

**SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission**

**RPC  
Representatives**

**Bethany:**  
Michael Calhoun  
(Secretary)

**Branford:**  
Charles Andres

**East Haven:**  
Sal Brancati

**Guilford:**  
Walter Corbiere

**Hamden:**  
Robert Roscow

**Madison:**  
Joel Miller

**Meriden:**  
David White  
(Vice-Chair)

**Milford:**  
Scott Marlow

**New Haven:**  
Kevin DiAdamo

**North Branford:**  
Frances Lescovich

**North Haven:**  
James Giulietti  
(Chair)

**Orange:**  
Vacant

**Wallingford:**  
Vacant

**West Haven:**  
David Killeen

**Woodbridge:**  
Andrew Skolnick

To: Regional Planning Commission  
From: Eugene Livshits, Senior Regional Planner  
Subject: Thursday, July 13, 2017 RPC Meeting at 5:15pm at SCRCOG, 127 Washington Avenue, 4<sup>th</sup> Floor West, North Haven, CT 06473

**AGENDA**

**1. Administration**

1.1. Minutes of the June 8, 2017 RPC Meeting **1**

**2. Action Items**

2.1. Town of Hamden: Proposed Zoning Regulation Amendments to Section 677, Article VIII, and Table 6.1 regarding Marijuana Dispensaries and Producers in Retail/Manufacturing districts. Submitted by: Town of Hamden. Received: June 22, 2017. Public Hearing: TBA. **3**

2.2. Town of Hamden: Proposed Zoning Regulation Amendment to Section 150.b. regarding Multiple Zone Lots. Submitted by: Town of Hamden. Received: June 22, 2017. Public Hearing: TBA. **33**

2.3. Town of Hamden: Proposed Zoning Regulation Amendments to Various Sections. Submitted by: Town of Hamden. Received: June 22, 2017. Public Hearing: TBA. **41**

2.4. Town of North Haven: Proposed Zoning Regulation Amendment to Section 5.1.3.16.16 regarding adaptive reuse requirements. Submitted by: Private Applicant. Received: July 5, 2017. Public Hearing: August 7, 2017. **63**

**3. Other Business**

3.1. South Central Region: Plan of Conservation Update – Focus Group Summaries **71**

*The agenda and attachments for this meeting are available on our website at [www.scrkog.org](http://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](http://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.*

**DRAFT - Not yet approved by the Commission**

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, June 8, 2017 Meeting at 5:15 pm at SCRCOG, 127 Washington Avenue, 4<sup>th</sup> FL West, North Haven, CT.

**Present:** James Giulietti, David White, Michael Calhoun, Charles Andres, David Killeen, Eugene Livshits

**1 Administration**

*1.1 Minutes of the May 11, 2017 RPC meeting.*

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

**2 Statutory Referrals**

*2.1 Town of North Branford: Proposed Zoning Regulation Amendments to Section 42.5.12  
Farm/Winery Use to allow farm/winery use in Business and Industrial Zones with a Special Use Permit*

The staff recommendation was amended to delete the following “The Commission may want to consider recommending incidental service and sale of beer and spirits be only allowed in Business and Industrial zones.” During the discussion, there was a consensus that the amendment would pose no inter-municipal or environmental impacts, and it was appropriate for the amendment to be applicable to the use, not based on Zoning 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 to accept as amended: Michael Calhoun. Second: David White. Vote: Unanimous.

*2.2 Town of North Haven: Proposed Zoning Regulation Amendments to Sections 2.1.1.5 and 2.1.1.9 regarding uses permitted in residential zoning districts*

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. Recuse: James Giulietti. Vote: Unanimous.

*2.3 Town of North Haven: Proposed Zoning Regulation Amendment to create Section 2.6 establishing an Independent Living Facilities with Supportive Services Overlay District (ILFSS)*

The staff recommendation was amended to reflect the need for the proposed amendment to be clarified pertaining to the requirement of a Zoning Map amendment prior to an applicant applying for the use. During the discussion, it was recommended that location standards should be considered.

By resolution, the RPC has determined that the North Haven Planning and Zoning Commission should clarify that a Zoning Map Amendment is necessary before an applicant can apply for the proposed use. In addition, consideration should be given to incorporating locational standards as part of the regulation.

Motion to accept as amended: Charles Andres. Second: David Killeen. Recuse: James Giulietti. Vote: Unanimous.

*2.4 Town of Orange: Proposed Zoning Regulation Amendments to Sections 383-103, 383-109, and 383-113 to reduce the restricted age from 62 to 55 in the Planned Residential Development districts*

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: David White. Vote: Unanimous.

***Motion to add the Town of Woodbridge Referral to the Agenda: Michael Calhoun. Second: David White. Vote: Unanimous.***

*2.5 Town of Woodbridge: Proposed Zoning Regulation Amendments to Section 3.1.2.1(2) and Section 1.4.1 to allow residential uses in the GB District and definition of "Height of Buildings"*

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**

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

## **Referral 2.1: Town of Hamden**

### **Subject:**

Proposed Zoning Regulation Amendments to Section 677, Article VIII, and Table 6.1 regarding Marijuana Dispensaries and Producers in Retail/Manufacturing districts

### **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.

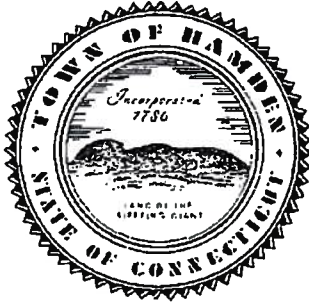
### **Background:**

The Town of Hamden has submitted proposed zoning regulations amendments to Section 677, Article VIII, and Table 6.1 regarding medical marijuana dispensaries and producers. The amendment adds definitions for Medical Marijuana Dispensary Facilities and Marijuana Production Facilities. The creation of Section 677 defines the special provisions for these facilities. The provisions include being licensed by the State of Connecticut and being located at least 1,000 feet from elementary and secondary schools and places of worship. Dispensaries must not exceed 20,000 square feet and are restricted to either a T-4 or T-5 Zone on Dixwell Avenue, Whitney Avenue, or State Street. Production facilities must be located in an M Zone. These uses require Site Plan approval, as noted in amendments to Table 6.1.

Hamden's M Zones are adjacent to North Haven's IG-80 and IL-80 zones, and New Haven's CEM, RM1, and PDD 119 zones. Hamden's T-4 and T-5 zones are adjacent to New Haven's PDD 103, BA, RM1, PARK, and IH zones, and North Haven's R-20, CB-40, RA-12, and CN-20 zones.

### **Communication:**

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



RECEIVED  
TOWN OF HAMDEN

JUN 21 2017

PLANNING AND  
ZONING DEPT.

Date of Filing 6-21-17  
Fee Exempt  
Date Paid \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Application # 17-967

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

**Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations**

APPLICANT Hamden Planning & Zoning Commission TELEPHONE 203-287-7070  
(Name)

ADDRESS Planning and Zoning Dept., Hamden Gov't. Center, 2750 Dixwell Ave, Hamden CT 06518  
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: DKOPS@HAMDEN.COM

REGULATION TO BE: ☐ AMENDED ☒ ADDED or ☐ DELETED:

Article Number VI& VIII Section 677, Article VIII, TABLE 6.1 Group Use Retail/Manufacturing  
Marijuana Dispensaries and Producers

CURRENT LANGUAGE SEE ATTACHMENT I

**RECEIVED**

JUN 22 2017

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**

PROPOSED LANGUAGE SEE ATTACHMENT I

REASON FOR PETITION FOR CHANGE SEE ATTACHMENT I

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

If YES, list name of applicant: HAMDEN PLANNING AND ZONING COMMISSION

SIGNATURE OF  
APPLICANT

*Dan W. Knap*  
(Name)

TELEPHONE NO. 203-287-7070

MAILING ADDRESS Planning & Zoning Dept., Hamden Gov't. Center, 2750 Dixwell Ave, Hamden CT  
06518

(Street No. and Name)

(Town and State)

(Zip Code)

**If you require additional space to complete any of your answers, please attach to this document.**

RWA Watershed/Aquifer Project Notification Form  
Page 2

1. Applicants are requested to submit any information that was included in the application to the municipality including: site plan, project narrative, sediment and erosion control plan and drainage calculations if applicable.

2. Project address Townwide Town Hamden

3. Application for: ☒ Planning and Zoning ☐ Inland Wetlands ☐ Zoning Board of Appeals

4 Project Description: No project proposed.

5. Waste Water Disposal: ☐ Septic System ☐ Public Sewer ☐ None N/A

6. Water Supply: ☐ Private Well ☐ Public Water N/A

7. Heating Fuel: ☐ Oil ☐ Gas Other N/A

**Applications involving additions or modifications to single family residences or applications with no site disturbance and no storage or use of hazardous chemicals skip to item 18.**

8. Total acreage of project site \_\_\_\_\_

9. Total acreage of area to be disturbed including structures, additions, paving, and soil disturbance

10. Percent of existing impervious surfaces including buildings, roads and pavement \_\_\_\_\_

11. Proposed increase in impervious surfaces \_\_\_\_\_

12. Number of **existing and proposed** floor drains or sump pumps and their point of discharge  
e.g. sanitary sewer, holding tank, or ground

13. Are there any wetlands or watercourses on the property? If so, describe

14. Brief description of **existing and proposed** stormwater management system, including roof drainage, paved areas etc., and discharge points e.g. municipal system, drywells, streams, vegetated areas, detention basins etc. Attach drainage plans and calculations if available\_\_\_\_\_

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15. List of **existing and proposed** underground or above-ground storage tanks including age, capacity and contents

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16. List of potentially harmful chemicals stored or used on property (**existing and proposed**) and typical onsite volumes, including but not limited to petroleum products, lubricants, solvents, detergents, and pesticides

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17. Describe any wastes generated and their means of disposal

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18. Contact Information:

Name: Daniel W. Kops, Jr., Town Planner

Company: Hamden Planning & Zoning Department

Address: Planning and Zoning Dept., Hamden Gov't. Center,

2750 Dixwell Ave, Hamden CT 06518

Phone: 203-287-7070

Email: dkops@hamden.com

Daniel W. Kops, Jr.  
Name of Person Completing Form

Daniel W. Kops 6/21/17  
Signature Date



## Watershed or Aquifer Area Project Notification Form

### REQUIREMENT:

Within seven days of filing, all applicants before a municipal Zoning Commission, Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission for any project located within a public water supply aquifer or watershed area are required by Public Act No. 06-53 of the CT General Statutes to notify The Commissioner of Public Health and the project area Water Company of the proposed project by providing the following information.

To determine if your project falls within a public water supply aquifer or watershed area visit the appropriate town hall and look at their *Public Drinking Water Source Protection Areas* map. If your project falls completely within or contain any part of a public water supply aquifer or watershed you are required to complete the following information.

**Note:** You will need information obtained from the *Public Drinking Water Source Protection Areas* map located in the appropriate town hall to complete this form.

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**Step 1:** Have you already notified the CT Department of Public Health (CTDPH) of this project?

- ☒ No, Go to Step 2
- ☐ Yes, I have notified DPH under a different project name - Complete steps 4-6
- ☐ Yes, same name different year - Notification Year  Complete steps 4-6

### Step 2:

1. Name of public water supply aquifer your project lies within:
2. Name of the public water supply watershed your project lies within:
3. Public Water Supply Identification number (PWSID) for the water utility:

### Step 3: For 1-5 Check all that apply

1. My project is proposing:

- ☐ Industrial use; ☐ Commercial use; ☐ Agricultural use; ☐ Residential use;
- ☐ Recreational use; ☐ Transportation improvements; ☐ Institutional (school, hospital, nursing home, etc.);
- ☐ Quarry/Mining; ☐ Zone Change, Please Describe:
- ☒ Other, Please describe:

2. The total acreage of my project is:

- ☐ Less than or equal to 5 acres ☐ Greater than 5 acres

3. My project site contains, abuts or is within 50 feet of a:

- ☐ Wetland; ☐ Stream; ☐ River; ☐ Pond or Lake

4. Existing use of my project site is:

☐ Grassland/meadow; ☐ Forested; ☐ Agricultural; ☐ Transportation; ☐ Institutional (school, hospital, nursing home, etc.); ☐ Residential; ☐ Commercial; ☐ Industrial; ☐ Recreational; ☐ Quarry/Mining

☒ Other Please Describe: N/A

5. My project will utilize:

☐ septic system; ☐ existing public sewer; ☐ new public sewer; ☐ agricultural waste facility;

☐ existing private well; ☐ new private well; ☐ existing public water supply;

☐ new public water supply, if new have you applied for a certificate of public convenience and necessity from DPH? ☐ Yes ☐ No

6. My project will contain this percentage of built up area (buildings, parking, road/driveway, pool): ☐ Less than or equal to 20% ☐ Greater than 20% to 50% ☐ Greater than 50%

**Step: 4 Applicants Contact Information:**

Name: Daniel Kops for Hamden Planning and Zo

E-mail address: dkops@hamden.com

Telephone: 203-287-7070

Fax number: 203-287-7075

**Step 5: Please provide the following if available:**

Project name: No project - Amendments of Zoning Regulator

Project site address:

Town: Hamden

Project site nearest intersection:

Project site latitude and longitude:

**E-mail completed form to [dph.swpmail@ct.gov](mailto:dph.swpmail@ct.gov)**

ATTACHMENT I

MEDICAL MARIJUANA  
PRODUCTION FACILITIES AND DISPENSARIES

Existing and Proposed Language

*Note:*

- *Existing Text is displayed in standard typeface. Section, table and figure titles are underlined*
- *Proposed changes to the text, tables and figures are displayed in boldface*
- *Explanations of what is being proposed and the rational for making changes are italicized*

*Existing Language:*   None

*Proposed Language:*

ARTICLE VIII: DEFINITIONS

*To be added to Article VIII:*

**Medical Marijuana Dispensary Facility:** means a place of business where marijuana may be dispensed or sold to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit to an applicant under the Act and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

**Marijuana Production Facility:** means a secure, indoor facility where production of marijuana occurs and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license under the Act and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

ARTICLE VI: SPECIAL PROVISIONS

*Add: Section 677:*

**677. Medical Marijuana Production Facilities and Dispensaries**

**Medical Marijuana Production Facilities and Dispensaries are permitted, subject to Site Plan Approval and the following requirements:**

1. **Production Facilities:**
  - a. They must be licensed by the State of Connecticut.
  - b. They must be located at least 1,000 feet from all elementary and secondary schools and places of worship, measured by drawing the nearest straight line between their respective boundaries.
  - c. They must be located in an M Zone.
2. **Dispensaries:**
  - a. They must be licensed by the State of Connecticut
  - b. The Gross Leasable Space may not exceed 20,000 square feet.
  - c. They must be located at 1,000 feet from all elementary and secondary schools and places of worship, measured, by drawing the nearest straight line between their respective boundaries.
  - d. They must be located in either a T-4 or T-5 Zone on Dixwell Avenue, Whitney Avenue or State Street.
3. **Production facilities and dispensaries that meet the requirements of Section 510.2 Change of Use require only a Zoning Permit.**

Table 6.1 Allowed Uses by Zone

*Add:*

**Medical Marijuana Production Facilities**

**Allowed in M-Zones by Site Plan approval**

**Medical Marijuana Dispensaries, Maximum of 20,000 square feet Gross Leasable Space**

**Allowed in T-5 Zones by Site Plan approval**

**Allowed in T-4 Zones by Site Plan Approval -- with footnote limiting locations to:**

**Dixwell Avenue, Whitney Avenue and State Street.**

*Rationale*

*There are currently four licensed medical marijuana producers and nine licensed medical marijuana dispensaries in Connecticut. New Haven County contains 4,202 patients approved for medical marijuana prescriptions. The nearest dispensaries are in Branford and Milford.*

*Both types of businesses are highly regulated by the State under the direction of the Department of Consumer Protection. Public Act 12-55, which legalized the production and sale of medical marijuana, required DCP to prepare specific regulations and submit them to the legislature. The resulting document, which is 68 pages in length, is now incorporated into the Regulations of State Agencies (§21-408-1 – 21a-408-70).*

*The comprehensive regulations govern everything from licensing procedures, requirements for physicians to meet to be eligible to prescribe medical marijuana, registration of patients and primary caregivers, security measures (see Attachment 1), storage and handling of the substance to the size of the dispensary sign (a maximum of 16 inches in height and 18 inches in width see Attachment 2).*

*At the present time the State is not accepting applications to expand the number of producers or dispensaries, but this could certainly change in the future. The rationale for the proposed amendment is to put in place regulations governing the two uses that are appropriate for Hamden. Several other communities have approved zoning regulations allowing medical marijuana producers and dispensaries over the past few years. Staff have reviewed the regulations of a variety of municipalities.<sup>1</sup> The general advice given by planners in other communities is to keep the zoning regulations governing marijuana producers and dispensaries simple, given the highly restrictive State regulations.*

#### *Appropriate Locations*

*Typically the businesses are allowed in commercial/mixed use and industrial zones. The draft amendment proposes to allow dispensaries in T-4 and T-5 Zones on Dixwell Avenue, Whitney Avenue and State Street – where pharmacies are typically found, and production facilities in M Zones. The only complaint noted about any of these businesses was a slight odor at the West Haven production facility.*

*Some municipalities have established a minimum distance between facilities and/or dispensaries and schools and places of worship. The distances range from 200 to 1,000 feet. In some cases they have established a minimum distance from a residential zoning district. And some require a minimum distance between producers and dispensaries.*

*Since only one municipality has two dispensaries and the State is strictly limiting the number of licenses, the third restriction seems superfluous. Establishing a minimum distance between the business and a residential zone would eliminate much of Hamden's commercial and industrial areas, given the linear nature of those zones. Establishing a minimum distance to schools and places of worship is the most appropriate of the three restrictions. The draft amendment proposes a minimum distance of 1,000 feet.*

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<sup>1</sup> Additional information can be found in Attachments 3 and 4.

### Types of Approvals

Permitted uses may be subject to a Special Permit (Special Exception), Site Plan and or Zoning Permit approval.

With regard to producers, **West Hartford**, Stamford, Rocky Hill and **Simsbury** require either Special Permit or Special Exception approval, while East Haven requires Site Plan approval and **Portland** requires only a Zoning Permit.<sup>2</sup>

Among municipalities allowing dispensaries whose regulations were reviewed, five require Special Permit or Special Exception approval (Winchester, Stamford, West Hartford, **Branford** and Rocky Hill, **Milford** (2) requires Site Plan approval and five require only a Zoning Permit (**Bethel**, **South Windsor**, **Uncasville**, **Hartford** and **Bristol**).<sup>3</sup> The majority do not require a Special Permit.

The amendment proposes to permit production facilities and dispensaries subject to Site Plan approval, with the caveat that dispensaries are limited to a maximum Gross Leasable Space of 20,000 square feet. However, per Section 510.3 of the Zoning Regulations, a both producers and dispensaries occupying an existing building will require only Zoning Permit approval.<sup>4</sup>

### Signage and Product Display Restrictions

No community wants marijuana production facilities and dispensaries to attract anyone other than approved patients or caregivers. The businesses shouldn't become attractive nuisances. Although a few municipalities have included restrictive language regarding signage and window displays, the language typically mirrors the State regulations, which allow only one small sign and no such displays. It seems unnecessary to include such language in the zoning regulation.

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<sup>2</sup> Municipalities shown in boldface have actual production facilities or dispensaries.

<sup>3</sup> Bethel approved a dispensary that is now in operation. It then changed its regulations and now prohibits the use. Waterbury allows both uses and has a dispensary. It is not clear what approval was required. Beacon Falls allows dispensaries but it's not clear what approval is required.

<sup>4</sup> **Section 510.3 Change in Use**

A change of use may be allowed subject to Zoning Permit approval provided that:

- a. The proposed use does not require Special Permit approval;
- b. No significant site work is required, and;
- c. The required parking is currently available.

## **ATTACHMENT II**

**Regulations of State Agencies (§21-408-1 – 21a-408-70).**

**Security Requirements**



*Regulations of Connecticut State Agencies*

**TITLE 21a. Consumer Protection**

*Department of Consumer Protection*

*§21a-408-61*

**Sec. 21a-408-60. Transportation of marijuana**

- (a) Prior to transporting any marijuana or marijuana product, a producer shall:
  - (1) Complete a shipping manifest using a form prescribed by the commissioner; and
  - (2) Securely transmit a copy of the manifest to the dispensary facility that will receive the products and to the department at least twenty-four hours prior to transport.
- (b) The producer and dispensary facility shall maintain all shipping manifests and make them available in accordance with section 21a-408-70 of the Regulations of Connecticut State Agencies.
- (c) A producer shall only transport marijuana products:
  - (1) In a locked, safe and secure storage compartment that is part of the vehicle transporting the marijuana; and
  - (2) In a storage compartment that is not visible from outside the vehicle.
- (d) A production facility employee, when transporting marijuana, shall travel directly from the producer facility to the dispensary facility and shall not make any stops in between, except to other dispensary facilities.
- (e) A producer shall ensure that all delivery times and routes are randomized.
- (f) A producer shall staff all transport vehicles with a minimum of two employees. At least one delivery team member shall remain with the vehicle at all times that the vehicle contains marijuana.
- (g) A delivery team member shall have access to a secure form of communication with employees at the production facility at all times that the vehicle contains marijuana.
- (h) A delivery team member shall possess a department-issued identification card at all times when transporting or delivering marijuana and shall produce it to the commissioner, the commissioner's authorized representative or law enforcement official upon request.

(Effective September 6, 2013)

**Sec. 21a-408-61. Security requirements for producers**

- (a) A producer shall:
  - (1) Not produce, manufacture or maintain marijuana in excess of the quantity required for normal, efficient operation;
  - (2) Store all marijuana products in an approved safe or approved vault and in such a manner as to prevent diversion, theft or loss;
  - (3) Maintain all marijuana that is not part of a finished product in a secure area or location within the production facility accessible only to specifically authorized employees, which shall include only the minimum number of employees essential for efficient operation;
  - (4) Keep all approved safes, approved vaults, or any other approved equipment or areas used for the production, cultivation, harvesting, processing, manufacturing or storage of marijuana, securely locked or protected from entry, except for the actual time required to remove or replace marijuana;
  - (5) Keep all locks and security equipment in good working order;
  - (6) Not allow keys to be left in the locks and not store or place keys in a location



*Regulations of Connecticut State Agencies*

**TITLE 21a. Consumer Protection**

**§21a-408-62**

*Department of Consumer Protection*

accessible to persons other than specifically authorized employees;

(7) Not allow other security measures, such as combination numbers, passwords or electronic or biometric security systems, to be accessible to persons other than specifically authorized employees; and

(8) Keep the production facility securely locked and protected from entry at all times.

(b) If a production facility presents special security issues, such as an extremely large stock of marijuana, exposed handling or unusual vulnerability to diversion, theft or loss, the commissioner may require additional safeguards such as a supervised watchman service.

(c) If a loss, theft, or diversion of marijuana has occurred from a production facility, the commissioner shall determine the appropriate storage and security requirements for all marijuana in such production facility, and may require additional safeguards to ensure the security of the marijuana.

(d) Any marijuana not stored in compliance with sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies, or at a location other than that for which the producer license was issued, shall be subject to seizure in accordance with section 21a-96 of the Connecticut General Statutes.

(e) Any producer whose license is revoked or not renewed shall dispose of its entire stock of marijuana under conditions approved by the department.

(f) If a producer has provided other safeguards, which can be regarded in total as an adequate substitute for some element of protection required of such producer, such added protection may be taken into account by the commissioner in evaluating overall required security measures.

(g) No person shall be allowed access to any area within a production facility containing marijuana except laboratory employees and production facility employees whose responsibilities necessitate access to the area of the production facility containing marijuana and then for only as long as necessary to perform the person's job duties.

(h) Any area of a production facility containing marijuana, including a room with an approved safe or approved vault, shall have a sign posted at all entry ways, which shall be a minimum of twelve inches in height and twelve inches in width and shall state: "Do Not Enter - Limited Access Area - Access Limited to Authorized Employees Only" in lettering no smaller than one-half inch in height.

(i) Notwithstanding the requirements of sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies, members of the department, local law enforcement or other federal, state of Connecticut or local government officials may enter any area of a production facility if necessary to perform their governmental duties.

(Effective September 6, 2013)

**Sec. 21a-408-62. Security alarm systems; minimum requirements for dispensary facilities and production facilities**

(a) All dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade

*Regulations of Connecticut State Agencies*

**TITLE 21a. Consumer Protection**

*Department of Consumer Protection*

*§21a-408-62*

equipment, which shall, at a minimum, include:

- (1) A perimeter alarm;
- (2) Motion detector;
- (3) Video cameras in all areas that may contain marijuana and at all points of entry and exit, which shall be appropriate for the normal lighting conditions of the area under surveillance. The dispensary facility or production facility shall direct cameras at all approved safes, approved vaults, dispensing areas, marijuana sales areas and any other area where marijuana is being produced, harvested, manufactured, stored or handled. At entry and exit points, the dispensary facility or production facility shall angle cameras so as to allow for the capture of clear and certain identification of any person entering or exiting the facility;
- (4) Twenty-four hour recordings from all video cameras, which the dispensary facility or production facility shall make available for immediate viewing by the commissioner or the commissioner's authorized representative upon request and shall retain for at least thirty days. If a dispensary facility or producer is aware of a pending criminal, civil or administrative investigation or legal proceeding for which a recording may contain relevant information, the dispensary facility or producer shall retain an unaltered copy of the recording until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the dispensary facility manager or producer that it is not necessary to retain the recording;
- (5) Duress alarm, which for purposes of this subsection means a silent security alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system;
- (6) Panic alarm, which for purposes of this subsection means an audible security alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring a law enforcement response;
- (7) Holdup alarm, which for purposes of this subsection means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress;
- (8) Automatic voice dialer, which for purposes of this subsection means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch;
- (9) A failure notification system that provides an audible, text or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to the dispensary facility or producer within five minutes of the failure, either by telephone, email, or text message;
- (10) The ability to immediately produce a clear color still photo that is a minimum of 9600 dpi from any camera image (live or recorded);
- (11) A date and time stamp embedded on all recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture; and
- (12) The ability to remain operational during a power outage.

*Regulations of Connecticut State Agencies*

**TITLE 21a. Consumer Protection**

*§21a-408-63*

*Department of Consumer Protection*

(b) A dispensary facility or a production facility shall maintain all security system equipment and recordings in a secure location so as to prevent theft, loss, destruction or alterations.

(c) In addition to the requirements listed in subsection (a) of this section, each production facility shall have a back-up alarm system approved by the commissioner that shall detect unauthorized entry during times when no employees are present at the facility and that shall be provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system.

(d) A dispensary facility or a production facility shall limit access to surveillance areas to persons that are essential to surveillance operations, law enforcement agencies, security system service employees, the commissioner or the commissioner's authorized representative, and others when approved by the commissioner. A dispensary facility and producer shall make available a current list of authorized employees and service employees that have access to the surveillance room to the commissioner or the commissioner's authorized representative upon request. A dispensary facility and producer shall keep all on-site surveillance rooms locked and shall not use such rooms for any other function.

(e) A dispensary facility and producer shall keep the outside perimeter of the dispensary facility and production facility premises well-lit.

(f) All video recording shall allow for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. A dispensary facility and producer shall erase all recordings prior to disposal or sale of the facility.

(g) A dispensary facility and producer shall keep all security equipment in good-working order and shall test such equipment no less than two times per year.

(Effective September 6, 2013)

**Sec. 21a-408-63. Dispensary and producer reportable events**

(a) Upon becoming aware of discrepancies identified during inventory, diversion, theft, loss, or unauthorized destruction of any marijuana or of any loss or unauthorized alteration of records related to marijuana or qualifying patients, a dispensary or producer shall immediately notify:

- (1) Appropriate law enforcement authorities; and
- (2) The Drug Control Division of the department.

(b) A dispensary or producer shall provide the notice required by subsection (a) of this section to the department by way of a signed statement which details the circumstances of the event, including an accurate inventory of the quantity and brand names of marijuana diverted, stolen, lost, destroyed or damaged and confirmation that the local law enforcement authorities were notified. A dispensary or producer shall make such notice no later than

## **ATTACHMENT 2**

**Regulations of State Agencies (§21-408-1 – 21a-408-70).**

**Marketing Restrictions**

*Regulations of Connecticut State Agencies*

**TITLE 21a. Consumer Protection**

*§21a-408-66*

*Department of Consumer Protection*

detect any diversion, theft or loss in a timely manner.

(b) Upon commencing business, each dispensary facility and production facility shall conduct a weekly inventory of marijuana stock, which shall include, at a minimum, the date of the inventory, a summary of the inventory findings, the name, signature and title of the individuals who conducted the inventory, the date of receipt of marijuana, the name and address of the producer from whom received, where applicable, and the kind and quantity of marijuana received. The record of all marijuana sold, dispensed or otherwise disposed of shall show the date of sale, the name of the dispensary facility, qualifying patient or primary caregiver to whom the marijuana was sold, the address of such person and the brand and quantity of marijuana sold.

(c) A complete and accurate record of all stocks or brands of marijuana on hand shall be prepared annually on the anniversary of the initial inventory or such other date that the dispensary facility manager or producer may choose, so long as it is not more than one year following the prior year's inventory.

(d) All inventories, procedures and other documents required by this section shall be maintained on the premises and made available in accordance with section 21a-408-70 of the Regulations of Connecticut State Agencies.

(e) Whenever any sample or record is removed by a person authorized to enforce the provisions of sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies or the provisions of the state of Connecticut food, drug and cosmetic statutes and regulations for the purpose of investigation or as evidence, such person shall tender a receipt in lieu thereof and the receipt shall be kept for a period of at least three years.

(Effective September 6, 2013)

**Sec. 21a-408-66. Marketing: prohibited conduct, statements and illustrations;  
commissioner review of advertisements**

(a) A producer, production facility employee, producer backer, dispensary facility employee, dispensary facility backer or physician, in any combination, shall not cooperate, directly or indirectly, in any advertising if such advertising has the purpose or effect of steering or influencing patient or caregiver choice with regard to the selection of a physician, dispensary or marijuana product.

(b) An advertisement for marijuana or any marijuana product shall not contain:

(1) Any statement that is false or misleading in any material particular or is otherwise in violation of the Connecticut Unfair Trade Practices Act, sections 42-110a to 42-110q, inclusive, of the Connecticut General Statutes;

(2) Any statement that falsely disparages a competitor's products;

(3) Any statement, design, or representation, picture or illustration that is obscene or indecent;

(4) Any statement, design, representation, picture or illustration that encourages or represents the use of marijuana for a condition other than a debilitating medical condition;

(5) Any statement, design, representation, picture or illustration that encourages or



*Regulations of Connecticut State Agencies*

**TITLE 21a. Consumer Protection**

*Department of Consumer Protection*

*§21a-408-66*

represents the recreational use of marijuana;

(6) Any statement, design, representation, picture or illustration related to the safety or efficacy of marijuana, unless supported by substantial evidence or substantial clinical data;

(7) Any statement, design, representation, picture or illustration portraying anyone under the age of eighteen, objects suggestive of the presence of anyone under the age of eighteen, or containing the use of a figure, symbol or language that is customarily associated with anyone under the age of eighteen;

(8) Any offer of a prize, award or inducement to a qualifying patient, primary caregiver or physician related to the purchase of marijuana or a certification for the use of marijuana; or

(9) Any statement that indicates or implies that the product or entity in the advertisement has been approved or endorsed by the commissioner, department, the state of Connecticut or any person or entity associated with the state of Connecticut.

(c) Any advertisement for marijuana or a marijuana product shall be submitted to the commissioner at the same time as, or prior to, the dissemination of the advertisement.

(d) The submitter of the advertisement shall provide the following information in addition to the advertisement itself:

(1) A cover letter that:

(A) Provides the following subject line: Medical marijuana advertisement review package for a proposed advertisement for (Brand Name);

(B) Provides a brief description of the format and expected distribution of the proposed advertisement; and

(C) Provides the submitter's name, title, address, telephone number, fax number, and email address;

(2) An annotated summary of the proposed advertisement showing every claim being made in the advertisement and which references support for each claim;

(3) Verification that a person identified in an advertisement as an actual patient or health care practitioner is an actual patient or health care practitioner and not a model or actor;

(4) Verification that a spokesperson who is represented as an actual patient is indeed an actual patient;

(5) Verification that an official translation of a foreign language advertisement is accurate;

(6) Annotated references to support disease or epidemiology information, cross-referenced to the advertisement summary; and

(7) A final copy of the advertisement, including a video where applicable, in a format acceptable to the commissioner.

(e) Advertising packages that are missing any of the elements in subsection (d) of this section, or that fail to follow the specific instructions for submissions, shall be considered incomplete. If the department receives an incomplete package, it shall so notify the submitter.

(f) The commissioner may:

*Regulations of Connecticut State Agencies*

**TITLE 21a. Consumer Protection**

*§21a-408-67*

*Department of Consumer Protection*

(1) Require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the commissioner determines that the advertisement would be false or misleading without such a disclosure; or

(2) Make recommendations with respect to changes that are:

(A) Necessary to protect the public health, safety and welfare; or

(B) Consistent with dispensing information for the product under review.

(3) If appropriate and if information exists, recommend statements for inclusion in the advertisement to address the specific efficacy of the drug as it relates to specific disease states, disease symptoms and population groups.

(Effective September 6, 2013)

**Sec. 21a-408-67. Marijuana advertising; requirements for true statements and fair balance**

(a) All advertisements for marijuana or marijuana products that make a statement relating to side effects consequences, contraindications and effectiveness shall present a true statement of such information. When applicable, advertisements broadcast through media such as radio, television, or other electronic media shall include such information in the audio or audio and visual parts of the presentation.

(b) False or misleading information in any part of the advertisement shall not be corrected by the inclusion of a true statement in another distinct part of the advertisement.

(c) An advertisement does not satisfy the requirement that it present a "true statement" of information relating to side effects, consequences, contraindications, and effectiveness if it fails to present a fair balance between information relating to side effects, consequences, contraindications and effectiveness in that the information relating to effectiveness is presented in greater scope, depth, or detail than is the information relating to side effects, consequences and contraindications, taking into account all implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and any other techniques apt to achieve emphasis.

(d) An advertisement is false, lacking in fair balance, or otherwise misleading if it:

(1) Contains a representation or suggestion that a marijuana strain, brand or product is better, more effective, useful in a broader range of conditions or patients or safer than other drugs or treatments including other marijuana strains or products, unless such a claim has been demonstrated by substantial evidence or substantial clinical experience;

(2) Contains favorable information or opinions about a marijuana product previously regarded as valid but which have been rendered invalid by contrary and more credible recent information;

(3) Uses a quote or paraphrase out of context or without citing conflicting information from the same source, to convey a false or misleading idea;

(4) Uses a study on individuals without a debilitating medical condition without disclosing that the subjects were not suffering from a debilitating medical condition;

(5) Uses data favorable to a marijuana product derived from patients treated with a

*Regulations of Connecticut State Agencies*

**TITLE 21a. Consumer Protection**

*Department of Consumer Protection*

**§21a-408-69**

different product or dosages different from those approved in the state of Connecticut;

(6) Contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for such information or conclusions; or

(7) Fails to provide adequate emphasis for the fact that two or more facing pages are part of the same advertisement when only one page contains information relating to side effects, consequences and contraindications.

(e) No advertisement may be disseminated if the submitter of the advertisement has received information that has not been widely publicized in medical literature that the use of the marijuana product or strain may cause fatalities or serious damage to a patient.

(Effective September 6, 2013)

**Sec. 21a-408-68. Marijuana marketing; advertising at a dispensary facility; producer advertising of prices**

(a) A dispensary facility shall:

(1) Except as otherwise provided in sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies, restrict external signage to a single sign no larger than sixteen inches in height by eighteen inches in width;

(2) Not illuminate a dispensary facility sign advertising a marijuana product at any time;

(3) Not advertise marijuana brand names or utilize graphics related to marijuana or paraphernalia on the exterior of the dispensary facility or the building in which the dispensary facility is located; and

(4) Not display marijuana and paraphernalia so as to be clearly visible from the exterior of a dispensary facility.

(b) A producer shall not advertise the price of its marijuana, except that it may make a price list available to a dispensary facility.

(Effective September 6, 2013)

**Sec. 21a-408-69. Dispensary facility and producer records; furnishing of information; audits**

(a) Each dispensary facility and producer shall maintain a complete set of all records necessary to fully show the business transactions related to marijuana for a period of the current tax year and the three immediately prior tax years, all of which shall be made available in accordance with section 21a-408-70 of the Regulations of Connecticut State Agencies.

(b) The commissioner may require any licensee or registrant to furnish such information as the commissioner considers necessary for the proper administration of the Act and sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies, and may require an audit of the business of any dispensary facility or producer and the expense thereof shall be paid by such dispensary facility or producer.

(Effective September 6, 2013)



## **ATTACHMENT III**

### **Background Research & Analysis**

**Prepared by Matthew Davis, Assistant Town Planner**



## Town of Hamden Planning and Zoning Department

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

TO: Dan Kops, Town Planner  
FROM: Matthew J. Davis, Assistant Planner *MD*  
DATE: 5/16/17  
RE: Medical Marijuana Research

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### TASK

- Review prior staff research (table) summarizing various Town zoning regulations for dispensaries and/or production facilities. This table contained summaries of regulations from Milford, West Hartford, Stamford, Rocky Hill and Winchester CT. At present, according to State DCP records, only one of these currently hosts a licensed facility (Milford – two dispensaries).
- Identify and research additional communities, i.e. hosts of current State licensed dispensary and production facilities.
- Expand research to include not just summaries of zoning regulations, but to identify any issues with the approval process, operations, compliance and solicit suggestions.
- cursory review of available relevant materials on line (news media articles regarding facilities researched, operators of same, DCP program info, RCSAs, CGS, MMP Board of Physicians meeting minutes, etc.).

### GENERAL SUMMARY

- With one or two exceptions (e.g. Bethel), dispensaries have most often been treated as “conventional” retail (medical/pharma), with production treated as a manufacturing use under current zoning regulations (site plan/special permit or often, just a zoning permit).
- These uses are highly regulated by the State, including strict limitations on advertising, which regulations go well beyond the scope of a municipal zoning commission’s authority (as to regulating commercial speech). Other regulations address site security, patient and provider certification, dosage and other concerns.
- As to more general design and operational standards (covered under State regulations), if Hamden was to “bootstrap” those to a Town zoning regulation, the Town would be putting itself into the role of redundant enforcement, which is probably not efficient. However, if we rely on the State RCSAs and the DCP, the community will not have “control” over aspects of the use it may deem important (and which

fall within the lawful scope of municipal zoning). Similarly, if the State dilutes it's standards, that might also be a concern, depending on the specific nature and implications of those changes. I don't believe there is currently any State pre-emption for this use, but as the need grows and if opposition increases, that might be a future possibility.

- A recent update to the Statutes has introduced research as a new program component. Saint Francis Hospital has been granted the first State approval under this new provision and others are pursuing it. I note this as the prior research of regulations did not (could not) address this (first bullet under "Task" above). Not sure if we would need to/want to address this at the municipal zoning level, but a new program component to consider going forward.
- Planners almost universally suggested keeping it simple. The only "design" concern I heard was to make sure there is sufficient interior lobby space for clients. Parking did not seem to be an issue, although turnover can be moderate (dispensaries). Some dispensaries take over vacant banks, as they can use the vault for securing inventory and payments, and even the drive thru for pick-up of prescriptions (many patients have mobility challenges, are undergoing chemo or radiation, or otherwise benefit from the drive thru option).
- Some dispensaries include other treatments and services as customary ancillary uses, including counseling, referrals, alternative (holistic) treatments, etc. These uses, depending on their relative "weight" (vis a vi the primary use) can move the use into more of a "clinic" category (as opposed to a retail pharma).
- As to production, again, no issues, with the exception of some occasional odor complaints from those in close proximity to the West Haven facility (odor is believed to be from the processing operations).
- There are efforts underway by advocates to legalize recreational use in CT, but that would presumably be opposed by those who have invested substantial capital in the current system (both production and dispensary).

## **DETAILED RESEARCH**

I did not attach assorted program and other information I gathered during my research, but can certainly provide if desired. All of this material was readily available on line (DCP webpage, Town websites, etc.). The DCP webpage in particular contains a wide variety of timely and helpful resources, both general to the topic and specific to CT's MMP.

### **1. Prior Research Table**

A copy of this is attached. The most common topics addressed in the regulations that were summarized included the following:

- Definitions of terms (more or less verbatim from the state statute/RCSAs)
- Limiting dispensary uses to general commercial type zones and production to industrial type zones
- Separation distances (schools, parks, religious, etc.)
- Separation distances between licensed MMP facilities
- References to the applicable CGS and/or RCSA
- Signage and product display limitations or prohibitions (more or less mirroring the RCSA)

### **2. Research on Licensed Facilities (Zoning)**

In mid-April 2017, I contacted the planning offices of the towns identified by the State DCP website as being hosts to licensed medical marijuana program (MMP) dispensaries and production facilities. These communities included the following:

Production: (West Haven, Portland, Simsbury and Watertown)

Dispensaries: (Milford, Hartford, Branford, Waterbury, Bethel, South Windsor, Montville and Bristol)

The following provides a summary of responses received as of the date of this memorandum.

### Production

- West Haven (Dave Killeen, Planner, 203-937-3580 x 3007)

This production facility was approved in 2013 via site plan and is located in existing industrial zone (under zoning regulations in affect at that time). The Planner reported no issues of concern, except occasional odor complaints from processing operations (presumed). Subsequent to this approval, West Haven zoning implemented a moratorium and developed a regulation amendment, however, that amendment was never adopted (moratorium simply allowed to expire with no action).

- Portland (Ashly Majorowski, LUA 860-342-6720, and Mary Dickenson EDC, 860-342-6727)

No regulation change needed or proposed. The facility was approved via a zoning permit as a medical manufacturing use and is located in an industrial zone. No issues or compliance problems reported. No litigation or opposition. The facility has been operating for approximately 2 years.

Subsequent telecom May 1 with M. Dickenson, extensive public education effort, headed by local CoC. Use is now expanding into a vacant 157,000 square foot facility (upgrading). No issues. General note – use cannot bank due to federal laws. Congress refuses to modify the laws.

- Simsbury (Mike Glidden, ZEO, 860-658-3228)

Zoning regulation approved in October 2013. No appeals. Special exception subsequently approved in 2014. No appeals. Facility is located within an older industrial building, very secure site. No issues with compliance.

### Dispensaries

- Branford (Harry Smith, Planner 203-488-1255)

Use approved as special exception under existing regulation, then zoning permit. No issues or concerns. Has been operational for approximately two years.

- Bethel (Beth Cavagna, Planner 203-794-8578)

The dispensary was done initially as zoning permit for retail/pharmacy. Zoning permit issuance was appealed to the ZBA by neighborhood group, ZBA upheld the ZP; no appeal of ZBA decision to court. The facility has been open now two years and no compliance issues per the Planner. Town subsequently imposed a moratorium on the use (3/10/16 to 9/10/16). Bethel adopted regulations to prohibit the use effective 10/15/16, rendering the one approved dispensary lawful nonconforming.

- South Windsor (Michelle Lipe, Planner 860-644-2511 x 252)

Use permitted via zoning permit under current regulations as a permitted use within vacant retail space. Also has ancillary alternative treatment, counseling. No issues with compliance. Was pursuing production facility as well, but did not get State permit.

- Uncasville/Montville (Marcia Vlaun, Planner 860-848-6779)

The dispensary was approved in 2014 by zoning permit (retail pharmacy) under current regulations within a vacant space in a strip mall. No compliance issues. Facility is now moving into vacant bank and doing a small addition; will have drive-thru. Only issue (in prior initial location) was need for extra interior lobby waiting space, as the process for access is strictly controlled. Parking was about 36 spaces (4 employees) not sure of exact square footage. Turnover can be high at times. Security is paramount. Relies on State regulations primarily.

- Bristol (Bob Flanagan, Planner 860-584-6225)

Genesis was a local pharmacy owner with substantial community history and respect. Planner went to zoning board with idea of doing as zoning permit/permitted use. Board agreed (mid 2013). Staff had the advocate request a zoning letter – ZEO drafted same, shared draft with Board, Board endorsed. ZEO issued his letter and the advocate took it to the State DCP and received her state license. ZEO suggested she publish notice of ZEO action (not sure if she did or not). Facility is separate from her pharmacy. No issues. Open since mid 2014. Industrial zone. Now doing small addition for a vault.

- Milford (Web Research; Dave Sulkis Planner 203-783-3245)

ZEO approved zoning permit 2016; revoked by Director. Revocation appealed to ZBA (resolution undetermined). Concurrently, application made for site plan approval to locate in existing retail space. Application approved by PZC 2016. Concurrently, application made for zoning regulation amendment to allow in certain zones by site plan (see table of prior research). Regulation amendment approved 2016. Two dispensaries now currently located in Milford (Arrow Alternative Care #2 at 255 West River Road and Southern Connecticut Wellness & Healing LLC at 318 New Haven Avenue).

## **ATTACHMENT IV**

### **Background Research & Analysis**

**Prepared by Cathleen Dacey, Quinnipiac University Fellow, Summer 2016**

## Summary of Medical Marijuana Regulations in Other Municipalities

### Marijuana Dispenseries and Production Facilities

Milford, CT	Dispensary Facility means a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit
	Production Facility means a secure, indoor facility where the production of marijuana occurs and that is operated by a person whom the Connecticut Department of Consumer Protection has issues a producer license, inclusive, of the Regulations of Connecticut State Agencies
	Medical marijuana dispensaries shall be allowed in the CDD-1,-2,-3, -4, -5 and MCDD zones, provided they are located no closer than 300 ft, measured closest point to closest point, in a straight line from a public or parochial school
	Medical marijuana production facilities shall be allowed in the ID and LI zones, provided they are located no closer than 300 ft, measured closest point to closest point in a straight line, from a public or parochial school
West Hartford, CT	Medical Marijuana dispensary facility is a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer protection has issued a dispensary facility license under Public Act 12-155 and Sections 21a-408 of the Regulatinos of Connecticut State Agencies
	Medical Marijuana production facility is a secure, indoor facility where the production of medical marijuana occurs and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license
	Medical Marijuana production and dispensary facilities shall be allowed in IG Zones, subject to requirements of Section 177-42A and the following provisions:
	1. Production facilities shall not be permitted within 200 ft of any school, municipal park or recreational facility, place of worship, or single-family or multifamily residential zone. Said distance requirement shall be measured by taking the nearest straight line between the respective boundaries of said sites.
	2. No production facility shall be permitted on a site that is within 1,000 ft from an existing production facility.
	3. Production facilities shall restrict external signage to a single sign no larger than 16 inches in height by 18 inches in width; not illuminate a production facility sign advertising a marijuana product at any time; not advertise marijuana brand names or utilize graphics to marijuana on the exterior of the production facility or the building in which the production facility is location; and not display marijuana and paraphernalia so as to be clearly visible from the exterior of a production facility
	4. Must comply with C.G.S. § 21a-408 et seq. and Regulations of Connecticut State Agencies §§ 21a-408-1 to 21a-408-70, inclusive, as said statutes and regulations may be amended from time to time.
Stamford, CT	Medical marijuana dispensary facility means a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers, and for which the CT department of Consumer Protection has issued a dispensary facility permit to an applicant



## Summary of Medical Marijuana Regulations in Other Municipalities

	Medical Marijuana production facility means a secure, indoor facility where the production of marijuana occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license
	Purpose of regulations is to minimize the impact of Dispensaries on neighbors, while at the same time recognizing the essential services these Dispensaries will provide to the citizens of Stamford
	Dispensaries are allowed by Special Exception approval only within certain commercial and manufacturing zones
	Must possess a current license from the State of Connecticut Department of Consumer Protection Concerning the Palliative Use of Marijuana
	No Dispensaries shall be located within a 3,000 ft radius of any other dispensary
	Signage shall be limited to a single sign no larger than 16 inches in height by 18 inches in width
	There shall be no illumination of a sign advertising a marijuana product at any time
	There shall be no signage that advertises marijuana brand names or utilizes graphics related to marijuana or paraphernalia on the exterior of the Dispensary or the building which the Dispensary is located
	There shall be no display of marijuana or paraphernalia within the Dispensary which is clearly visible from the exterior of the Dispensary
	There shall be no signage which advertises the price of its marijuana
	A Dispensary shall meet the parking standard for Retail Store
Rocky Hill, CT	Licensed Medical Marijuana Dispensary is a pharmacist licensed pursuant to the C.G.S., who the Department of Consumer Protection has licensed to acquire, possess, distribute and dispense medical marijuana inclusive of an Act Concerning the Palliative Use of Marijuana' and who is located on the premises of a pharmacy licensed by the Connecticut Commission of Pharmacy
	Licensed medical Marijuana Producer is a person or organization licensed by the Connecticut Department of Consumer Protection as a producer under C.G.C., whose purpose is to cultivate marijuana for palliative use, including selling, delivering, transporting and distributing such marijuana, but only to State licensed dispensaries, inclusive of the 'Act Concerning the Palliative Use of Marijuana'
	Licensed Medical Marijuana producers and dispensaries are allowed in Business Park Zoning Districts with a Special Permit/Site Plan meeting the following regulations:
	1. The property on which a Producer is located shall not be permitted within 200 ft of any portion of a property on which duly organized school, municipal park/recreational facility, place of worship is located; or within 200 ft of a boundary of a residential zoning district (as designated on the official zoning map)
	2. The property on which a Producer is located shall not be permitted within 1,000 ft of any portion of a property on which another Producer is located
	3. Marijuana and marijuana paraphernalia and products made thereof shall not be clearly visible from the exterior of the production facility
	4. Shall comply with C.G.S. Section 21a-408 et seq. and the Regulations of State Agencies Sections 21a-408-1 to 21a-408-70 inclusive, both of which as may be



## Summary of Medical Marijuana Regulations in Other Municipalities

	amended from time to time.
Winchester, CT	<p>The Commission may grant, after holding a public hearing, a Special Permit for the operation of a licensed marijuana dispensary facility; the following conditions apply:</p> <ol style="list-style-type: none"> <li>1. Special Permits shall be approved with the condition that the applicant obtains the appropriate Dispensary facility permit issues by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur)</li> <li>2. The conditional approval shall become finalized upon the receipt by the Zoning Enforcement Officer of a copy of the Department of Consumer Protection issued permit</li> <li>3. The conditional approval shall expire if the applicant fails to provide the Zoning Enforcement Officer of a copy of the Department of Consumer Protection issued permit within 6 months of the date of the Commission's conditional approval</li> <li>4. No medical marijuana dispensary facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes</li> <li>5. The Commission will consider the proximity of the proposal to schools, churches, public buildings, parks, and other places of public gatherings</li> <li>6. A 6 month extension of such conditional approval may be granted to the applicant upon written notification to the Zoning Enforcement Officer that an application for a Department of Consumer Protection permit has been filed, indicating the expected decision date of the Department of Consumer Protection permit</li> </ol> <p>Allowed with Special Permit in Town Center, Town Gateway and Production and Innovation Zones</p>

## **Referral 2.2: Town of Hamden**

### **Subject:**

Proposed Zoning Regulation Amendment to Section 150.b. regarding Multiple Zone Lots

### **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.

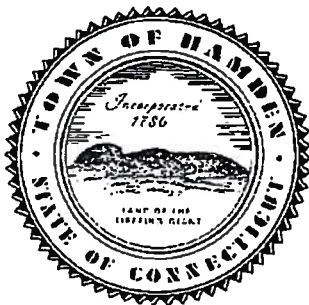
### **Background:**

The Town of Hamden submitted a proposed zoning regulation amendment to Section 150.b. regarding multiple zone lots. The amendment changes the language from “Split Zone Lots” to “Multiple Zone Lots.” The amendment states that a use permitted in one of the zones may be extended throughout the lot, so long as there is a 25-foot deep buffer along the frontage and/or common border of the lot where adjacent uses are residential (R1, R2, R3, R4, R5, T-1, T-2, T-3).

Hamden is adjacent to Bethany, Woodbridge, New Haven, North Haven, and Wallingford.

### **Communication:**

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



RECEIVED  
TOWN OF HAMDEN  
JUN 21 2017  
PLANNING AND  
ZONING DEPT.

Date of Filing 6-21-17  
Fee Exempt  
Date Paid \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Application # 17-966

TOWN OF HAMDEN  
APPLICATION TO AMEND THE ZONING REGULATIONS

Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations

APPLICANT Hamden Planning & Zoning Commission TELEPHONE 203-287-7070  
(Name)

ADDRESS Planning and Zoning Dept., Hamden Gov't. Center, 2750 Dixwell Ave, Hamden CT 06518  
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: DKOPS@HAMDEN.COM

REGULATION TO BE: ☒ AMENDED ☐ ADDED or ☐ DELETED:

Article Number 1 Section 150.b. Group Use N/A  
Multiple Zone Lots

CURRENT LANGUAGE SEE ATTACHMENT I

RECEIVED

JUN 22 2017

PROPOSED LANGUAGE SEE ATTACHMENT I

SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS

REASON FOR PETITION FOR CHANGE SEE ATTACHMENT I

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

If YES, list name of applicant: HAMDEN PLANNING AND ZONING COMMISSION

SIGNATURE OF  
APPLICANT

*Dan W. Kemp*  
(Name)

TELEPHONE NO. 203-287-7070

MAILING ADDRESS Planning & Zoning Dept., Hamden Gov't. Center, 2750 Dixwell Ave, Hamden CT  
06518

(Street No. and Name)

(Town and State)

(Zip Code)

If you require additional space to complete any of your answers, please attach to this document.

RWA Watershed/Aquifer Project Notification Form  
Page 2

1. Applicants are requested to submit any information that was included in the application to the municipality including: site plan, project narrative, sediment and erosion control plan and drainage calculations if applicable.

2. Project address Townwide Town Hamden

3. Application for: ☒ Planning and Zoning ☐ Inland Wetlands ☐ Zoning Board of Appeals

4 Project Description: No project proposed.

5. Waste Water Disposal: ☐ Septic System ☐ Public Sewer ☐ None N/A

6. Water Supply: ☐ Private Well ☐ Public Water N/A

7. Heating Fuel: ☐ Oil ☐ Gas Other N/A

**Applications involving additions or modifications to single family residences or applications with no site disturbance and no storage or use of hazardous chemicals skip to item 18.**

8. Total acreage of project site \_\_\_\_\_

9. Total acreage of area to be disturbed including structures, additions, paving, and soil disturbance

10. Percent of existing impervious surfaces including buildings, roads and pavement \_\_\_\_\_

11. Proposed increase in impervious surfaces \_\_\_\_\_

12. Number of **existing and proposed** floor drains or sump pumps and their point of discharge  
e.g. sanitary sewer, holding tank, or ground

13. Are there any wetlands or watercourses on the property? If so, describe

14. Brief description of **existing and proposed** stormwater management system, including roof drainage, paved areas etc., and discharge points e.g. municipal system, drywells, streams, vegetated areas, detention basins etc. Attach drainage plans and calculations if available \_\_\_\_\_

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15. List of **existing and proposed** underground or above-ground storage tanks including age, capacity and contents

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16. List of potentially harmful chemicals stored or used on property (**existing and proposed**) and typical onsite volumes, including but not limited to petroleum products, lubricants, solvents, detergents, and pesticides

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---

17. Describe any wastes generated and their means of disposal

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18. Contact Information:

Name: Daniel W. Kops, Jr., Town Planner

Company: Hamden Planning & Zoning Department

Address: Planning and Zoning Dept., Hamden Gov't. Center,

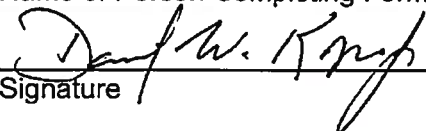
2750 Dixwell Ave, Hamden CT 06518

Phone: 203-287-7070

Email: dkops@hamden.com

Daniel W. Kops, Jr.

Name of Person Completing Form

Signature  Date 6/21/17

## Watershed or Aquifer Area Project Notification Form

### REQUIREMENT:

Within seven days of filing, all applicants before a municipal Zoning Commission, Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission for any project located within a public water supply aquifer or watershed area are required by Public Act No. 06-53 of the CT General Statutes to notify The Commissioner of Public Health and the project area Water Company of the proposed project by providing the following information.

To determine if your project falls within a public water supply aquifer or watershed area visit the appropriate town hall and look at their *Public Drinking Water Source Protection Areas* map. If your project falls completely within or contain any part of a public water supply aquifer or watershed you are required to complete the following information.

**Note:** You will need information obtained from the *Public Drinking Water Source Protection Areas* map located in the appropriate town hall to complete this form.

---

#### Step 1: Have you already notified the CT Department of Public Health (CTDPH) of this project?

- ☒ No, Go to Step 2
- ☐ Yes, I have notified DPH under a different project name - Complete steps 4-6
- ☐ Yes, same name different year - Notification Year  Complete steps 4-6

#### Step 2:

1. Name of public water supply aquifer your project lies within:
2. Name of the public water supply watershed your project lies within:
3. Public Water Supply Identification number (PWSID) for the water utility:

#### Step 3: For 1-5 Check all that apply

##### 1. My project is proposing:

- ☐ Industrial use; ☐ Commercial use; ☐ Agricultural use; ☐ Residential use;
- ☐ Recreational use; ☐ Transportation improvements; ☐ Institutional (school, hospital, nursing home, etc.);
- ☐ Quarry/Mining; ☐ Zone Change, Please Describe:
- ☒ Other, Please describe:

##### 2. The total acreage of my project is:

- ☐ Less than or equal to 5 acres ☐ Greater than 5 acres

##### 3. My project site contains, abuts or is within 50 feet of a:

- ☐ Wetland; ☐ Stream; ☐ River; ☐ Pond or Lake

4. Existing use of my project site is:

☐ Grassland/meadow; ☐ Forested; ☐ Agricultural; ☐ Transportation; ☐ Institutional (school, hospital, nursing home, etc.); ☐ Residential; ☐ Commercial; ☐ Industrial; ☐ Recreational; ☐ Quarry/Mining

☒ Other Please Describe: N/A

5. My project will utilize:

☐ septic system; ☐ existing public sewer; ☐ new public sewer; ☐ agricultural waste facility;

☐ existing private well; ☐ new private well; ☐ existing public water supply;

☐ new public water supply, if new have you applied for a certificate of public convenience and necessity from DPH? ☐ Yes ☐ No

6. My project will contain this percentage of built up area (buildings, parking, road/driveway, pool): ☐ Less than or equal to 20% ☐ Greater than 20% to 50% ☐ Greater than 50%

**Step: 4 Applicants Contact Information:**

Name: Daniel Kops for Hamden Planning and Zo

E-mail address: dkops@hamden.com

Telephone: 203-287-7070

Fax number: 203-287-7075

**Step 5: Please provide the following if available:**

Project name: No project - Amendments of Zoning Regulation

Project site address:

Town: Hamden

Project site nearest intersection:

Project site latitude and longitude:

**E-mail completed form to [dph.swpmail@ct.gov](mailto:dph.swpmail@ct.gov)**



# ATTACHMENT I

## APPLICATION TO AMEND THE HAMDEN ZONING REGULATIONS

### MULTIPLE-ZONE LOTS

#### Existing and Proposed Language

##### *Note:*

- *Existing Text is displayed in standard typeface*
- *Section, table and figure titles are underlined*
- *Proposed changes to the text, tables and figures are displayed in boldface*
- *Explanations of what is being proposed and the rational for making changes are italicized*

#### Section 150. Interpretation of Zoning Boundaries

##### Section 150.b. Split Zone Lots

##### *Existing Language:*

###### b. Split Zone Lots

Lots that contain two zones shall be zoned such that the first 100'-0" or the first 1/3 of the property depth, whichever is greater, shall be the same as the zone on the opposite side of the street.

##### *Proposed Language:*

###### b. **Multiple Zone Lots**

**In lots that contain two or more Zoning Designations, the Zoning Designations will be applied as follows:**

**A use permitted in one of the zones may be extended throughout the lot, provided that a 25 foot deep landscaped and screened buffer is placed along the frontage in instances where the extended use would front on a street with the immediate neighboring properties having an R1, R2, R3, R4, R5, T-1, T-2 or T-3 Zone designation, and/or in instances where the extended use would abut one or more properties having an R1, R2, R3, R4, R5, T-1, T-2 or T-3 Zone designation currently used as residences, a 25 foot deep landscaped and screened buffer is placed along the common border(s).**

##### *Rationale:*

*The 2009 rezoning initiative resulted in the creation of many split-zoned properties whose use is compromised by the current regulation. The proposed language allows more complete use of split-zoned properties, while protecting residential properties with a buffer.*

## **Referral 2.3: Town of Hamden**

### **Subject:**

Proposed Zoning Regulation Amendments to Various Sections

### **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 Hamden has submitted proposed zoning regulation amendments to various sections of the regulations. The amendments to Figure 3.6, Figure 3.7, and Table 3.4 change the front setback requirements from “6 ft. min, 18 ft. max” to “6 ft. min, 20 ft. max” or may match the setback of an existing building within 200 ft. on adjoining properties. Further changes to Figure 3.6, Figure 3.7, and Table 3.4 set a maximum outbuilding height to 20’-0”, allow new buildings to be one story if at least one abutting property is also one story, and eliminate the requirement of 2 story minimums in T4 and T5 Outbuildings.

Amendments to Sections 320 and 330 reduce the requirements on glass façade minimum areas from 70% for shopfronts to 50%. This is effective in zones T1, T2, T3, T3.5, T4, T5, M, TG, and NC.

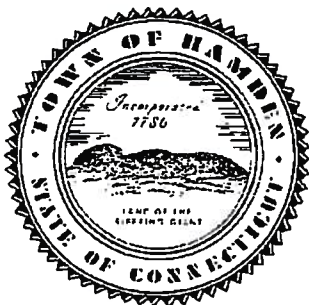
In Sections 350.3 - Parking Requirements in Transect Zones, the Town of Hamden revised the calculation used to determine the required number of shared parking spaces. The previous formula requires dividing the number of required parking spaces by the sharing factor. The new formula requires dividing the smaller number of parking spaces for one separate use by the sharing factor, and adding the result to the larger number of spaces.

Additional changes were made regarding minor additions in T4 and T5 zones, minimum tree widths, accessory structures in M zones, lighting standards, outdoor cafes, parking for commercial recreation & fitness, and sale of alcohol by package stores. Further information on all amendments can be found in the agenda packet.

Hamden is adjacent to Bethany, Woodbridge, New Haven, North Haven, and Wallingford.

### **Communication:**

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



RECEIVED  
TOWN OF HAMDEN

JUN 21 2017

PLANNING AND  
ZONING DEPT.

Date of Filing 6-21-17

Fee Exempt

Date Paid                     

Receipt #                     

Application # 17-965

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

**Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations**

APPLICANT Hamden Planning & Zoning Commission TELEPHONE 203-287-7070  
(Name)

ADDRESS Planning and Zoning Dept., Hamden Gov't. Center, 2750 Dixwell Ave, Hamden CT 06518  
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: DKOPS@HAMDEN.COM

REGULATION TO BE: ☒ AMENDED ☒ ADDED or ☐ DELETED:

Article Number III, V & VI Section 320.1.b, 330, 350.3, 380.1, 530.3, 540.3.1-2, 591.1.15,  
678, Figure 3.6 & 3.7 Table 3.4, 3.5.1, 5.4, 5.5 & 6.1 Group Use Varied

Miscellaneous Changes

CURRENT LANGUAGE SEE ATTACHMENT I

**RECEIVED**

JUN 22 2017

PROPOSED LANGUAGE SEE ATTACHMENT I

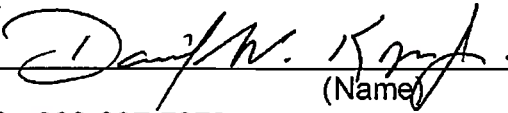
**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**

REASON FOR PETITION FOR CHANGE SEE ATTACHMENT I

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

If YES, list name of applicant: HAMDEN PLANNING AND ZONING COMMISSION

SIGNATURE OF  
APPLICANT

  
(Name)

TELEPHONE NO. 203-287-7070

MAILING ADDRESS Planning & Zoning Dept., Hamden Gov't. Center, 2750 Dixwell Ave, Hamden CT  
06518

(Street No. and Name)

(Town and State)

(Zip Code)

If you require additional space to complete any of your answers, please attach to this document.

RWA Watershed/Aquifer Project Notification Form  
Page 2

1. Applicants are requested to submit any information that was included in the application to the municipality including: site plan, project narrative, sediment and erosion control plan and drainage calculations if applicable.

2. Project address Townwide Town Hamden

3. Application for: ☒ Planning and Zoning ☐ Inland Wetlands ☐ Zoning Board of Appeals

4 Project Description: No project proposed.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Waste Water Disposal: ☐ Septic System ☐ Public Sewer ☐ None N/A

6. Water Supply: ☐ Private Well ☐ Public Water N/A

7. Heating Fuel: ☐ Oil ☐ Gas Other \_\_\_\_\_ N/A

**Applications involving additions or modifications to single family residences or applications with no site disturbance and no storage or use of hazardous chemicals skip to item 18.**

8. Total acreage of project site \_\_\_\_\_

9. Total acreage of area to be disturbed including structures, additions, paving, and soil disturbance  
\_\_\_\_\_  
\_\_\_\_\_

10. Percent of existing impervious surfaces including buildings, roads and pavement \_\_\_\_\_

11. Proposed increase in impervious surfaces \_\_\_\_\_

12. Number of **existing and proposed** floor drains or sump pumps and their point of discharge  
e.g. sanitary sewer, holding tank, or ground  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Are there any wetlands or watercourses on the property? If so, describe  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Brief description of **existing and proposed** stormwater management system, including roof drainage, paved areas etc., and discharge points e.g. municipal system, drywells, streams, vegetated areas, detention basins etc. Attach drainage plans and calculations if available\_\_\_\_\_

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15. List of **existing and proposed** underground or above-ground storage tanks including age, capacity and contents

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16. List of potentially harmful chemicals stored or used on property (**existing and proposed**) and typical onsite volumes, including but not limited to petroleum products, lubricants, solvents, detergents, and pesticides

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---

17. Describe any wastes generated and their means of disposal

---

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18. Contact Information:

Name: Daniel W. Kops, Jr., Town Planner

Company: Hamden Planning & Zoning Department

Address: Planning and Zoning Dept., Hamden Gov't. Center,

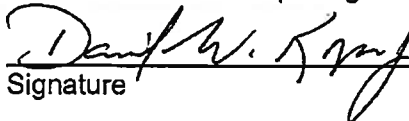
2750 Dixwell Ave, Hamden CT 06518

Phone: 203-287-7070

Email: dkops@hamden.com

Daniel W. Kops, Jr.

Name of Person Completing Form

 6/21/17

Signature

Date

## Watershed or Aquifer Area Project Notification Form

### REQUIREMENT:

Within seven days of filing, all applicants before a municipal Zoning Commission, Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission for any project located within a public water supply aquifer or watershed area are required by Public Act No. 06-53 of the CT General Statutes to notify The Commissioner of Public Health and the project area Water Company of the proposed project by providing the following information.

To determine if your project falls within a public water supply aquifer or watershed area visit the appropriate town hall and look at their *Public Drinking Water Source Protection Areas* map. If your project falls completely within or contain any part of a public water supply aquifer or watershed you are required to complete the following information.

**Note: You will need information obtained from the *Public Drinking Water Source Protection Areas* map located in the appropriate town hall to complete this form.**

---

### Step 1: Have you already notified the CT Department of Public Health (CTDPH) of this project?

☒ No, Go to Step 2

☐ Yes, I have notified DPH under a different project name - Complete steps 4-6

☐ Yes, same name different year - Notification Year  Complete steps 4-6

### Step 2:

1. Name of public water supply aquifer your project lies within:
2. Name of the public water supply watershed your project lies within:
3. Public Water Supply Identification number (PWSID) for the water utility:

### Step 3: For 1-5 Check all that apply

#### 1. My project is proposing:

- ☐ Industrial use; ☐ Commercial use; ☐ Agricultural use; ☐ Residential use;
- ☐ Recreational use; ☐ Transportation improvements; ☐ Institutional (school, hospital, nursing home, etc.);
- ☐ Quarry/Mining; ☐ Zone Change, Please Describe:
- ☒ Other, Please describe:

#### 2. The total acreage of my project is:

- ☐ Less than or equal to 5 acres ☐ Greater than 5 acres

#### 3. My project site contains, abuts or is within 50 feet of a:

- ☐ Wetland; ☐ Stream; ☐ River; ☐ Pond or Lake



4. Existing use of my project site is:

☐ Grassland/meadow; ☐ Forested; ☐ Agricultural; ☐ Transportation; ☐ Institutional (school, hospital, nursing home, etc.); ☐ Residential; ☐ Commercial; ☐ Industrial; ☐ Recreational; ☐ Quarry/Mining

☒ Other Please Describe: N/A

5. My project will utilize:

☐ septic system; ☐ existing public sewer; ☐ new public sewer; ☐ agricultural waste facility;

☐ existing private well; ☐ new private well; ☐ existing public water supply;

☐ new public water supply, if new have you applied for a certificate of public convenience and necessity from DPH? ☐ Yes ☐ No

6. My project will contain this percentage of built up area (buildings, parking, road/driveway, pool): ☐ Less than or equal to 20% ☐ Greater than 20% to 50% ☐ Greater than 50%

Step: 4 Applicants Contact Information:

Name: Daniel Kops for Hamden Planning and Zo

E-mail address: dkops@hamden.com

Telephone: 203-287-7070

Fax number: 203-287-7075

Step 5: Please provide the following if available:

Project name: No project - Amendments of Zoning Regulation

Project site address:

Town: Hamden

Project site nearest intersection:

Project site latitude and longitude:

**E-mail completed form to [dph.swpmail@ct.gov](mailto:dph.swpmail@ct.gov)**

# ATTACHMENT I

## APPLICATION TO AMEND THE HAMDEN ZONING REGULATIONS

### MICELLANEOUS CHANGES

#### Existing & Proposed Language:

#### *Note:*

- *Topics, such as "Building Setbacks" and "Building Massing" are capitalized and centered.*
- *Existing Text is displayed in standard typeface. Section, table and figure titles are underlined*
- *Proposed changes to the text, tables and figures are displayed in boldface*
- *Explanations of what is being proposed and the rational for making changes are italicized*

### BUILDING SETBACKS

#### FIGURE 3.6 FORM-BASED CODE GRAPHICS – T4

##### Setbacks for Principal Buildings

(g1) Front Setback Principal: *Existing language:* 6 ft. min. 18 ft. max

*Proposed language:* **6 ft. min. 20 ft. max.**

#### *Add note:*

**In cases where there are existing buildings within 200 feet on adjoining properties or the property in question, the principal building may match one of the existing buildings' front yard setback in the same plane.**

(g2) Front Setback Secondary: *Existing language:* 6 ft. min. 18 ft max

*Proposed language:* **6 ft. min. 20 ft. max.**

#### *Add note:*

**In cases where there are existing buildings within 200 feet on adjoining properties or the property in question, the principal building may match one of the existing buildings' secondary front yard setback in the same plane.**

Table 3.4

Front Setback Principal: *Existing language:* 6 ft. min./18 ft. max.

*Proposed language:* 6 ft. min./20 ft. max.

**In cases where there are existing buildings within 200 feet on adjoining properties or the property in question, the principal building may match one of the existing buildings' front yard setback in the same plane.**

Front Setback Secondary: *Existing language:* 6 ft. min./18 ft. max.

*Proposed language:* 6 ft. min./20 ft. max.

*Add a note:*

**In cases where there are existing buildings within 200 feet on adjoining properties or the property in question, the principal building may match one of the existing buildings' secondary front yard setback in the same plane.**

FIGURE 3.7 FORM-BASED CODE GRAPHICS – T5

Setbacks for Principal Buildings

(g1) Front Setback Principal: *Existing language:* 6 ft. min. 12 ft. max.

*Proposed language:* 6 ft. min. 20 ft. max.

*Add a note:*

**In cases where there are existing buildings within 200 feet on adjoining properties or the property in question, the principal building may match one of the existing buildings' front yard setback in the same plane.**

(g2) Front Setback Secondary: *Existing language:* 6 ft. min. 12 ft. max.

*Proposed language:* 6 ft. min. 20 ft. max.

*Add a note:*

**In cases where there are existing buildings within 200 feet on adjoining properties or the property in question, the principal building may match one of the existing buildings' secondary front yard setback in the same plane.**

(g3) Side Setback: *Existing language:* 0 ft. min. 24 ft. max.

*Proposed language:* Add note: **Does not apply to buildings behind the front building or row of buildings.**

Table 3.4

Front Setback Principal: *Existing language:* 0 ft. min./12 ft. max.

*Proposed language:* **0 ft. min./20 ft. max.**

*Add a note:*

**In cases where there are existing buildings within 200 feet on adjoining properties or the property in question, the principal building may match one of the existing buildings' front yard setback in the same plane.**

Front Setback Secondary: *Existing language:* 0 ft. min./12 ft. max.

*Proposed language:* **0 ft. min./20 ft. max.**

*Add a note:*

**In cases where there are existing buildings within 200 feet on adjoining properties or the property in question, the principal building may match one of the existing buildings' secondary front yard setback in the same plane.**

Side Setback: *Existing language:* 0 ft. min./24 ft. max.

*Proposed language:* Add note: **Does not apply to buildings behind the front building or row of buildings.**

*Rationale:*

*In the seven and a half years since form-based zoning was incorporated into the Zoning Regulations few buildings have actually been constructed at the short distances required, and in some instances they look out of place with neighboring buildings. The current setback prevents vehicle queuing that is becoming more and more essential.*

*Economic concerns suggest the need for greater flexibility that encourages development. Pulling the buildings up to the sidewalk makes sense if you can achieve the density of development found in larger cities like New Haven, but that doesn't seem likely in Hamden for the foreseeable future. Matching the setback to that of an existing building is consistent with Section 310.1.d.*

## BUILDING MASSING

### Building Massing: Number of Stories

#### FIGURE 3.6 FORM-BASED CODE GRAPHICS – T4

**Add note stating: In cases where the principal building on at least one abutting property is only one story the new building may be one story.**

#### Figure 3.7 (Form-Based Code Graphic T5)

*Change the maximum outbuilding height:*

*Existing Language: \_ na*

*Proposed Language: 20'-0"*

#### Table 3.4 (Summary of Transect Zones)

##### T4 and T5 Outbuildings

*Eliminate requirement of 2 story minimum.*

##### *Rationale:*

*There are many uses which do not need or benefit from a two story building. The requirement adds to the cost and has discouraged potential investment. While the requirement of a second story is important in a T5 Zone, which supports the highest density, this is not the case in the T4 Zone, which contains a variety of building types.*

*It also makes no sense to require an out-building, such as a small garage or shed to be two stories.*

*The change to the T5 graphic makes the height consistent with the T4 graphic, both of which show the same maximum number of stories.*

## GLASS FAÇADE MINIMUM AREA

### Section 320 BUILDING MASSING

Section 320.1.b. General to zones T1, T2, T3, T3.5, T4, T5, M, TG, NC

#### *Existing Language:*

- b. The first story of all facades shall be glazed with clear glass no less than 30% and shall be glazed at least 70% if a shopfront.

#### *Proposed Language:*

- b. The first story of all facades shall be glazed with clear glass no less than 30% and shall be glazed at least **50%** if a shopfront.

### Section 330 SPECIAL REQUIREMENTS T3.5, T4, T5, M, TG, NC

#### *Existing Language:*

Unless otherwise approved by the Commission, the following shall be required in the specified Transect Zones and Special Districts:

Shopfront: A shopfront facade shall be provided on average every 30' along the frontage. The shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the sidewalk as generally illustrated in Figure 3.3 Table of Private Frontages and as specified in Article III.

#### *Proposed Language:*

Unless otherwise approved by the Commission, the following shall be required in the specified Transect Zones and Special Districts:

Shopfront: A shopfront facade shall be provided on average every 30' along the frontage. The shopfront shall be no less than **50%** glazed in clear glass and shaded by an awning overlapping the sidewalk as generally illustrated in Figure 3.3 Table of Private Frontages and as specified in Article III.

#### *Rationale:*

*Recently staff have encountered cases where changes to the Building Code affect the ability to meet the 70% threshold. The 70% requirement seems arbitrary anyway.*

## MINOR ADDITIONS IN T4 AND T5 ZONES

### Section 530.3 Nonconforming Lots, Buildings and Uses

#### Specific to Zones T4 and T5

##### *Existing Language:*

Existing buildings and appurtenances that do not conform to the provisions of these Regulations may continue in the same use and form until a substantial modification occurs or is requested, at which time the Commission shall determine the provisions of this Section that shall apply. The modification of existing buildings is permitted by Special Permit and/or Site Plan Approval if such changes result in increased compliance with the specifications of these Regulations.

##### *Proposed Language:*

Existing buildings and appurtenances that do not conform to the provisions of these Regulations may continue in the same use and form until a substantial modification occurs or is requested, at which time the Commission shall determine the provisions of this Section that shall apply. The modification of existing buildings is permitted by Special Permit and/or Site Plan Approval **only** if such changes **are in compliance** with the specifications of these Regulations. **Additions to the rear of a building are allowed subject to Special Permit and/or Site Plan approval.**

##### *Rationale:*

*As written, the Zoning Regulations at best do not encourage and at worst may discourage further investment in existing buildings where considerations of front yard setbacks and /or build-to lines are impediments. Additions to the rear of a building have no bearing on the non-conformity.*

## MINIMUM TREE WIDTHS

### 540.3 Landscaping, Screening and Buffer Areas

#### 540.3.1 General Requirements

##### *Existing Language:*

The following provisions shall apply to any use in all zones:

- a. Landscaping materials, trees, and other plants required by these Regulations shall be installed according to accepted horticultural practices and all plants shall be maintained in a healthy growing condition. Any landscaping materials, trees, and/or plants that are in a condition which does not fulfill the intent of these Regulations shall be replaced in kind by the property owner during the next planting season.
- b. The property owner shall maintain any screening fence or wall required by these Regulations in good condition throughout the period of the use of the lot.
- c. All landscaping materials, trees and plants adjacent to parking areas, loading areas or driveways shall be properly protected from damage by vehicles, barriers, curbs or other means.
- d. To the extent possible, existing trees, vegetation and unique site features, such as stonewalls, shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these Regulations.
- e. Where it is not feasible to comply with the requirements for a front landscaped area or landscaped parking area due to lot size and shape or existing structures, the Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs, and/or flowers to comply with the intent of these Regulations.
- f. In cases where the edge of the pavement within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street pavement.

##### *Proposed Language: Add subsection g:*

The following provisions shall apply to any use in all zones:

- a. Landscaping materials, trees, and other plants required by these Regulations shall be installed according to accepted horticultural practices and all plants shall be maintained in a healthy growing condition. Any landscaping materials, trees, and/or plants that are in a condition which does not fulfill the intent of these Regulations shall be replaced in kind by the property owner during the next planting season.
- b. The property owner shall maintain any screening fence or wall required by these Regulations in good condition throughout the period of the use of the lot.
- c. All landscaping materials, trees and plants adjacent to parking areas, loading areas or driveways shall be properly protected from damage by vehicles, barriers, curbs or other means.
- d. To the extent possible, existing trees, vegetation and unique site features, such as stonewalls, shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these Regulations.



- e. Where it is not feasible to comply with the requirements for a front landscaped area or landscaped parking area due to lot size and shape or existing structures, the Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs, and/or flowers to comply with the intent of these Regulations.
- f. In cases where the edge of the pavement within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street pavement.
- g. **All trees planted shall have a diameter at breast height (DBH) of at least 2-1/2 to 3-1/2 inches, depending on the type of tree.**

#### 540.3.2 Front Landscaped Area

##### *Existing Language:*

The purpose of landscaping is to enhance the appearance of the use on the lot but not to screen the use from view. A front landscaped area shall be required in all zones *except for T3.5, T4 and T5*. Where front yard landscaping is required, grass or other ground cover shall be used and appropriate trees and shrubs shall be included. At a minimum, one shade tree having a diameter at breast height (DBH) of two inches shall be planted within the front landscaped area for each 50 feet or fraction thereof of lot frontage.

##### *Proposed Language:*

The purpose of landscaping is to enhance the appearance of the use on the lot but not to screen the use from view. A front landscaped area shall be required in all zones *except for T3.5, T4 and T5*. Where front yard landscaping is required, grass or other ground cover shall be used and appropriate trees and shrubs shall be included.

At a minimum, one shade tree having a diameter at breast height (DBH) of **at least 2-1/2 to 3-1/2 inches, depending on the type of tree**, shall be planted within the front landscaped area for each 50 feet or fraction thereof of lot frontage.

#### 591.1.15 Landscaped Parking Area (See also, 540.3.4 Buffer Area)

##### *Existing Language:*

In addition to the front-landscaped and buffer-area requirements, parking lots shall comply with the following minimum standards:

- a. Where 30 or more parking spaces are required, there shall be at least 10 square feet of interior landscaping for each parking space within the paved portion of the parking area and at least one tree for every 5 parking spaces or fraction thereof.
- b. Each separate landscaped area shall contain a minimum of 120 square feet, shall have a minimum dimension of at least 9 feet, shall be planted with grass or shrubs,

and shall include at least one tree of not less than 2- inch caliper. Required landscaped area may be amassed.

- c. Parking spaces within or below a structure, or otherwise covered, shall not be counted when computing required landscaped areas or number of trees pursuant to this section.
- d. A landscaped area shall be provided along the perimeter of any parking area except along that portion of the parking area that is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of 5 feet, shall be planted with grass or shrubs and shall include at least one tree of not less than a 2-inch diameter measured at breast height (DBH) for every 30 feet along the perimeter of the parking area. In cases where the parking area adjoins a public sidewalk, the required landscaped area shall be extended to the edge of the sidewalk.
- e. Trees used in parking lots shall be those deemed appropriate for street tree use, as listed in these Regulations

*Proposed Language:*

In addition to the front-landscaped and buffer-area requirements, parking lots shall comply with the following minimum standards:

- a. Where 30 or more parking spaces are required, there shall be at least 10 square feet of interior landscaping for each parking space within the paved portion of the parking area and at least one tree for every 5 parking spaces or fraction thereof.
- b. Each separate landscaped area shall contain a minimum of 120 square feet, shall have a minimum dimension of at least 9 feet, shall be planted with grass or shrubs, and shall include at least one tree of **at least 2-1/2 to 3-1/2 inches, depending on the type of tree, measured at breast height (DBH)**. Required landscaped area may be amassed.
- c. Parking spaces within or below a structure, or otherwise covered, shall not be counted when computing required landscaped areas or number of trees pursuant to this section.
- d. A landscaped area shall be provided along the perimeter of any parking area except along that portion of the parking area that is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of 5 feet, shall be planted with grass or shrubs and shall include at least one tree of **at least 2-1/2 to 3-1/2 inches, depending on the type of tree**, measured at breast height (DBH) for every 30 feet along the perimeter of the parking area. In cases where the parking area adjoins a public sidewalk, the required landscaped area shall be extended to the edge of the sidewalk.
- e. Trees used in parking lots shall be those deemed appropriate for street tree use, as listed in these Regulations

*Rationale:*

*The changes are intended to increase the likelihood that the trees will survive and decrease the time necessary to reach maturity.*

## ACCESSORY STRUCTURES IN M ZONES

### Section 380.1 Manufacturing Zone

#### Table 3.5.1 Lot and Building Requirements for Manufacturing District

*Add: Setback Requirements for Accessory Structures in Manufacturing Districts*

<b>Front Setback</b>	<b>20 ft. min. + bldg. setback</b>
<b>Side Setback</b>	<b>3 ft.</b>
<b>Rear Setback</b>	<b>3 ft.</b>

#### *Rationale:*

*The Zoning Regulations currently contain no requirements for accessory structures in M Zones. The omission was inadvertent. The proposed setbacks are the same as those for T-2, T-3 and T4 Zones.*

## LIGHTING STANDARDS

### Table 5.4 Foot-Candle Standards

*Change title of Columns 2 and 4 from Max. Exterior f.c. to **Max. Avg. Exterior fc***

#### *Rationale:*

*As written, the requirement fails to take into account that the illumination near the lights will be higher than elsewhere. Enforcement of that provision would result in insufficient lighting throughout most sites.*

## OUTDOOR CAFÉS

### Table 6.1 Allowed Uses by Zone

**Amend Table to show: Outdoor Cafes allowed in Zones T-3.5, T4, T5 and M Zones with Zoning Permit approval, and Outdoor cafes allowed in the TG (Town Green) Zone with Special Permit Approval**

#### *Rationale:*

*Section 638.1 already states that only a Zoning Permit is required when accessory to a restaurant. The T-3.5, T4, T5 and M Zones are the appropriate zones for this. A Special Permit is already required for the Town Green Zone, but not indicated on Table 6.1. The Spring Glen Village District also requires a Special Permit.*

## COMMERCIAL RECREATION & FITNESS

### Table 5.5 Required Parking Spaces for Residential Zones & Special Districts

*Add the following:*

Building &/or Property Use(s): **Commercial Recreation & Fitness**

Function: **Civic**

Parking: **1 space for every 3 legal occupants**

*Rationale: The use is listed in the Use Table but inadvertently omitted from the parking requirement table. The "civic" function designation is used for several other comparable uses.*

## PARKING REQUIREMENTS IN TRANSECT ZONES

### 350.3 Specific to zones T2, T3, T3.5, T4, T5, M, TG, NC

*Change title to:* 350.3 Specific to zones **T2, T3, T3.5, T4, T5**

*Rationale:*

*The title is incorrect. This section deals only with Transect Zones, not Special Zones.*

### 350.3 Specific to zones T2, T3, T3.5, T4, T5, M, TG, NC

Table 3.1 Required Parking in Transect Zones

*Existing Language:*

Parking calculations: Table 3.1 summarizes the parking requirement for each use by Transect Zone. This table also enables the calculation of allowable building square footage and the number of dwelling units allowed on each site given the parking available. To use the shared parking factor, divide the number of required parking spaces by the sharing factor to find the actual number of spaces required.

*Proposed Language:*

Parking calculations: Table 3.1 summarizes the parking requirement for each use by Transect Zone. This table also enables the calculation of allowable building square footage and the number of dwelling units allowed on each site given the parking available. **To use the shared parking factor, first calculate the parking required for each separate use. Then divide the smaller number of parking spaces or by the sharing factor and add the result to the larger number of spaces required to find the actual number of spaces required. In the case of two uses requiring the same number of parking spaces apply the shared parking factor to either one.**

Example:

*Existing Language:*

Example: T4 Zone, Mixed-use building with  
10,000 sf of office and 20 dwelling units.

Office:

10,000 sf x 3 spaces / 1,000 sf  
= 30 spaces

Residential:

20 dwelling units x 1.5 spaces / dwelling  
= 30 spaces

*Sub-Total:*

30 spaces + 30 spaces  
= 60 required spaces

TOTAL:

60 required spaces / 1.4 sharing factor  
= 43 actual spaces

Bicycle Parking Stalls:

43 actual spaces x 1 stall / 10 actual spaces

*Sub-total* = 4.3 bicycle stalls (always round up)

TOTAL = 5 bicycle stalls

---

Projects meeting the requirements of a Transit  
Oriented Development:

43 actual spaces x 30% reduction factor  
= 13 actual spaces

+ 5.0 bicycle stalls

*Proposed Language:*

**Example 1: T4 Zone, Mixed-use building with  
20,000 s.f. of office and 100 dwelling units.**

**Office:**

**20,000 s.f. x 3 spaces / 1,000 s.f.  
= 60 spaces**

**Residential:**

**100 dwelling units x 1.5 spaces / dwelling  
= 150 spaces**

**Total without applying shared parking factor**

**60 + 150 = 210 required spaces**

**Apply shared parking factor:**

**60 required spaces / 1.4 sharing factor  
= 43 actual spaces**

**43 + 150 = 193 required spaces**

**Bicycle Parking Stalls:**

**193 actual spaces x 1 stall / 10 actual spaces  
(round following the standard convention)**

**TOTAL = 19 bicycle stalls**

**Example 2: T4 Zone, Mixed-use building with 10,000 s.f. of office and 20 dwelling units.**

**Office:**

**10,000 s.f. x 3 spaces / 1,000 s.f.**

**= 30 spaces**

**Residential:**

**20 dwelling units x 1.5 spaces / dwelling**

**= 30 spaces**

**Sub-Total:**

**30 spaces + 30 spaces**

**= 60 required spaces**

**TOTAL:**

**30 required spaces / 1.4 sharing factor**

**= 21 actual spaces**

**30 required spaces + 21 required spaces =**

**51**

**Bicycle Parking Stalls:**

**51 actual spaces x 1 stall / 10 actual spaces  
(round following the standard convention)**

**TOTAL = 5 bicycle stalls**

---

**Note: For projects meeting the requirements of a Transit Oriented Development, do not use the shared parking factor. Calculate total parking required and then reduce the amount by 30%:**

*Rationale:*

*During the review of the mixed use application for 3139 Whitney Avenue, the Department realized that the current formula is flawed. In many instances it may result in a parking space requirement that is considerably less than one of the uses by itself. The following two examples demonstrate the difference between using the current method and the proposed one:*

**#1:**

*100,000 s.f. of office space with 20 apartments in a T4 Zone.*

*Office required parking is  $100 \times 3 = 300$  spaces*

*Apartments required parking is  $20 \times 1.5 = 30$  spaces*

*Total before applying the shared parking factor is 330*

*Total after applying the shared parking factor is  $330/1.4 = 236$  spaces*

*The number of spaces required, 236, is 64 spaces less than the office space required by itself. That makes no sense. Applying the shared parking factor to the smaller figure provides a still substantial but more reasonable benefit as projects grow in size.*

**# 2:**

*100,000 s.f. of office space with 100 apartments*

*No shared parking factor applied:  $300 + 150 = 450$*

***Current shared parking factor method applied:  $450/1.4 = 321$  spaces—a reduction of 129 spaces.***

***Proposed shared parking factor method applied:  $300 + 150/1.4 = 407$  spaces—a reduction of 43 spaces.***

## SALE OF ALCOHOL, PACKAGE STORES

*Add Section:*

### **Section 678 Sale of Alcohol, Package Store**

#### **A. Package stores located in T3, T3.5 and T4 Zones shall:**

- I. Be located at least 500 feet from any single-family, two-family and 3-family residences, as measured from the main entrance.**
- II. Provide adequate screening between the package store property and any adjacent properties with multi-family properties.**

*Amend Table 6.1 by placing 678 in the first column in the row for Sale of Alcohol, Package Store*

*Based on complaints from residents living near the recently approved package store on State Street, the administration has asked that the Commission consider providing some form of protection for residents. The proposed language attempts to address this without making most existing package stores nonconforming.*



## **Referral 2.4: Town of North Haven**

### **Subject:**

Proposed Zoning Regulation Amendment to Section 5.1.3.16.16 regarding adaptive reuse requirements

### **Staff Recommendation:**

### **Background:**

A private applicant submitted a proposed zoning regulation amendment to Section 5.1.3.16.16 regarding adaptive reuse requirements. The amendment states that if a licensed architect finds a building does not possess environmental or historical benefits and is not able to be adaptively reused for mixed-use development, the property may be developed in compliance to Section 5.1.3.16.15. This section allows reductions to the bulk standards of IL Upper Washington Avenue Multi-Use (ILUWMU) Developments. Section 5.1.3.16 can be found in the agenda packet.

North Haven's IL-30 Zone is adjacent to Wallingford's I-40 Zone.

### **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

28 June 2017

**RECEIVED**

JUL 5 2017

**SOUTH CENTRAL REGIONAL  
COUNCIL OF GOVERNMENTS**

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

Re: Proposed Amendment to the North Haven Zoning Regulations  
Amend Section 5.1.3.16.16 to modify the adaptive reuse requirements.

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 7 August 2017.

Very truly yours,

Alan A. Fredricksen  
Land Use Administrator  
AAF/lh  
Enclosures

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

6/21/17 Date of Receipt  
\$150.00 Fee and date paid

#P17-23 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 &amp; 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

\* 6 PLANS @ 24" x 36"  
 8 PLANS @ 11" x 17"

TITLE OF PLAN:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date and most current revision date of plan: \_\_\_\_\_

- CAM site plan review (Submit 14\* copies)  
☒ Amend zoning regulations 5.1.3.16.16 Section to be amended (Submit 8 copies of proposed amendment)  
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:

- Lie within 500' of an adjoining municipality or will traffic or water drainage impact an adjoining municipality  
Lie within the Coastal Area Management boundary  
Contain any wetlands and/or watercourses  
Lie within the Aquifer Protection Zone  
Lie within the Channel Encroachment Zone  
Lie within the floodplain or floodway  
Lie within 50' of the Quinnipiac River or Muddy River

RECEIVED

JUN 21 2017

TOWN of NORTH HAVEN  
 LAND USE AND DEVELOPMENT

ENGINEER'S NAME

ENGINEER'S PHONE NUMBER

FAX NUMBER

Timothy J. Lee, Esq.

Print/Applicant's Name

388 Orange St., New Haven Ct 06511

Applicant's Address

203-787-6555 / 203-776-2119

Applicant's Phone Number

Fax Number

Print Owner's Name

Owner's Address

Owner's Phone Number

Applicant's Signature

Owner's Signature

Amendment to Sec. 5.1.3.16.16

In the event that a licensed architect certifies that the existing buildings do not possess any environmental or historical benefits and are not capable of being adaptively reused for mixed use development, the property may be developed in compliance with the standards set forth in Sec. 5.1.3.16.15

## AMENDMENT CREATING

§5.1.3.16 IL Upper Washington Avenue Multi-Use (ILUWMU) Developments: Multi-Use Developments shall be permitted in the IL-30 District along Washington Avenue, north of the I-91 interchange and east of the New York, New Haven and Hartford Railroad Line. The purpose of such developments shall be to provide multi-family residential development of a density to meet the rising demand for that type of housing in the Town, while at the same time promoting non-residential uses that are compatible with the residential use and provide amenities for the residents and other members of the North Haven community. It is also envisioned that such developments would help promote the re-development of this section of Washington Avenue.

5.1.3.16.1 Requirements Applicable to ILUWMU Developments:

Minimum Lot Area, Sq. Feet	120,000
Minimum Lot Width, Feet	150
Minimum Front Yard, Feet	35
Minimum Side Yard, Feet	15
Minimum Rear Yard, Feet	25
Maximum Building Coverage	35%
Maximum Height, Feet	44
Minimum Floor Area per Residential Dwelling Unit, Sq. Feet	450
Maximum Floor Area per Residential Dwelling Unit, Sq. Feet	1,300
Maximum Number of Bedrooms per Residential Dwelling Unit	2

5.1.3.16.2 For the purpose of computing maximum building coverage, the entire area of the lot shall be used.

5.1.3.16.3 In no case shall more than 50 residential dwelling units be built on any one parcel of land approved for an ILUWMU development. The total number of residential dwelling units permitted in the IL-30 District along Washington Avenue north of the I-91 interchange shall be limited to 150 residential dwelling units.

5.1.3.16.4 Each ILUWMU development shall be connected to the municipal sanitary sewer system and serviced by a public water supply. All residential dwelling units shall be serviced by an automatic fire sprinkler system.

5.1.3.16.5 Each ILUWMU development shall contain other non-residential uses as permitted in the IL-30 District which are compatible and complimentary to the residential use. Basic neighborhood stores and services and retail stores, of the types enumerated in Sections 5.5.1.10, 5.5.1.12, and 5.5.1.14 of the Regulations, are encouraged. The following uses, however, shall be specifically excluded: Nightclubs, retail package liquor stores, automotive service stations and testing facilities, automotive sales, public garages, theaters, and adult oriented establishments. At least twenty-five percent (25%) of the total building square

footage of any ILUWMU development shall be dedicated to non-residential/commercial uses. No residential uses shall be permitted on the first floor of any ILUWMU development approved under this regulation.

- 5.1.3.16.6 There shall be no less than 1 parking space per bedroom for each residential dwelling unit. Non-residential parking shall be calculated in accordance with Section 8.5.1 of these regulations. The Planning and Zoning Commission may require additional parking in its discretion. An ILUWMU development shall be permitted to utilize a shared parking calculation based on its mixed use capacity. A sharing factor of 1.4 for residential/office mix and 1.2 for residential/all other commercial uses mix shall be utilized to compute the required parking for the entire development. A report from a qualified traffic consultant shall be required to support the shared parking plan for any ILUWMU development. The Planning and Zoning Commission may hire a traffic consultant to obtain technical advice concerning a proposed ILUWMU development at the expense of the applicant.
- 5.1.3.16.7 Access to an ILUWMU development shall be from an existing or proposed public street, one of which must be Washington Avenue. Two-way drives shall be not less than 24 feet in width. Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet, or such other radii as may be required by the State DOT, tangent to the driveway and to the curb or to the outer edge of the shoulder of a road having no curb.
- 5.1.3.16.8 The construction of the project and structure of the buildings shall comply with all applicable Town and State of Connecticut Codes and Regulations.
- 5.1.3.16.9 The Commission may require that a buffer strip shall be maintained along all side and rear lot lines, where such lines are adjacent to any existing industrial uses. The buffer strip shall be of ample width and suitably landscaped and permanently maintained with dense evergreen planting of a type, height, and spacing as approved by the Planning and Zoning Commission to be sufficient to screen the ILUWMU development from adjacent industrial properties/uses during all seasons of the year. Within these buffer strips, existing tree and shrub growth may be preserved and augmented at the Planning and Zoning Commission's discretion. The Planning and Zoning Commission may also require the installation and maintenance of a fence at any property line in its discretion and may hire a landscape consultant to evaluate the proposed buffer(s) at the expense of the applicant.
- 5.1.3.16.10 No permit for any ILUWMU development as permitted under this subsection shall be issued until the plans therefore shall have been approved by Special Permit by the Planning and Zoning Commission after a public hearing upon due notice pursuant to Section 8-3 of the Connecticut General statutes. The applicant shall submit to the Commission plans for the entire project, showing the layout of buildings, proposed driveways and their relationship to traffic on public streets, walks, sanitary sewers, storm drainage and other utilities, parking spaces,

accessory buildings, playgrounds and other recreation areas, and all other pertinent features including a landscaping plan showing the location, size and type, of all landscaping elements, a lighting plan, together with plans, elevations, and other pertinent drawings of all buildings, indicating all uses proposed, the dimensions and floor areas of all buildings and yards and of all residential dwelling units and commercial spaces, and any other information deemed necessary by the Commission or staff to determine conformity with the intent of the Regulations.

- 5.1.3.16.11 The Commission shall approve an application to permit an ILUWMU development if it finds that the proposed use and related buildings and structures will conform to the following standards: (A) The location, type, character, and size of the use and of any related buildings and structures is in harmony with the development of the Town and will not hinder or discourage the development and use of adjacent lots or impair their value; (B) The location of the use and any related buildings and structures provides adequate access for fire protection purposes; (C) The streets serving the proposed use are adequate to support traffic and the entrance into and egress from the ILUWMU development does not result in undue traffic hazard or congestion; and (D) The lot on which the ILUWMU development is to be constructed is of sufficient size and dimensions to permit conduct of the proposed residential and commercial uses and construction and maintenance of buildings, structures, and facilities, including sanitary facilities, in a manner that will not be detrimental to the neighborhood or adjacent lots.
- 5.1.3.16.12 ILUWMU developments specifically approved by the Planning and Zoning Commission after a Public Hearing, shall be permitted subject to conditions and safeguards as the Commission deems appropriate, including such conditions necessary for the protection of the public health, safety, and welfare with consideration being given to the site and adjacent uses and neighbors, to the proposed site planning and landscaping including buffers, to its accessibility of public transportation, to the close proximity of churches, medical facilities and other commercial, educational, and recreational activities.
- 5.1.3.16.13 **AFFORDABLE HOUSING IN ILUWMU DEVELOPMENTS.**  
A minimum of ten percent (10%) of the residential dwelling units in any ILUWMU development must be deed restricted as affordable units in accordance with the provisions of Connecticut General Statutes Section 8-30g. A residential dwelling unit that is restricted in price so as to be affordable to households earning no more than eighty percent (80%) of the area median household income as calculated by the U.S. Department of Housing and Urban Development (HUD). The deed restrictions shall be for a minimum of forty (40) years. All Affordable housing dwelling units shall be constructed of a similar quality as market rate dwelling units within the ILUWMU. In conjunction with an application for Site Plan approval, the applicant shall submit an "Affordability Plan" for the ILUWMU development. The Affordability Plan shall describe how the regulations governing the affordability of the Affordable units will be

administered. The Affordability Plan shall include provisions regarding notice of availability of the Affordable residential dwelling units, procedures, procedures for verification and periodic confirmation of household income, and compliance with other affordability requirements.

5.1.3.16.14 Unless otherwise specified above, conformance with all requirements of the IL-30 District and all other applicable provisions of the Zoning Regulations is required.

5.1.3.16.15 ADAPTIVE REUSE TO ILUWMU DEVELOPMENTS. In recognition of the environmental and historical benefits of preserving existing buildings located on site in the IL-30 District, an existing building contained therein may be converted to use as an ILUWMU Development in accordance with this Regulation subject to the following allowances and conditions:

The bulk standards contained in Section 5.1.3.16.1 shall apply, however the following reductions shall be permitted:

Minimum Lot Area, Sq. Feet	40,000
Minimum Lot Width, Feet	100
Maximum Height, Feet	48

The Commission shall make a determination that the existing building and its environs and surrounding uses will be suitable for ILUWMU conversion and the conversion will not adversely impact the character of the neighboring environs.

sharepoint/durante/ILUWMU.amendment.revised.cleancopy.7.30.14



## **Economic Development, TOD, Smart Growth, Transportation, Arts, Culture and Historical Resources Focus Group held June 29, 2017**

**In attendance:** Annemarie Sliby, Orange EDC; Carol Smullen, Orange Chamber; Daniel Fitzmaurice, Arts Council of Greater New Haven; Mary Bigelow, League of Women Voters East Shore; Tim Ryan, Wallingford ED; Sue Rapini, Greater New Haven Chamber; Miriam Brody, League of Women Voters Hamden/ North Haven; Dee Prior-Nesti; Christopher Soto, East Haven planning; Karla Lindquist, New Haven Planning; Susmitha Attota, New Haven Planning; Barbara Malmber, REX; Juliet Burdelski, Meriden ED; Carey Duques, North Branford Planning; Julie Nash, Milford ED; Carl Amento, SCRCOG; Eugene Livshits, SCRCOG, Rebecca Andreucci, SCRCOG; Rebecca Augur, MMI; Nick Armata, MMI

### **Discussion Summary:**

- Towns are competing to grow their tax bases, but also marketing themselves as part of a greater region
- Opportunities to grow manufacturing, industrial base; however run up against workforce limitations
- Need a workforce development strategy, especially for urban communities – access to good paying jobs limited by lack of public transportation
- Unique strategies are currently being used by workforce development agencies in the region; e.g. Workforce Alliance grant for Uber to assist getting low-income people to job interviews
- Need to align transit and transportation with employment opportunities
- Having a solid future land use strategy critical for economic development – serve the greatest amount of people, connect people to jobs and educational opportunities
- We have large amounts of vacant office space throughout the area and we expect this pattern to only increase in the future – how can these be repurposed?
- Need to improve the quality of life in the area, which includes developing and promoting the area as rich in cultural institutions
  - When people look at the area and compare it to nearby cities like New York or Boston, there is much more appeal to live in those cities
  - Recruiting and retaining those in the creative class will help
  - Involve creative class in planning processes to help educate and connect with the public
- Need to diversify housing stock
- The communities in the region need to collaborate with one another in order to promote the area as the cultural and employment destination that it is
- Senior housing easier to get approved in some communities than dense market-rate or affordable housing

- Public education needed on what exactly affordable housing is and who it serves
  - We need to educate the public on the capacity of our existing infrastructure and resources, so that they are aware that affordable housing can be seamlessly integrated into the existing community fabric
- When development does occur, we need to make sure that it is incremental and that the new units can be fully absorbed
- Work with universities to develop talent based on the needs of regional employers - 90% of SCSU's graduates stay in the region
- Address the issue of "trailing spouses," who enter the region's workforce due to a relocation of their spouse, and who often take jobs designed for someone with a certificate or degree from a 2 year college, and for which they are often over-qualified
- All communities need to promote walkability in some form – create those destinations
- Encourage creative place making and public art
- Work with coastal communities to mitigate flood issues, as many employment and industry areas are impacted
- Growing industrial/manufacturing companies are leaving the City of New Haven as a result of space and parking constraints, and the costs associated with expanding in an urban environment (brownfields, historic preservation, land acquisition etc.) – need to work to understand the needs of these types of businesses
  - Opportunity for collaboration on regional space progression planning assistance support to connect growing industries with space and land available
- Opportunity for the region to get ahead of the curve on renewable energy and green technology planning – communities currently reacting to private proposals, rather than a thought-out plan to increase renewable energy resources throughout, especially to serve industry
- Agriculture is an important part of the region's past, present and future – a sector that is also diversifying and increasingly looking for more year-round activity
- Explore economic leakage in the area - understand what and where goods and services are coming from and make connections to possibly source them within the region
- Invest in the port of New Haven - an asset to the region and state
- Region does not capitalize on location on Long Island Sound – more opportunity to develop water-dependent businesses and/or waterfront activity
- Do not think of the area as a region that is isolated from other metropolitan areas - build on the fact that the region is situated between Boston, NYC, Hartford and Providence
- Need to better promote the host of cultural attractions available in the region, and ensure that we have a rich portfolio of cultural/ historic resources for all age groups

- Educate the public on the importance of sustainability, land use etc. – good role for the region to play
  - Opportunity to tie in the creative class
  - Planning needs to be more citizen focused and easier to understand/follow/engage
- NHHS commuter rail development is a great opportunity to help the region grow into the type of community that can attract residents of all ages - the region can help organize a collaborative effort by affected towns to market themselves and the system – perhaps tie in with Shoreline East commuter rail towns

## **Housing, Demographics, Institutions Focus Group held June 27, 2017**

**In attendance:** Cheryl Daniw, Merit Properties; Jed Backus, Backus Real Estate; Robert Roscow, Hamden Planning & Zoning; Sandy Leubner, State Dept. on Aging; Anne McKeon, North Haven Housing Authority; Susan Rubino, Hamden Youth Services; Dagmar Ridgway, Branford Senior Center; Amy Casavina Hall; Erik Johnson, New Haven Housing; Carl Amento, SCRCOG; Eugene Livshits, SCRCOG; Rebecca Andreucci; Nick Armata, MMI; Rebecca Augur, MMI

### **Discussion Summary:**

- Improvements to walkability / public transit in the region are needed
- Suburban/rural communities lack transportation services for low-income, elderly populations - isolated populations, limited access to amenities, recreation, employment
- Elderly population is living longer – affecting types and levels of need in housing assistance
- The Region needs a diverse housing supply that provides housing suitable to all stages of life
- Affordable housing and densification needs to occur in opportunity areas where housing, employment and transportation amenities can be expanded synergistically
- Local housing authority model is unsustainable – regionalization and diversification of portfolios needed
- Greater assistance needed for households at 61% to 100% of AMI – underserved by current federally funded housing programs
- Use alternative terms to discuss “affordable housing” to reduce social stigmas
- Encourage and explore unconventional, lower-cost housing options, such as micro units and apartments with shared common areas
- Densification within the region needed to make development projects financially viable, to attract and maintain businesses, and to serve the new workforce that tends to change employers more frequently

- Acknowledge and embrace location in close proximity to Boston, New York, Philadelphia and Washington D.C. - design transportation networks that support such collaboration
- The South Central Region needs to continue to invest in its excellent school systems – and work on maintaining students in state beyond graduation
- Adapt and adjust to new outreach methods that will allow for greater engagement of Millennials in planning processes
- The SCRCOG area (and State) need to continue to encourage regional cooperation for shared services
- The State’s tax policies are no longer sustainable with towns competing against one another
- SCRCOG could foster greater cooperation among anchor institutions, housing, workforce development, and philanthropic agencies on addressing housing, employment and transportation needs, and advocating for appropriate local, regional and state policies
- Encourage apprenticeship programs in collaboration with local community colleges, local manufactures and corporations - in accessible locations