that authorized the special permit
_____ Fill permit (Submit 14* copies)
_____ Excavation permit (Submit 14* copies)
_____ Permit to grade or regrade the property (Submit 14* copies of a certified plan showing existing grades and proposed grades)

ANSWER ALL QUESTIONS THAT ARE APPLICABLE OR WRITE N/A:

Does the property for which this application is submitted:
__Y__ Lie within 500' of an adjoining municipality or will traffic or water drainage impact an adjoining municipality
__N/A__ Lie within the Coastal Area Management boundary
__N/A__ Contain any wetlands and/or watercourses
__N/A__ Lie within the Aquifer Protection Zone
__N/A__ Lie within the Channel Encroachment Zone
__N/A__ Lie within the floodplain or floodway
__N/A__ Lie within 50' of the Quinnipiac River or Muddy River

RECEIVED
AUG 23 2016
TOWN of NORTH HAVEN
LAND USE AND DEVELOPMENT

N/A
ENGINEER'S NAME

N/A
ENGINEER'S PHONE NUMBER FAX NUMBER

Bernard Pellegrino, Esq
Print Applicant's Name

N/A
Print Owner's Name

475 Whitney Avenue, New Haven, CT 06510
Applicant's Address

Owner's Address

203-787-2225 203-777-2096
Applicant's Phone Number Fax Number

Owner's Phone Number

Applicant's Signature

Owner's Signature

8.8.8 Outdoor Advertising Signs (NEW SECTION)

8.8.8.1 Outdoor advertising signs that advertise a business, activity, good, service, person or product not located on the premise where the sign is located (hereinafter referred to as "advertising signs") may be permitted, subject to the provisions of this Regulation, upon the approval by the Planning & Zoning Commission of a Special Permit/Site Plan Application held pursuant to these Regulations, after a public hearing upon due notice pursuant to Section 8-3 of the Connecticut General statutes. Outdoor Advertising Signs specifically approved by the Planning and Zoning Commission after a Public Hearing, shall be permitted subject to such conditions as said Commission may establish, giving consideration to the site and adjacent uses and neighbors, to the proposed site planning and landscaping including buffers and all other considerations set forth in these Regulations.

8.8.8.2 The following general standards shall apply:

a. Advertising signs shall not be permitted in any residential zones as well as the LO Office District and the O-12 District. Additionally, no signs shall be permitted between the Exit 10 and Exit 11 On/Off Ramps.

b. Advertising signs shall be located on properties which abut the Interstate-91 corridor and the face of such signs shall be directed toward the Interstate-91 corridor.

c. Advertising signs shall not exceed an area of six hundred seventy-two (672) square feet.

d. Advertising signs shall not be erected within the established front yard, side yard and rear yard property setback lines for the zone in which it is erected, except that when any of said lot setbacks directly abuts Interstate-91, the advertising sign may be erected within 15 feet of that property line.

e. Advertising signs shall not exceed a height of forty (40) feet above the grade of Interstate-91. Said measurement shall be made from the crown of Interstate-91 to the top of the sign area.

f. Advertising signs shall be so constructed as to withstand a wind load of thirty pounds per square foot. All advertising signs and components thereof shall be maintained in good repair and in a safe, neat, clean and attractive condition.

g. Advertising signs shall be separated from each other by a distance of at least five hundred (500) feet as measured along the same side of the highway. Advertising signs shall be of a monopole design and may contain two separate faces either back to back or in a V shaped design.

h. Advertising signs shall not be located within one hundred (100) feet of any public park, playground, or cemetery; nor shall said sign be located within five hundred (500) feet of an adjoining residential district.

i. Advertising signs may be illuminated provided all light sources shall be designed, shielded, arranged and installed to confine or direct all illumination to the surface of the sign and away from the adjoining properties. Animation of a sign through the use of flashing or blinking lights shall not be permitted. Intermittent variation in the illumination of a sign or as lettering shall be permitted provided that the illumination of any portion of the sign shall not change more than once in any ten second period.

j. Advertising signs shall not, by reason of its size, location, content, coloring, or manner of illumination, constitute a detriment to traffic safety by obstructing the vision of drivers, or detracting from the visibility of traffic control devises or closely resembling any official traffic control devise as determined by the Connecticut State Police.
k. Advertising signs shall not be attached or located on any building or property used in whole for residential purposes regardless of how such property is zoned.
l. Advertising signs shall not display content containing any such content or advertisers banned by Federal or State law.
m. All "painted" advertising signs shall be on a background affixed to a surface and not painted directly on such surface.
n. Changeable electronic advertising signs may be permitted in accordance with the following additional conditions:

1. The content of the advertising sign shall not change more frequently than once every ten (10) seconds.

2. The static phase of the display shall not display any illumination that moves, appears to move or changes in intensity.

3. The permittee shall provide the Town of North Haven with non-profit community service and news displays in a daily frequency of one permanent spot per display rotation for each such advertising sign location. The content of the displays shall be designated by the Office of the First Selectman. The permittee shall provide said displays free of charge and shall agree to design the display art.

8.8.8.3 Sign Permit. Before any sign approved under this Section is erected or relocated, a sign permit issued by the Town building official shall be required.

8.8.8.4 Removal of Sign. The building official may order the removal of any sign erected or maintained in violation of this regulation. The building official shall provide thirty (30) days written notice to the owner of such sign or the building, structure, or premise on which such sign is located to remove the sign or bring it into compliance. The building official may remove a sign immediately and without notice at the cost to the owner, if in his opinion, the condition of the sign presents an immediate threat to the safety of the public.

8.8.8.5 Abandoned Signs. Any sign which becomes unused for a period of six (6) months or more shall be deemed abandoned. An abandoned sign shall be removed by the owner of the sign or the owner of the premises. If the owner fails to remove it, the building official shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the building official or his duly authorized representative may remove the sign as provided in this regulation.

8.8.8.6 Validity of Permit. If the holder of the permit fails to commence construction within one (1) year from the date of issuance of the permit, the sign permit shall become null and void.

8.8.8.7 Total Number of Permits. At any given time no more than six (6) Permits shall be issued for Outdoor Advertising Signs pursuant to this Regulation.

Referral 2.3: City of West Haven

Subject:

Proposed Zoning Regulation Amendments pertaining to Use Restrictions in Waterfront Design (WD) Districts, and Hearing and Notice Restrictions for Coastal Site Plan Applications

Staff Recommendation:

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

Background:

A private applicant has proposed zoning regulation amendments affecting: Article 2, Use Regulations, Table 39.2, Summary of Uses in Commercial, Mixed Use, Industrial & Other Districts; and Article 7 – Resource Regulations, Section 71.7, Hearing & Notice (Coastal Site Plan Applications). The change to Table 39.2 would make a "Regional Shopping Center" a special permit use in the Waterfront Design (WD) district rather than a use allowed as-of-right. These proposed regional shopping centers would then be required to follow additional requirements as a special permit use, including: principal vehicular access is not located on a minor street; minimal traffic added to local residential streets; utilizing landscaped screens and buffers to minimize nuisance to neighboring properties; limiting proximity to schools, parks and playgrounds. The WD district is within 500 feet of New Haven.

The amendment to Article 7 – Resource Regulations, Section 71.7 would require a public hearing to review a coastal site plan application if the site involves ten (10) or more acres and is located partially or fully within the coastal boundary and landward of the mean high water mark. The reviewing Board/Commission can choose to hold a public hearing on any other coastal site plan application.

Communication:

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

CITY OF WEST HAVEN, CONNECTICUT
Planning and Development Department
City Hall | 355 Main Street | First Floor | West Haven, Connecticut 06516-0812
Phone 203.937.3580 Fax 203.937.3742

August 1, 2016

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

RE: Planning and Zoning Applications # ZR-16-212

Dear Mr. Livshits:

In accordance with Section 8-3b of the Connecticut General Statutes, the City of West Haven hereby refers to you the following applications that have been submitted for your review:

Text Change Application – SZS Enterprises, LLC and Robert McGinnity

- The applicants have proposed text change applications, affecting Article 2, Use Regulations, Table 39.2, Summary of Uses in Commercial, Mixed Use, Industrial & Other Districts; Article 7 – Resource Regulations, Section 71.7, Hearing & Notice (Coastal Site Plan Applications)

The West Haven Planning and Zoning Commission plans to hold a public hearing on this application on Tuesday, September 13, 2016 at 7:00 PM in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT.

Please submit any comments on these proposed applications by the date of this public hearing. Thank you for your assistance. Please contact me if you have any questions on these applications.

Sincerely,

David W. Killeen
Assistant City Planner

Robinson+Cole

EVAN J. SEEMAN

280 Trumbull Street
Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
eseeman@rc.com
Direct (860) 275-8247

RECEIVED
AUG 1 2016
SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS

HAND DELIVERY

July 11, 2016

Kathleen Hendricks, Chair
City of West Haven Planning & Zoning Commission
355 Main Street
West Haven, CT 06516

Re: **Text Amendment Application (the "Application")**
Table 39.2, Section E of Zoning Regulations
Section 71.7 of Zoning Regulations

Dear Chair Hendricks and Members of the Commission:

We represent Robert McGinnity and SZS Enterprises, LLC (the "Applicants"), owners of 341 and 349 First Avenue and 60 Elm Street (a/k/a 60-62 Elm Street), respectively in the City of West Haven. On behalf of the Applicants, we respectfully submit the enclosed Application to change ARTICLE 2-USE REGULATIONS, Table 39.2 (Section E) and ARTICLE 7-RESOURCE REGULATIONS, Section 71.7, of the Zoning Regulations, West Haven, Connecticut, as amended.

Changing Table 39.2 (Section E) would make a "regional shopping center" a special permit use in the Waterfront Design (WD) district instead of a use allowed as-of-right. The change to Section 71.7 of the Zoning Regulations would require a public hearing for coastal site plan applications involving a proposed development comprising in the aggregate ten (10) or more acres and located fully or partially within the City's coastal boundary. As demonstrated in the application, the proposed changes are consistent with the West Haven Plan of Conservation and Development, and support the Zoning Regulations' intent to protect public health, safety, and general welfare, as well as coastal resources.

Transmitted herewith are the following materials:

- One (1) Original and sixteen (16) copies - Application For Change To Zoning Regulations dated July 11, 2016, comprised of:

- Application Form;
- Attachment A to Application Form;
- Attachment B to Application Form;
- Applicants' Agent Authorizations;
- July 11, 2016 Letter of Request Pursuant to Section 86.16 of City of West Haven Zoning Regulations for Alternate Outreach Efforts for Notice; and
- Check payable to City of West Haven for the Application Fee in the amount of $810.00.

We respectfully request consideration by the Planning and Zoning Commission at a public hearing to be scheduled as soon as practical. If you have any questions or need additional information, please have your staff contact me at (860) 275-8247 (eseeman@rc.com).

Sincerely,

Evan Seeman

Evan J. Seeman

Enclosures

Copy to:

Mr. David Killeen, CZET, Assistant City Planner
Mr. Joseph Riccio, Jr., Commissioner
SZS Enterprises, LLC
Robert McGinnity

CITY OF WEST HAVEN, CONNECTICUT
Planning and Development Department

City Hall | 355 Main Street | Third Floor
Phone 203.937.3580 Fax 203.937.3742
West Haven, Connecticut 06516-0312
E-Mail: planning@cityofwesthaven.com

CITY HALL 1898-1967

APPLICATION FOR CHANGE TO ZONING REGULATIONS

1. Article and Section of Zoning Regulations

Article 2 - Use Regulations
Table 39.2, Summary of Uses in Commercial, Mixed Use, Industrial & Other Districts;
Article 7 - Resource Regulations, Section 71.7, Hearing & Notice (Coastal Site Plan Applications)

2. What special condition or reason makes passage of this amendment necessary?

See Attachment B

3. What other circumstances (i.e., public health, safety or general welfare) would justify the amendment?

See Attachment B

4. Applicant Information

Name See Attachment A
Firm
Street Address
City State CT ZIP

Dated: July 11, 2016

Daytime Phone: 860-275-8247
☒ Business ☐ Home
☐ Fax: 860-275-8299 ☐ Cell: _____
☐ E-mail eseeman@rc.com

Evan Seeman
Signature of **APPLICANT** By: Evan J. Seeman, Esq.
Duly Authorized Agent

5. Counsel Information

Name Evan J. Seeman
Firm Robinson & Cole LLP
Street Address 280 Trumbull Street
City Hartford State CT ZIP 06103

Daytime Phone: 860-275-8247
☒ Business ☐ Home
☐ Fax: 860-275-8299 ☐ Cell: _____
☐ E-mail eseeman@rc.com

6. Provide Text of Proposed Change

See Attachment B

Rev 4-30-11

ATTACHMENT A

4. APPLICANT INFORMATION

A) Name: SZS Enterprises, LLC

Firm: N/A

Street Address: 60 Elm Street (a/k/a 60-62 Elm Street)

City: West Haven State: CT ZIP: 06516

B) Name: Robert McGinnity

Firm: N/A

Street Address: 341 First Avenue and 349 First Avenue

City: West Haven State: CT ZIP: 06516

ATTACHMENT B

2. WHAT SPECIAL CONDITION OR REASON MAKE PASSAGE OF THIS AMENDMENT NECESSARY?

ARTICLE 2-USE REGULATIONS, Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial & Other Districts, Section E

Under Table 39.2 of the Zoning Regulations, a "Regional Shopping Center" is currently permitted as a matter of right in the Waterfront Design (WD) district. The Applicant is proposing that "Regional Shopping Center" use be changed from a use allowed as a matter of right to one allowed by special permit in the WD district.

A "Regional Shopping Center" often consists of a very large development covering many acres of land that has the potential to cause adverse impacts to public health and safety (traffic, environmental harm, open space, etc.). Subjecting a regional shopping center to special permit review will better safeguard against public health and safety concerns that frequently result from large developments, and would be consistent with the purpose of the Zoning Regulations to "[p]romote the health, safety, morals, and general welfare of the community" (§ 1.2.1). These public health and safety concerns are even greater in the WD district, because much of the district is located within the regulated floodplain.

Putting a regional shopping center use through the special permit review process is consistent with Connecticut law, under which the special permit review process is appropriate for uses that have the potential to cause adverse impacts, such as larger developments. "A special permit allows a property owner to use his property in a manner expressly permitted by local zoning regulations... The proposed use, however, must satisfy standards set forth in the zoning regulations themselves as well as the conditions necessary to protect the public health, safety, convenience and property values." *Heithaus v. Planning & Zoning Commission*, 258 Conn. 205, 215-16 (2001).

The Zoning Regulations state that specially permitted uses "are an important part of the overall community, but ... are typically interspersed throughout a community, and therefore, should be regulated on a lot-by-lot basis to determine the particular suitability of the requested located for the proposed use" (§ 85.1). Unless a regional shopping center is changed to a special permit use, the City will be severely limited in determining whether a particular site is suitable for a shopping center and associated public health and safety risks.

Lastly, much of the WD district falls within the City's Coastal Management Area.[1] The Plan of Conservation and Development identifies several of the City's goals and objectives with respect to coastal resources, including: "The City's land use regulations should offer greater protection

[1] Map, "CITY OF WEST HAVEN, CT ZONING DISTRICTS" Effective Date: June 26, 2006, as amended through August 19, 2013.

of sensitive coastal resources." *See* POCD, § V.E. Making a regional shopping center use located in a WD district a special permit use subject to meeting additional, appropriate safeguards is directly consistent with the POCD's objective for greater protection of coastal resources.

ARTICLE 7-RESOURCE REGULATIONS, Section 71.7: Hearing and Notice (Coastal Site Plan Application)

Section 71.7 of the Zoning Regulations permits the reviewing agency at its discretion to hold a public hearing to review a coastal site plan application. The Applicant is proposing that the Zoning Regulations be amended to require a public hearing to review a coastal site plan application involving ten (10) or more acres that are located fully or partially within the coastal boundary. Applications for coastal site plan approval involving developments consisting of less than ten (10) acres would not require a public hearing, though the reviewing agency would retain the right to hold a public hearing in its discretion.

The coastal boundary is a very limited and precious resource in West Haven. The General Assembly has found that "[t]he coastal area is rich in a variety of natural, economic, recreational, cultural and aesthetic resources, but the full realization of their value can be achieved only by encouraging further development in suitable areas and by protecting those areas unsuited to development." Connecticut General Statute § 22a-91(5). Development proposals consisting of ten (10) or more acres located partially or fully within the coastal boundary have the potential to result in significant adverse impacts to coastal resources. Requiring a public hearing for such applications would allow public participation to help ensure the protection of such resources, and would be consistent with the City's Plan of Conservation and Development, which provides that "[t]he City's land use regulations should offer greater protection of sensitive coastal resources."

3. WHAT OTHER CIRCUMSTANCES (I.E., PUBLIC HEALTH, SAFETY OR GENERAL WELFARE) WOULD JUSTIFY THE AMENDMENT?

ARTICLE 2-USE REGULATIONS, Table 39.2 Summary Table of Uses in Commercial, Mixed Us, Industrial & Other Districts, Section E

Revising Table 39.2 to make "Regional Shopping Center" a special permit use in the WD district will subject such a use to more careful review, with public participation, to ensure that developments of such magnitude do not cause adverse impacts to public health, safety, or welfare, as well as coastal resources. It would also ensure that a proposed regional shopping center meet additional standards required of special permit uses that include, but are not limited to the following:

- The principal vehicular access for such use is not located on a minor street (local), but is located on an arterial street or collector street within one-quarter mile of an arterial street (§ 85.4.1).
- Such use is so located as to draw a minimum of vehicular traffic to and through local streets within any surrounding residential development (§ 85.4.2).
- The architectural and landscaping treatment of such use will blend harmoniously with the rest of the area (§ 85.4.3).
- Provisions have been made to minimize any disturbances or nuisance to surrounding properties arising out of the creation of such use, including the provision of landscaped screens and buffers (§ 85.4.4).
- Reservoir space at vehicular entrances and exits are provided to prevent traffic congestion and vehicular entrances and exits for such use are separately provided (§ 85.4.5).
- Provision is made with respect to drainage, outside lighting or illumination and signs so as to minimize any adverse effect on the character of the surrounding area (§ 85.4.6).
- Provision is made with respect to requirements for soundproofing, construction of fences, barriers, or other safety devices (§ 85.4.7).
- Provision of additional safeguards such as limiting proximity of certain uses from schools, parks and playgrounds, and landscape buffer setbacks (§ 85.6.1).

ARTICLE 7-RESOURCE REGULATIONS, Section 71.7: Hearing and Notice (Coastal Site Plan Application)

The City's Plan of Conservation and Development recognizes that the West River coastal planning area, which falls within the WD district "has historically accommodated heavy industrial and manufacturing activities" that have "result[ed] in negative environmental impacts." *See* POCD, § V.D. Requiring a public hearing will serve to protect sensitive coastal resources, especially in areas that have experienced negative environmental impacts, by allowing the reviewing agency to consider and address, as necessary, concerns raised by qualified professional experts and members of the public.

(Continued on next page)

6. PROVIDE TEXT OF PROPOSED CHANGE

ARTICLE 2-USE REGULATIONS, Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial & Other Districts, Section E

Existing Regulation

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use								Industrial		Other		
		NB	RB	RPD	RCPD	CBD	CD	SCR	SRR	WD	TOD	LM	IPD	OS	PF	PRD
E.	COMMERCIAL															
	Neighborhood Shopping Area	X	R	X	R	R	R	R	R	R	X	X	X	X	X	X
	Regional Shopping Center	X	R	X	R	R	X	X	X	R	R	X	X	X	X	X
	Retail Store, Shop or Boutique	R	R	X	R	R	R	R	R	R	R	R	R	X	X	X
	Small Appliance, TV, Repair Shops, etc.	R	R	X	R	R	R	R	R	R	R	R	R	X	X	X
	Temporary Vending Stand or Cart	A	A	X	A	A	A	A	A	A	A	A	A	A	A	X

KEY: **R**= PERMITTED AS-OF-RIGHT **SU**=SPECIAL USE EXCEPTION **SP**=SPECIAL PERMIT
A=ADMINISTRATIVE REVIEW & APPROVAL REQUIRED **NA**=NOT APPLICABLE **X**=NOT PERMITTED

Proposed Regulation[2]

[Change shown in **bold underscored**]

TABLE 39.2 SUMMARY TABLE OF USES IN COMMERCIAL, MIXED USE, INDUSTRIAL & OTHER DISTRICTS

KEY	USE CATEGORY	Commercial		Mixed Use								Industrial		Other		
		NB	RB	RPD	RCPD	CBD	CD	SCR	SRR	WD	TOD	LM	IPD	OS	PF	PRD
E.	COMMERCIAL															
	Neighborhood Shopping Area	X	R	X	R	R	R	R	R	R	X	X	X	X	X	X
	Regional Shopping Center	X	R	X	R	R	X	X	X	**SP**	R	X	X	X	X	X
	Retail Store, Shop or Boutique	R	R	X	R	R	R	R	R	R	R	R	R	X	X	X
	Small Appliance, TV, Repair Shops, etc	R	R	X	R	R	R	R	R	R	R	R	R	X	X	X
	Temporary Vending Stand or Cart	A	A	X	A	A	A	A	A	A	A	A	A	A	A	X

KEY: **R**= PERMITTED AS-OF-RIGHT **SU**=SPECIAL USE EXCEPTION **SP**=SPECIAL PERMIT
A=ADMINISTRATIVE REVIEW & APPROVAL REQUIRED **NA**=NOT APPLICABLE **X**=NOT PERMITTED

[2] The only amendment proposed to Table 39.2 is with respect to "Regional Shopping Center" use in the WD district, being to change such use from a "R" Use (permitted as-of-right use) to a "SP" Use (special permit). The remainder of Table 39.2 would remain unchanged.

ARTICLE 7-RESOURCE REGULATIONS, Section 71.7: Hearing and Notice (Coastal Site Plan Application)

[Deletions shown in ~~strikeout~~; proposed additions shown in **bold underscored**]

In accordance with Section 22a-105 through 22a-109 of the General Statutes, hearing notification requirements, time limits for making a decision and decision publication and notification requirements for coastal site plans shall be the same as that set forth in the General Statutes for the type of permit or approval being requested. Pursuant to Section 22a-109(e) of the General Statutes the reviewing Commission/Board ~~may at its discretion~~ **shall** hold a public hearing on any application for Coastal Site Plan approval **for a development proposal consisting of an aggregate of ten (10) or more acres located fully or partially within the coastal boundary and landward of the mean high water mark. The reviewing Commission/Board may at its discretion hold a public hearing on any other application for Coastal Site Plan approval.** Public hearings shall conform to Section 8-7d of the General Statutes, as amended.

June 20, 2016

Planning and Zoning Commission
City of West Haven
355 Main St.
West Haven, CT 06516

RE: Application for Change to Zoning Regulations

To the West Haven Planning and Zoning Commission:

As owner of 60 Elm Street (a/k/a 60-62 Elm Street), West Haven, Connecticut, I hereby authorize the firm of Robinson & Cole LLP to serve as agent before the West Haven Planning and Zoning Commission for the submission, public agency review, and presentation of the application for change to zoning regulations.

SZS Enterprises, LLC

Sayed Ahmed

Sayed Ahmed, Member

Sheik Z. Hossain

Sheik Zakir Hossain, Member

June 20, 2016

Planning and Zoning Commission
City of West Haven
355 Main St.
West Haven, CT 06516

RE: Application for Change to Zoning Regulations

To the West Haven Planning and Zoning Commission:

As owner of 341 and 349 First Avenue, West Haven, Connecticut, I hereby authorize the firm of Robinson & Cole LLP to serve as agent before the West Haven Planning and Zoning Commission for the submission, public agency review, and presentation of the application for change to zoning regulations.

Robert McGinnity

14914984-v1

Robinson+Cole

EVAN J. SEEMAN

280 Trumbull Street
Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
eseeman@rc.com
Direct (860) 275-8247

HAND DELIVERY

July 11, 2016

Kathleen Hendricks, Chair
City of West Haven Planning & Zoning Commission
355 Main Street
West Haven, CT 06516

Re: **Request Pursuant to Section 86.16 of City of West Haven Zoning Regulations for Alternate Outreach Efforts For Notice**

Dear Chair Hendricks and Members of the Commission:

Our firm represents Robert McGinnity and SZS Enterprises, LLC (the "Applicants"), who are submitting on this date an application to the Commission to amend the text of the City of West Haven Zoning Regulations. I am writing to request that the Planning & Zoning Commission (the "Commission") authorize pursuant to § 86.16 of the Zoning Regulations alternate forms of individual notice to property owners (§ 86.13) and posting of notice (§ 86.14).

The Applicants are proposing two amendments to the Zoning Regulations: (a) change "regional shopping center" use from a use allowed as-of-right in the Waterfront Design (WD) district to a use allowed by special permit, and (b) require that any coastal site plan application involving a development consisting in the aggregate of ten (10) or more acres be subject to a public hearing. The proposed amendments involve the entire WD district and all land located in the coastal boundary within the City.

Requiring the posting of signage pursuant to § 86.14 would be impractical, given the many properties involved, which cumulatively are well in excess of 10 acres. Further, upon information and belief, more than 250 notices to owners of record within 200 feet of the subject petition area would be required pursuant to § 86.13. It would also be impractical to require the mailing of personal notice to more than 250 individuals, and would be extremely burdensome on Commission staff since § 86.13 requires the Clerk of the Board or Commission to provide mailing labels for notice.

Section 86.16 allows alternate means of personal notice when 250 notices or more are involved. This section also provides that the posting of signage on the property may be excused if the petition involves 10 or more acres of land.

The Applicants respectfully request that the Commission authorize one of the following alternate means for public notice of the scheduled public hearing on this Application to satisfy the requirements of §86.13 and § 86.14:

- Post application to City website;
- Advertisement in newspaper; or
- Larger display advertisement in legal notice section of newspaper.

The Applicants request that you take this matter up with the Commission as soon as you are able, and further request that the Commission inform the Applicants of the alternate outreach effort to be undertaken at least 15 days before the scheduled date of the public hearing so that the Applicants may timely execute the required notice/outreach.

Please do not hesitate to contact me with any questions or additional information you may require. Thank you for your consideration.

Very respectfully,

Evan J. Seeman

Copy to:

Mr. David Killeen, CZET, Assistant City Planner
Mr. Joseph Riccio, Jr., Commissioner
SZS Enterprises, LLC
Robert McGinnity

Referral 2.4: Town of Clinton

Subject:

Proposed Zoning Regulation Amendments pertaining to the Schedule of Uses for the MSD-1 District

Staff Recommendation:

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

Background:

The Town of Clinton has proposed zoning regulation amendment to add the schedule of uses for the Main Street District-1 (MSD-1). The MSD-1 is an approved Floating Zone and is regulated in Section 21 – Floating Zones.

For the MSD-1 Zone to be established it must meet the following eligibility requirement: lot or combinations of lots greater than sixty thousand square feet (60,000 ft^2) with an underlying zone of I-1, B-2, or B-3. Uses permitted within the MSD-1 are consistent with those described in Section 21 of the town zoning regulations, and include Community Facilities, Residential, and Commercial use. The MSD-1 district is within 500 feet of Madison.

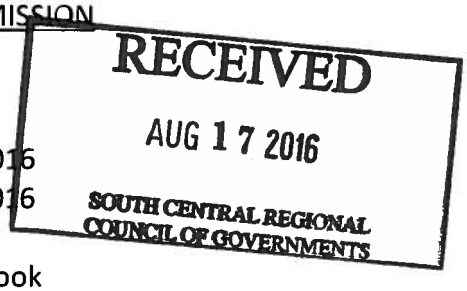
Communication:

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:	8/17/2016
DATE OF PUBLIC HEARING:	10/3/2016
TOWN SUBMITTING REFERRAL:	Clinton
ABUTTING MUNICIPALITIES OF THE RIVERCOG (IF ANY):	Westbrook Killingworth
SUMMARY OF PROPOSAL:	
ZONING TEXT AMENDMENT:	Addition of the schedule of uses for the approved MSD-1 District.
ZONING MAP AMENDMENT:	
SUBDIVISION:	
OTHER:	
COMMENTS:	

24.3 Floating Zones:

	Permitted Use	MSD-1
24.3.1	Single-family detached dwelling; not more than one (1) residential structure per lot	P
24.3.2	Two-family dwelling with not more than one (1) residential structure per lot	P
24.3.3	Multiple Dwelling Units in Commercial Structures (Added 6/1/2015)	P
24.3.4	Planned Neighborhood Developments (Added 6/1/2015)	P
24.3.5	Common Interest Community Developments (Added 6/1/2015)	P
24.3.6	Accessory Apartments	P
24.3.7	Accessory uses customary and incidental to the use of a lot, subject to Sections 26 and 29	P
24.3.8	Outdoor wood-burning furnace	X
24.3.9	Customary home occupation in a dwelling	P
24.3.10	(a) Mini-estate subdivision	P
	(b) Conservation subdivision	P
24.3.11	Rear lots	P
24.3.12	Planned Residential Development	P
24.3.13	Housing project for elderly persons, but not including mobile homes or trailers,	P
24.3.14	Homes for the aged, congregate housing, assisted living facilities and boarding homes for sheltered care, licensed by the State of Connecticut	P
24.3.15	Hospitals, clinics, extended care facilities, long-term facilities, nursing/rest homes, sanatoriums and intermediate care facilities, licensed by the State of Connecticut	P

P - Zoning Permit from ZEO Required
SP – Site Plan approval from PZC Required
n/a - Not applicable
X - Prohibited in District
SE - Special Exception approval from PZC Required

	Permitted Use	MSD-1
24.3.16	Day Care Facilities for:	
	(a) No more than nine (9) children	P
	(b) More than nine (9) children	SE
	(c) No more than fifteen (15) adults	SE
24.3.17	Bed and Breakfast establishments	SE
24.3.18	Motels	X
24.3.19	Hotels (Added 6/1/2015)	X
24.3.20	Business and professional offices	SE
24.3.21	Financial institutions, including drive-up windows	SE
24.3.22	Retail establishments and personal service facilities, except Shopping Centers, Neighborhood Shopping Centers	SE
24.3.23	(a) Shopping Center	X
	(b) Neighborhood Shopping Center	X
24.3.24	Liquor Stores	X
24.3.25	Medical Marijuana Producers and Dispensaries	X
24.3.26	Massage Establishments (Added 1/1/2015)	X
24.3.27	Tattoo parlors and/or body piercing salons (except ear piercing)	X
24.3.28	Adult Entertainment Business	X
24.3.29	(Reserved for Future Use)	
24.3.30	Coffee houses, ice cream parlors, other food service establishments occupying not more than two thousand, three hundred square feet (2,300 sq. ft.) where customers are served at counters, with no more than fifty (50) seats. (Amended 6/1/2015)	SE
24.3.31	Restaurants and other food service establishments, where customers are served only when seated at tables or counters. Such uses may include a food take-out service incidental to the primary permitted use, but shall not	SE

P - Zoning Permit from ZEO Required
SP – Site Plan approval from PZC Required
n/a - Not applicable
X - Prohibited in District
SE - Special Exception approval from PZC Required

	Permitted Use	MSD-1
	include establishments where customers are served in motor vehicles including drive-up windows or primarily at food take-out counters.	
24.3.32	Restaurants and other food service establishments where customers are served primarily at food take-out counters.	SE
24.3.33	Vendors (Added 7/1/2015)	
	(a) Transient	P
	(b) Stationary	P
	(c) Events	P
24.3.34	(Reserved for Future Use)	
24.3.35	Indoor theaters and assembly halls	SE
24.3.36	Outdoor recreation facilities limited to athletic fields, tennis courts, golf courses, swimming pools, skateboard parks, other than the facilities of the Town of Clinton	X
24.3.37	Nature preserves and wildlife sanctuaries	P
24.3.38	Bowling alleys and billiard or pool halls	X
24.3.39	Commercial recreation facilities, indoor or outdoor, not otherwise specified	X
24.3.40	(a) Riding academies and boarding stables	X
	(b) Commercial kennels	X
24.3.41	Veterinary hospitals	X
24.3.42	The keeping and raising of one (1) horse, pony, sheep, cow, goat, pig, burro, donkey, mule, llama or other similar animal for personal or family purposes as a pet	X
24.3.43	Chickens, or other poultry, rabbits or similar small animals or any combination thereof, not to exceed a total of ten (10) on a lot.	X

	Permitted Use	MSD-1
24.3.44	Fruit, vegetables or farm stands; farms; and commercial greenhouses. See Section 26.1.4(g) (Amended 6/1/2014)	
	(a) Farm Stand less than 100 sq. ft.	P
	(b) Farm Stand more than 100 sq. ft.	X
	(c) Farms and commercial green houses	X
24.3.45	Farmer's Market	X
24.3.46	Farm Tourism	X
24.3.47	(Reserved for Future Use)	
24.3.48	(Reserved for Future Use)	
24.3.49	Philanthropic, educational or religious uses by a duly incorporated non-profit body or governmental unit, including but not limited to private schools, colleges and universities, museums, libraries, charitable institutions, cemeteries, place of worship, parish halls, fraternal societies and senior centers	SP
24.3.50	Buildings, uses and facilities of the Town of Clinton	
	(a) Occupying not more than fifteen thousand square feet (15,000 sq. ft.) of floor area	SP
	(b) Occupying more than fifteen thousand square feet (15,000 sq. ft.) of floor area	SE
24.3.51	Buildings, uses and facilities of the State of Connecticut, Federal Government and other governmental agencies	SP
24.3.52	Railroad rights-of-way and passenger stations including customary accessory services therein but not including switching, freight yards, freight terminals or storage sidings	P
24.3.53	Public utility substations and public utility water supply reservoirs, wells, water towers and water treatment facilities	P

P - Zoning Permit from ZEO Required
SP – Site Plan approval from PZC Required
n/a - Not applicable
X - Prohibited in District
SE - Special Exception approval from PZC Required

	Permitted Use	MSD-1
24.3.54	Communication towers not regulated as to location by the State of Connecticut	SE
24.3.55	Alternate energy systems	
	(a) Conforming to the maximum height requirements in Section 25	P
	(b) Exceeding the maximum height requirement in Section 25	SE
24.3.56	(Reserved for Future Use)	
24.3.57	(Reserved for Future Use)	
24.3.58	(Reserved for Future Use)	
24.3.59	The manufacturing, processing or assembling of goods when: 1. Accessory and subordinate to a permitted use conducted on the same premises; 2. Located within an enclosed building; and 3. Such manufacturing, processing or assembling does not occupy more than one-third (1/3) of the floor area of the premises containing and occupied by the permitted use.	X
24.3.60	The manufacturing, processing or assembling of goods	X
24.3.61	Warehousing, and wholesale businesses	X
24.3.62	Self-Storage Warehouses	X
24.3.63	(Reserved for Future Use)	
24.3.64	Marinas, docks, wharves, slip basins and landings for boats including the storage, repair and servicing of boats	X
24.3.65	Sale of boats and marine equipment, engines, supplies and provisions for boats	X
24.3.66	Manufacturing and rebuilding of boats	X

	Permitted Use	MSD-1
24.3.67	The processing, storage and sale of fish, shellfish and lobster from predominately local catches	X
24.3.68	Marine contractor's business, associated buildings and storage yards	X
24.3.69	Contractor's businesses, associated buildings and storage yards	X
24.3.70	Excavation or deposit of materials	SE
24.3.71	Funeral Homes	X
24.3.72	Research laboratories, associated offices and buildings	X
24.3.73	Self-service cleaning establishments (Laundromats)	X
24.3.74	Printing establishments.	X
24.3.75	Storage of material which is dangerous due to explosion, extreme fire hazard or radioactivity, beyond that required for personal residential use.	SE
24.3.76	Commercial oil, propane or gasoline storage tanks	X
24.3.77	Gasoline filling stations	X
24.3.78	Motor vehicle and limited repairer service	X
24.3.79	Establishments for the sale of new or used vehicles	X
24.3.80	Motor vehicle detailing and car washing facilities	X
24.3.81	(Reserved for Future Use)	
24.3.82	(Reserved for Future Use)	
24.3.83	(Reserved for Future Use)	
24.3.84	(Reserved for Future Use)	