CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY
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MEMORANDUM

TO: Comprehensive Plan Committee
FROM: Carl J. Stephani, Executive Director

DATE: September 29, 2010

FOR AGENDA: October 7, 2010

SUBJECT: CT Water Works Assoc. Coalition letter regarding Stream Flow Regulations

On September 14, 2010, we received the attached email and letter from a lobbyist working for the American Water Works Association (AWWA) inviting the Agency to sign the letter which states objections to CT DEP proposed revisions to the State's stream flow regulations. The AWWA, along with CCM and COST, feel that these new regulations will have a negative impact on the State's economic development situation. On the other hand, the Rivers Alliance, Trout Unlimited, The Nature Conservancy, and others are supportive of the regulations for the salutary effect they believe they will have on the State's environment (see attachments). The State's Legislative Regulation Review Committee will be meeting on October 26th to consider acting on these proposed regulations.

This is a very complex issue which may not be able to be adequately addressed in a single meeting. On that basis, it is my

RECOMMENDATION

that your Committee

Recommend that the Agency Board consider either:

1. Taking no position on these proposed regulations;
2. Supporting the AWWA letter opposing these regulations;
3. Supporting the approval of the proposed regulations; or,
4. Appointing a special committee of interested Board members, delegating authority to them to prepare an Agency position on the proposed regulations, and to submit a statement of that position to the Legislative Regulation Review Committee on, or before, the Committee's October 26th meeting.

Discussion

Additional information on this issue is available at:
http://www.ct.gov/dep/lib/dep/water/watershed_management/flowstandards/hearing_report_final_8_16_10.pdf

cc: Agency Board
Attachment(s): DEP NOA & Info Summary
AWWA Email & letter
Trout Unlimited testimony

From: garallc@hotmail.com [mailto:garallc@hotmail.com] **On Behalf Of** Elizabeth Gara
Sent: Tuesday, September 14, 2010 12:00 AM
To: Lyle Wray; Carl Stephani; linda@crerpa.org; pdorpalen@cogcnv.org; mnielson@gbrpa.org; jchew@hvceo.org; lhceo1@snet.net; john.filchak@neccog.com; nwccog1@snet.net; camento@scrcog.org; jbutler@seccog.org; lapp@swrpa.org; rdunne@valleycog.org; director@wincog.org
Subject: STREAM FLOW REGULATIONS & YOUR REGION

The legislature's Regulations Review Committee is scheduled to vote on the state Department of Environmental Protection's (DEP) proposed stream flow regulations on October 26. Although DEP revised the regulations, the water industry, led by the Connecticut Water Works Association (CWWA), continues to be **concerned that the revised regulations will significantly increase the cost of public water supplies and severely limit the amount of water available for business expansion and construction in many communities. In addition, the regulations represent a significant unfunded mandate on the state's towns and cities, particularly those served by municipal water departments.**

Please review the attached letter and let me know if your organization is willing to sign on to the letter. The Connecticut Council of Small Towns (COST) and the Connecticut Conference of Municipalities (CCM) have already signed on. We also anticipate that several mayors and first selectmen who testified in opposition to the proposed stream flow regulations because of the impact to their community will sign on to the letter.

If you have any questions, we would be happy to meet with you to discuss the revised stream flow regulations more fully.

Thank you.

Please note our new address and telephone number!

Elizabeth (Betsy) Gara
CWWA
1245 Farmington Ave., Suite 103
West Hartford, CT 06107
Tel: (860) 841-7350
gara@gmlobbying.com

September 20, 2010

The Honorable Joan Hartley
The Honorable T.R. Rowe
Co-Chairs, Regulations Review Committee
Legislative Office Building
Hartford, CT 06106

Re: Proposed Stream Flow Regulations

Dear Senator Hartley and Rep. Rowe:

After extensive review and discussion, the organizations listed below representing businesses, agriculture, municipalities, recreational organizations and water companies, urge you to reject the state Department of Environmental Protection's (DEP) proposed stream flow regulations. Although we continue to support the intent of stream flow regulations – to protect the state's aquatic life while providing for the public health, safety, agricultural and economic development needs of the state – we do not believe the regulations achieve the necessary balance sought by the legislature.

While DEP has made a number of changes to the regulations following the public hearing, we continue to have fundamental concerns that the proposed regulations as currently drafted:

- Severely undermine the amount of water available to meet the existing and future public health and safety needs of residents and businesses in many communities;
- Impose costly, burdensome requirements and potentially disrupt operations of businesses heavily dependent on adequate water supplies, including farmers, golf courses, construction companies, manufacturers, car washes, ski areas, and amusement parks;
- Impose an unfunded mandate on municipalities served by municipal water departments who will be required to comply with the regulations;
- Result in or exacerbate water shortages in some communities, leading to potential moratoriums on construction and economic development;
- Significantly increase water rates by requiring modifications to dams, distribution systems and, in many communities, the development of new water supplies, new or expanded storage capacity, treatment facilities, etc.;
- Lead to frequent and lengthy water use restrictions on customers which may be disruptive for certain business operations and residents;
- Undermine Connecticut's economic recovery by imposing an unworkable regulation on public water supplies that will create barriers to economic development in a number of communities throughout Connecticut;
- Exceed the Act's legislative mandate by including the regulation of groundwater supplies;
- Create great uncertainty for the regulatory community by imposing very subjective standards for groundwater structures that will be left to the interpretation of DEP staff and will be difficult to assess or plan for; and
- Divert financial resources and capital investments away from needed water infrastructure improvements.

According to DEP's own data, less than 1% of the rivers and streams have documented low flow impairments. Despite the limited nature of the problem, the revised regulations impose a sweeping regulatory scheme on every river and stream in Connecticut which will cost ratepayers, municipalities and state agencies hundreds of millions of dollars in compliance costs.

Although DEP made a genuine effort to revise the regulations by extending the timeframe for compliance and reducing the number of releases throughout the year, those changes do not adequately address the fundamental concerns that have been raised throughout the process.

Finally, the process for the classification of streams and the enforcement provisions are significantly flawed in that they lack appropriate legal remedies or appeals for parties who are adversely affected.

We therefore urge you to reject the proposed regulations and direct DEP to continue to meet with stakeholders to develop a balanced, workable approach to stream flow regulation that addresses these fundamental concerns.

We look forward to discussing this issue with you at your convenience. If you have any questions, please contact Elizabeth Gara, Executive Director, Connecticut Water Works Association (CWWA) at 860-841-7350 or gara@gmlobbying.com.

Thank you.

Scott Ramsay
Connecticut Association of Golf Course Superintendents

Lelah Campo
Connecticut Associated Builders & Contractors (ABC)

Eric Brown
Connecticut Business & Industry Association (CBIA)

Kachina Walsh
Connecticut Conference of Municipalities

Matt Hallisey
Connecticut Construction Industry Association (CCIA)

Bart Russell, Executive Director
Connecticut Council of Small Towns (COST)

Jennifer Jennings, Executive Director
Connecticut Heating & Cooling Contractors (CHCC)

Elizabeth Gara, Executive Director
Connecticut Water Works Association (CWWA)

Jennifer Jennings, Executive Director
CT Plumbing Heating & Cooling Contractors (PHCC)

Louise DiCocco-Beauton
Greater New Haven Chamber of Commerce

William Ethier
Home Builders Association of CT

Lisa Hutner, Executive Director
Independent Electrical Contractors of New England

Frank Johnson
Manufacturers Alliance of Connecticut (MAC)

Andrew Markowski, State Director
National Federation of Independent Business

Robin Wilson, President
Quinnipiac Chamber of Commerce

Jack Condlin, Executive Director
Stamford Chamber of Commerce

Paul Formica, 1st Selectman
Town of East Lyme

Gregg Schuster, 1st Selectman
Town of Colchester

Faith Gavin Kuhn
Utility Contractors Association of Connecticut

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Department of Environmental Protection
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Hartford, CT 06106-5127

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Proposed Stream Flow Standards and Regulations

Revised August 17, 2010

The Connecticut Department of Environmental Protection is proposing Stream Flow Standards and Regulations in response to PA 05-142, enacted in 2005. This statute directed DEP to develop regulations, which would expand the coverage of the stream flow standards and regulations to include all rivers and streams, rather than only those stocked with fish, as was the case previously. The statute further directed DEP to develop standards that balance the needs of humans to use water for water supply, fire protection, irrigation, manufacturing, and recreation, with the needs of fish and wildlife, that also rely upon the availability of water to sustain healthy natural communities.

Highlights of the proposed Stream Flow Standards and Regulations include:

- Classification of all rivers and streams in Connecticut with public input,
- Use of best science to provide a framework based on the classification of all rivers and streams to balance the human needs for water supply, fire protection, irrigation, manufacturing, and recreation with the needs of fish and wildlife, that also rely upon the availability of water to sustain healthy, natural communities,
- An extended implementation timeframe for regulatory requirements to allow for any necessary infrastructure improvements and to encourage and support water planning and conservation efforts.

In short, the proposed Stream Flow Standards and Regulations are protective of Connecticut's river and stream systems, and promote better, more efficient management of our water resources and supplies, so that needs, both human and ecological, can be met today and in the future.

Progress on Regulation Development

Thus far CT DEP has:

- Initiated a stakeholder process through 3 workgroups (Science & Technical Workgroup; Policy & Implementation Workgroup; and Commissioner's Advisory Group) that developed the framework of the regulations over a 3 ½ year period;
- Drafted proposed Stream Flow Standards and Regulations;
- On October 13, 2009, issued a Public Notice of Intent to Adopt Regulations and to Hold a Public Hearing;
- Provided numerous public information meetings from October 13, 2009 – January 21, 2010;
- Held a public hearing on January 21, 2010. The public comment period was held open until February 4, 2010. 68 individuals provided oral testimony and 380 provided written comment.
- The extensive public comment has been taken into consideration, and revisions were made to the proposed regulations.
- The revised regulations were submitted to the Attorney General for a legal sufficiency review,
- A Notice of Availability of the revised regulation and the hearing report was issued on August 17, 2010. The hearing report contains a statement of the principal reasons in support of the Department's action, and the principal considerations in opposition to the Department's intended action

» LOGIN

as urged in written or oral comments on the proposed regulation and its reasons for rejecting such considerations.

These documents are available below. Submission of the revised regulations to the Legislative Regulation Review Committee is anticipated in early September, 2010.

Post-Hearing Regulatory Process Documents NEW

Notice of Availability (PDF) (August 17, 2010)

Summary of the Major Revisions to the Regulations in Response to Comments (PDF) (August 17, 2010)

Final Proposed Regulations, (PDF) (August 26, 2010 – includes minor modification correcting clerical error – for explanation, see 8/26/10 Addendum in Hearing Report)

Hearing Report, (PDF) (August 16, 2010)

Revised Table Summary of Stream Flow Regulations (PDF) (August 17, 2010)

Questions and Answers About the Proposed Streamflow Regulations (PDF) (August 17, 2010)

Pre-Hearing Regulatory Process Documents

Public Notice of Intent to Adopt Stream Flow Standards and Regulations and to Hold a Public Hearing (October 13, 2009)

Proposed Regulations (PDF) (October 13, 2009)

Fiscal Impact Statement (PDF) (October 13, 2009)

Small Business Regulatory Impact and Regulatory Flexibility Analysis (PDF) (October 13, 2009)

Data Links NEW

"Regional Regression Equations to Estimate Flow-Duration Statistics at Ungaged Stream Sites in Connecticut," U.S. Geological Survey Scientific Investigations Report 2010-5052, by Elizabeth A. Ahearn.

Background Documents

Stream Flow: The Next Two Decades (PDF) (January 29, 2009)

Balancing Water Use for Future Generations (PDF) (October 13, 2009)

Stream Flow Proposal Timeline (PDF) (October 13, 2009)

Guidelines for Evaluating Streamflow Depletion from Groundwater Withdrawals (PDF) (December 17, 2009) Groundwater withdrawals do not necessarily impact nearby streamflow at a rate equivalent to the well withdrawal rate. Although directly connected, a number of factors influence where along the stream, when, and by how much streamflow will be reduced by pumping groundwater. These draft guidelines were developed to assist water users in evaluating how their individual groundwater withdrawal impacts streamflow.

BUREAU OF WATER PROTECTION AND LAND REUSE
PLANNING & STANDARDS DIVISION

JAN 26 2010

EXHIBIT
70

CANDLEWOOD VALLEY CHAPTER
P.O Box 3795, Danbury, CT 06810

Mr. Paul E. Stacey
Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Planning and Standards Division
79 Elm Street
Hartford, CT 06106-5127

Re: Support for revised stream flow standards

Dear Mr. Stacey:

The Candlewood Valley Chapter of Trout Unlimited (CVTU) supports DEP's efforts to revise stream flow standards. You have taken the time to craft a truly workable framework to set standards on all Connecticut's waterways. We point specifically to these positive provisions:

1. The necessary work of classification of streams will be a thoughtful and public process
2. New standards will be phased in, giving all involved time to adjust to changes
3. The several exemptions included recognize the realities of water management
4. The drought and flood triggers and the procedure to apply for variances provides great flexibility
5. The option of adopting a Flow Management Plan as an alternative to specific requirements adds even more flexibility.
6. No conflict will occur with existing flow management plans or with FERC approved plans.

We are also pleased that these revised standards address groundwater withdrawals. The majority of our suburban and rural residents depend on groundwater because Connecticut law presently prohibits drinking water to be taken from surface water systems, such as our lakes and larger rivers, that receive certain discharges. That puts enormous pressure on ground water reserves and on those few clear streams that receive no discharges and which often support wild trout.

But there are areas where the proposed regulations should be strengthened, particularly when it comes to urban rivers which will likely be designated as Class 4 rivers.

It is my understanding that such a classification will remove all of the stream flow protections from such rivers, severely limiting any chance that such streams can remain viable habitat for trout.

Just as the proposed regulations recognize that a one-size fits all approach is not the best solution and encourage individual flow management plans, they must also recognize that all urban rivers are not the same, and that even degraded rivers can be rehabilitated and restored. I encourage you to put in place

minimum standards, or a sliding scale within the Class 4 designation that would ensure the river's current health and level of aquatic life is sustained while measures are taken to improve the habitat further.

As an active and involved Trout Unlimited member, I know that restoration efforts can be successful at improving rivers throughout the state. I know that there is a strong desire to protect our rivers and a will to work together, as conservationists, to work to restore them.

Please allow us the opportunity to make such improvements in our urban streams. Class 4 rivers can be brought back, but we need the water flows to be there to sustain the current level of life and allow for upstream passage once we have improved the habitat.

In closing, the Proposed Stream Flow Standards and Regulations represent an important step in ensuring an abundant supply of water for human use while protecting the ecological needs and recreational enjoyment of Connecticut's rivers and streams.

Balancing these needs is a difficult task, and the proposed regulations admirably create a standard that accounts for that balance.

I would ask that you carefully consider the proposed regulations in light of these and other public comments, with particular attention paid to the classification process, the need to provide at least minimal protection to Class 4 streams and the importance of including within the regulations a specific avenue for improving stream ecology.

CVTU often has to highlight the critical nature of our water resources when we make public comment. At this time in Connecticut however, we believe that everyone recognizes the need to manage the flow and availability of water. The proposal you are making to revise stream flow standards is creative and balanced. CVTU supports your efforts.

Yours truly,

Doug Peterson
VP Grants and Government Relations

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TO: Comprehensive Plan Committee
FROM: Ethan Abeles, Planner
DATE: September 27, 2010

RECEIVED BY CCRPA ON: September 20, 2010
REFERRAL NAME: Proposed Auto Related Use Zone Amendment

INITIATOR: Newington Town Plan and Zoning Commission
MUNICIPAL HEARING: Wednesday, October 27, 2010
REFERRED TO: CCRPA

DESCRIPTION: An amendment to the Special Exceptions Permitted in PD Planned Development Zone code of the Newington Zoning Regulations has been proposed. This amendment to Section 3.19 of the Code would allow Auto Related Uses such as service and repair of motor vehicles by Special Exception.

COMMENTS:
No comments about this proposal have been received from any neighboring town.

STAFF RECOMMENDATION
That this proposal be found Not In Conflict with the Regional Plan of Conservation and Development or any other Agency plan.

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

John Salomone
Town Manager

Edmund J. Meehan
Town Planner

CERTIFIED MAIL NO. 7160 3820 3530 0937 6391

Notice of Inter-Town Zone Referral

To:	Central Connecticut Regional Planning Agency
From:	Newington Town Plan and Zoning Commission – Ed Meehan, Town Planner EM
Date:	September 15, 2010
Re:	Zoning Referral Notice Section 83.3 (b) Petition 33-10 Hearing Date 10-27-2010

Notice is given that the Newington TPZ has been petitioned to amend the Zoning Regulations to permit by Special Exception auto related uses in the PD Planned Development Zone Districts.

In May 2010 the Newington Town Plan and Zoning Commission made referral of a similar zone amendment, Petition 13-10, to permit by Special Exception auto related uses in the B Business Zones.

This zone amendment petition was denied August 25, 2010. On August 31, 2010, a revised zone amendment petition requesting to permit auto related uses in the PD Planned Development Zone Districts was submitted (attached).

The PD Planned Development District abuts the Town of Berlin at the Berlin Turnpike and Rowley Street; the Town of Berlin and City of New Britain at Kelsey Street and Christian Lane; and the City of New Britain at Fenn Road and Route 9.

Attachment: Proposed Auto Related Use Zone Amendment Section 3.19.4.

Phone: (860) 665-8575 Fax: (860) 665-8577
planning@newingtonct.gov
www.newingtonct.gov

PROPOSED AMENDMENT TO NEWINGTON ZONING REGULATION

Purpose of the amendment is to allow auto related uses in the PD Planned Development Zone by Special Exception.

Amendment to:
Section 3.19 Special Exceptions Permitted in PD Planned Development Zone

3.19.4 Auto Related Uses such as, service and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 and 5.2 of these regulations.

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TO: Comprehensive Plan Committee
FROM: Ethan Abeles, Planner
DATE: September 27, 2010

RECEIVED BY CCRPA ON: September 16, 2010
REFERRAL NAME: Comprehensive Revision of the City of Waterbury Zoning Regulation and of the City of Waterbury Zoning Map

INITIATOR: City of Waterbury
MUNICIPAL HEARING: Wednesday, October 22, 2010
REFERRED TO: CCRPA

DESCRIPTION: The regulation amendments have been initiated by the Inland Wetlands and Watercourses Commission of the City of Waterbury. The highlights to the Zoning Regulation as identified by the City of Waterbury planning staff are:

- Consolidated Use Categories
- Two new Zoning Districts: Commercial Office (CO) and Limited Industrial (IL)
- Significant changes to the character of two Districts: General Commercial (CG) and Residential/Office (RO)
- Mixed uses are allowed to a greater extent
- Differentiation between a Zoning Certificate of Compliance and a Zoning Permit
- The role of the ZBA has been limited to variances, appeals and nonconformities
- Special exceptions can be made by the Planning Commission
- Special permits can be granted by the Zoning Commission
- Shared parking is now allowed
- Parking requirement has been revised and there is no such requirement in the CBD
- Improved stormwater and erosion sedimentation control regulations
- Outdoor lighting standards have been included

COMMENTS:
No comments about this proposal have been received from any neighboring town.

STAFF RECOMMENDATION
That this proposal be found Not In Conflict with the Regional Plan of Conservation and Development or any other Agency plan.

THE CITY OF WATERBURY, ZONING COMMISSION

DATE: SEPTEMBER 15, 2010

TO: Central Conn. Regional Planning Agency
225 North Main Street, Suite 304
Bristol, Connecticut 06010-4993

SEP 16 REC'D

FROM: CITY OF WATERBURY, ZONING COMMISSION

RE: NOTICE OF REGULATION AMENDMENTS INITIATED BY THE ZONING COMMISSION OF THE CITY OF WATERBURY.

In accordance with CGS 8-7d you are notified that the Zoning Commission of the City of Waterbury has initiated the process to amend the Zoning Regulation and Zoning Map for the City of Waterbury. The description of the proposed actions as well as the date time and location of the public hearing are noted below.

WATERBURY ZONING COMMISSION
NOTICE OF PUBLIC HEARING

Date: Wednesday, October 22, 2010
Time: 6:55 PM
Place: Chase Building First Floor Conference Room, Room 116
236 Grand Street, Waterbury, Ct

Notice is hereby given that the following Public Hearing will be held before the Members of the Zoning Commission at the above date, time and place:

Comprehensive Revision of the City of Waterbury Zoning Regulation and of the City of Waterbury Zoning Map

Copies of the proposed regulations are on file and available for public inspection in the Office of the City Plan Department, 26 Kendrick Street, 2nd Floor, Waterbury, Connecticut. 06702. The Proposed Zoning Regulation can be view by following the link below:

http://www.waterburyct.org/filestorage/458/551/Waterbury-Zoning-Regulations-with-Ammendments.07-08-2010.rev003.pdf

The Proposed Zoning Map can be view by following the link below:

http://www.waterburyct.org/filestorage/458/551/Proposed-Zoning-Map.07-28-2010.Addresses.rev003.pdf

ATTEST:

James A. Sequin, AICP
City Planner

THE CITY OF WATERBURY, INLAND WETLANDS AND WATERCOURSES COMMISSION

DATE: SEPTEMBER 15, 2010

TO:

Central Conn. Regional Planning Agency
225 North Main Street, Suite 304
Bristol, Connecticut 06010-4993

FROM: CITY OF WATERBURY, INLAND WETLANDS AND WATERCOURSES COMMISSION

RE: NOTICE OF REGULATION AMENDMENTS INITIATED BY THE INLAND WETLANDS AND WATERCOURSES COMMISSION OF THE CITY OF WATERBURY.

In accordance with CGS 8-7d you are notified that the Inland Wetlands and Watercourses Commission of the City of Waterbury has initiated the process to amend the Land Subdivision Regulation for the City of Waterbury. The description of the proposed actions as well as the date time and location of the public hearing are noted below.

WATERBURY INLAND WETLANDS AND WATERCOURSES COMMISSION NOTICE OF PUBLIC HEARING

Date: Wednesday, November, 3, 2010
Time: 6:55 PM
Place: Chase Building First Floor Conference Room, Room 116
236 Grand Street, Waterbury, Ct

Notice is hereby given that the following Public Hearing will be held before the Members of the Inland Wetlands And Watercourses Commission at the above date, time and place:

Comprehensive Revision of the City of Waterbury Inland Wetlands And Watercourses Regulations

Copies of the proposed regulations are on file and available for public inspection in the Office of the City Plan Department, 26 Kendrick Street, 2nd Floor, Waterbury, Connecticut. 06702. The Proposed Inland Wetlands and Watercourses Regulations can be viewed by following the link below:

http://www.waterburyct.org/filestorage/458/551/Proposed-Inland-Wetlands-and-Watercourses-Regulations.08-01-2010.pdf

ATTEST:

James A. Sequin, AICP
City Planner

THE CITY OF WATERBURY, CITY PLAN COMMISSION

DATE: SEPTEMBER 15, 2010

TO: Central Conn. Regional Planning Agency
225 North Main Street, Suite 304
Bristol, Connecticut 06010-4993

FROM: CITY OF WATERBURY, CITY PLAN COMMISSION

RE: NOTICE OF REGULATION AMENDMENTS INITIATED BY THE CITY PLAN COMMISSION OF THE CITY OF WATERBURY.

In accordance with CGS 8-7d you are notified that the City Plan Commission of the City of Waterbury has initiated the process to amend the Land Subdivision Regulation for the City of Waterbury. The description of the proposed actions as well as the date time and location of the public hearing are noted below.

WATERBURY CITY PLAN COMMISSION
NOTICE OF PUBLIC HEARING

Date: Wednesday, November, 10, 2010
Time: 5:25 PM
Place: Chase Building First Floor Conference Room, Room 116
236 Grand Street, Waterbury, Ct

Notice is hereby given that the following Public Hearing will be held before the Members of the City Plan Commission at the above date, time and place:

Comprehensive Revision of the City of Waterbury Land Subdivision Regulation

Copies of the proposed regulations are on file and available for public inspection in the Office of the City Plan Department, 26 Kendrick Street, 2nd Floor, Waterbury, Connecticut. 06702. The Proposed Land Subdivision Regulation can be viewed by following the link below:

http://www.waterburyct.org/filestorage/458/551/Proposed-Subdivision-Regulations.08-11-2010.rev003.pdf

ATTEST:

James A. Sequin, AICP
City Planner/Secretary

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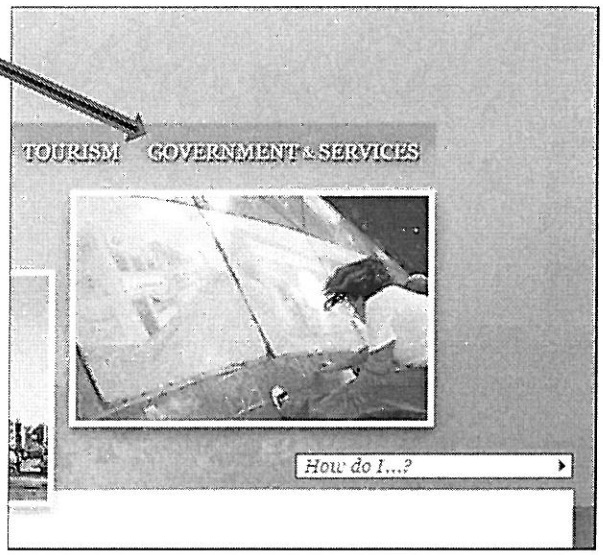

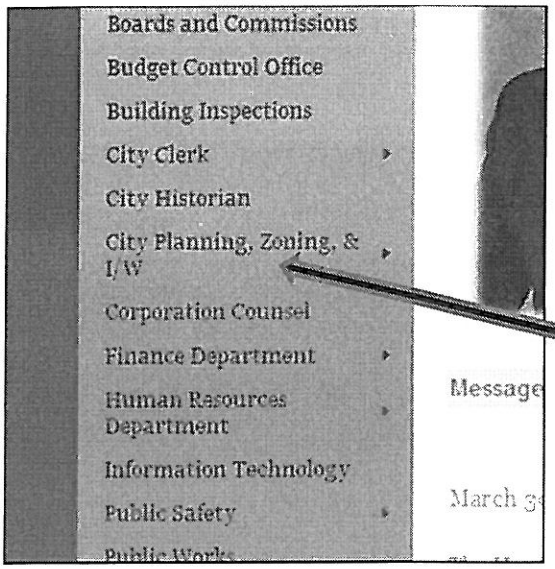

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TO: COMPREHENSIVE PLAN COMMITTEE
FROM: ETHAN ABELES, PLANNER
DATE: September 29, 2010

RECEIVED BY CCRPA ON: September 29, 2010
REFERRAL NAME: Thomaston proposed amendments to the Zoning Regulations

INITIATOR: Town of Thomaston
MUNICIPAL HEARING: October 6, 2010
REFERRED TO: CCRPA

DESCRIPTION: The Thomaston Planning and Zoning Commission has initiated a number of proposed amendments to the Town's Zoning Regulations. These amendments affect four Articles of the Code: Home Occupations, Text Amendments, Signs, and Definitions. For Article XXIV ***Home Occupations*** Sections 24.9 and 24.10 (Enforcement and Home Occupations) are deleted and a new three-part Section 24.9 (Home Occupations A., B., C.) is added. Under Article XV ***Amendments*** Sections 15.3 (Zone Change) and 25.4 (Petitions to amend Zoning Regulations or the Map) are deleted, and new Sections 15.1 (Amendments), 15.2 (Petitions for Change), 15.3 (Supporting Information), and 15.4 (Advisory Reports) are inserted. Two new sections are added to Article VII ***Signs***: Sections 8.6 (Sponsorship signs) and 8.7 (Street Banners). One new section is put into Article II ***Definitions***: Section 2.52 Sponsorship Signs.

COMMENTS: No comments have been received from any neighboring town.

STAFF RECOMMENDATION: CCRPA recommends that this proposal be found ***Not in Conflict*** with the Regional Plan of Conservation and Development or any other Agency plan.

LEGAL NOTICE
PUBLIC HEARING
TOWN OF THOMASTON
PLANNING AND ZONING COMMISSION
PROPOSED TEXT AMENDMENTS TO THE ZONING REGULATIONS

CERTIFIED MAIL

SEP 2 9 REC'D

Carl Stephani
Executive Director
Central Connecticut Regional Planning Agency
225 North Main Street
Bristol, Connecticut 06710-4493

September 27, 2010

The Planning and Zoning Commission of the Town of Thomaston, Ct will hold a public hearing on Wednesday, October 6, 2010 at 7:00 pm in Meeting Room #1, Fourth Level, Thomaston Town Hall, 158 Main St., Thomaston, CT on the following proposed amendments to the Zoning Regulations as follows:

ARTICLE XXIV Home Occupations

ARTICLE XV Text Amendments

ARTICLE VII Signs

ARTICLE II Definitions

Applicant: Thomaston Planning and Zoning Commission
158 Main Street
Thomaston, CT 06787

A copy of the proposed text amendments and legal notices are attached for your review. Please contact me at (860) 283-8411 or via email mbarton@thomastonct.org if you have any questions.

Sincerely yours,

Mary Barton
Zoning Enforcement Officer

LEGAL NOTICE
TOWN OF THOMASTON
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
TEXT AMMENDMENT TO THE ZONING REGUALTIONS AND ZONING MAP

The Planning and Zoning Commission, Thomaston, CT will hold a public hearing on Wednesday October 6, 2010 at 7:00 P.M. Thomaston Town Hall, Meeting Room #1, Fourth Level,158 Main Street, Thomaston, CT to amend the Zoning Map and the text of the Zoning Regulations as follows:

Zoning Map Amendment
Add to the **Thomaston Zoning Map the Level A Aquifer Protection Mapping encompassing the area of contribution and recharge areas approved by the Commissioner of the CT DEP as required by the CT General Statutes**

ARTICLE XXIV **HOME OCCUPATIONS**

Delete Section 24.9 **Enforcement**
Delete Section 24.10 **Home Occupations**
Add New Section 24.9 **Home Occupations**
Sections 24.9 A. B. C.

ARTICLE XV **AMENDMENTS**
Delete Section 15.3 **Zone Change**
Delete Section 25.4 **Petitions to Amend Zoning Regulations or the Map**
Add New Sections
Section 15.1 **Amendments**
Section 15.2 **Petitions for Change**
Section 15.3 **Supporting Information**
Section 15.4 **Advisory Reports**

ARTICLE VII **SIGNS**
Add New Sections
New Section 8.6 **Sponsorship signs**
New Section 8.7 **Street Banners**

ARTICLE II **DEFINITIONS**
Add New Section **2.52 Sponsorship Signs**

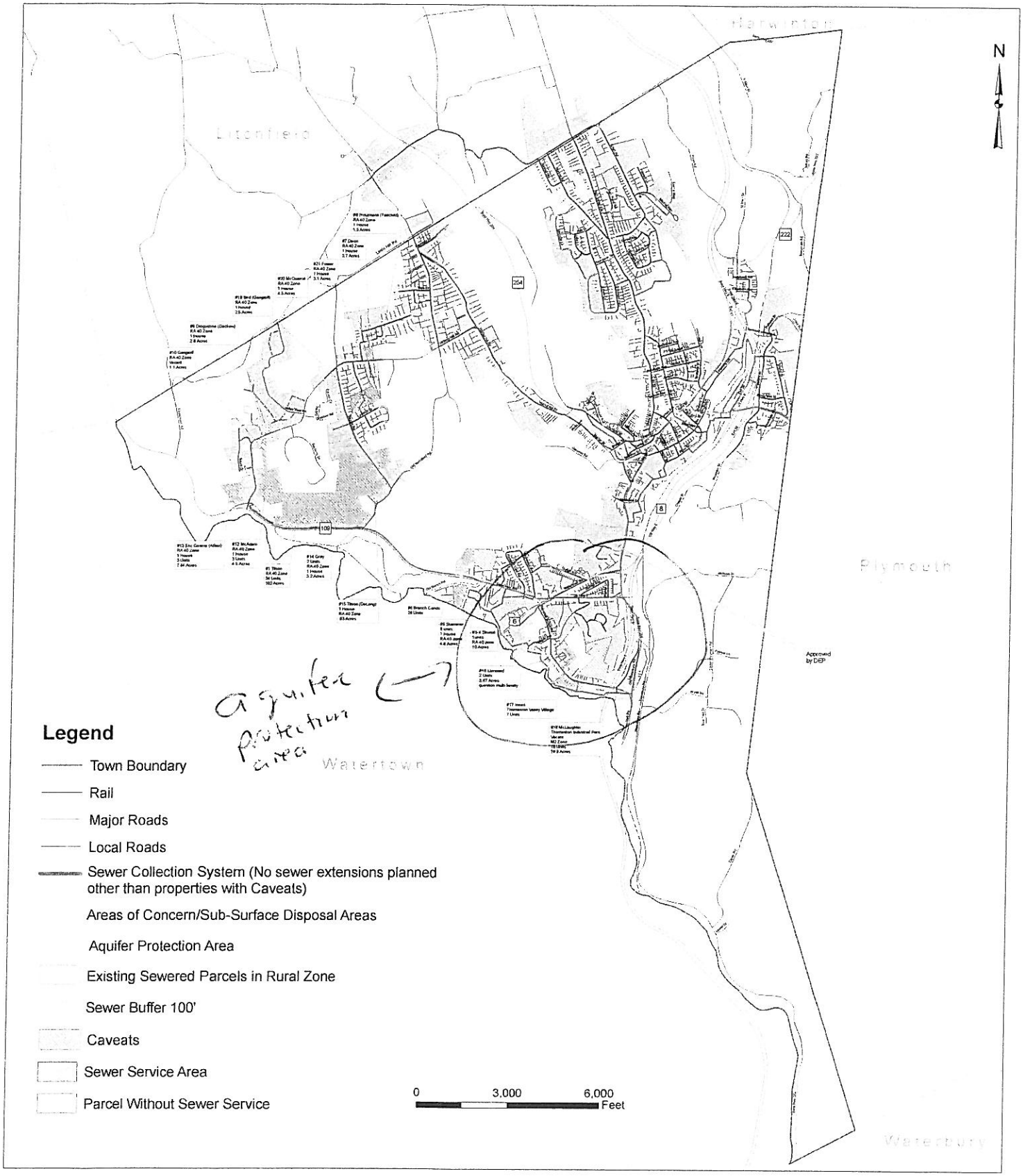
Applicant: Thomaston Planning and Zoning Commission
Thomaston Town Hall
Building and Land Use Office
158 Main Street
Thomaston, CT

At this hearing interested persons may appear and be heard and written communications received. A copy of the application is on file in the Land Use Office and the Office of the Thomaston Town Clerk, Thomaston Town Hall, Third Level, 158 Main Street, Thomaston, CT, Mon., Tues., Wed. 8:00AM To 4:00 PM, Thurs. 8:30 AM to 6:00PM, Fri.8:30 am to 12 noon.

Dated at Thomaston, CT this 30th day of September 2010

William Guerrera
Chairman
Thomaston Planning and Zoning Commission

Thomaston Aquifer Protection Map



Source: "Roads" c1984 - 2009 Tele Atlas Rel 02/09
"Sewer System" Thomaston 11-29-07

For general planning purposes only. Delineations may not be exact

April 2010

COUNCIL OF GOVERNMENTS
CENTRAL NAUGATUCK VALLEY

Level A Mapping for the Town of Thomaston

Connecticut Water Company Reynolds Bridge Well Field

Legend

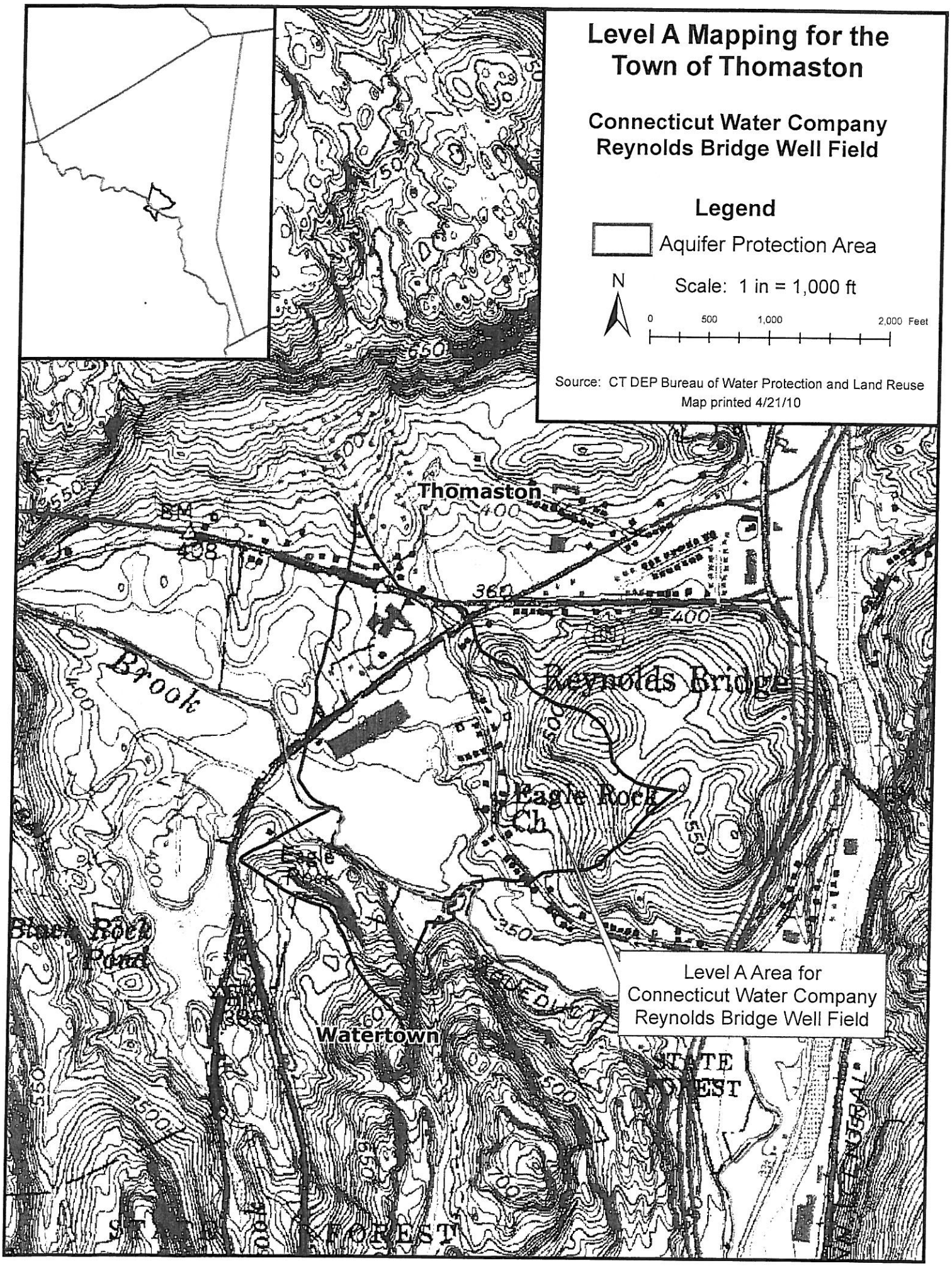
Aquifer Protection Area

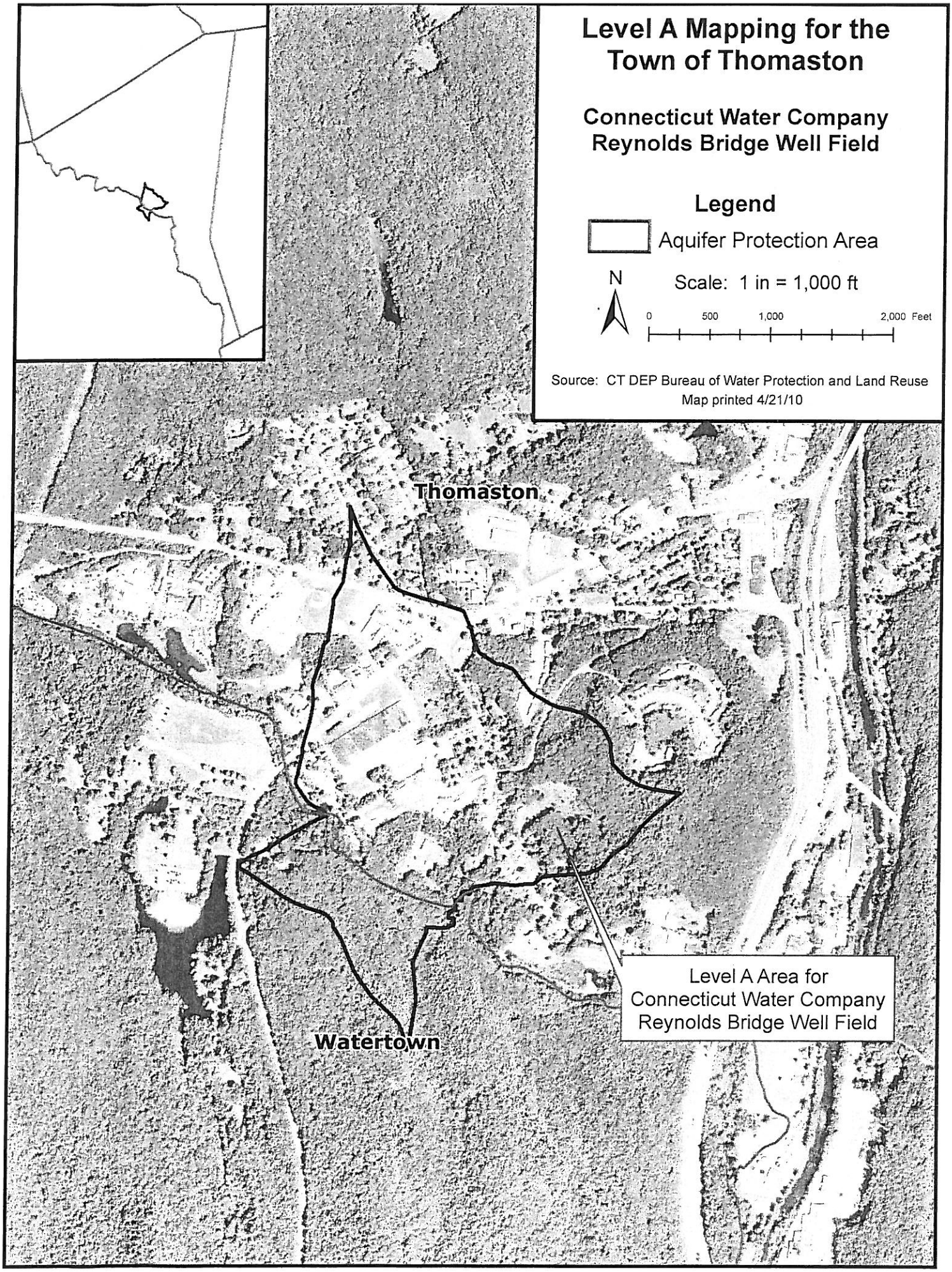
N

Scale: 1 in = 1,000 ft

0 500 1,000 2,000 Feet

Source: CT DEP Bureau of Water Protection and Land Reuse
Map printed 4/21/10




Level A Mapping for the Town of Thomaston
Connecticut Water Company Reynolds Bridge Well Field
Legend
Aquifer Protection Area
N
Scale: 1 in = 1,000 ft
0
500
1,000
2,000 Feet
Source: CT DEP Bureau of Water Protection and Land Reuse
Map printed 4/21/10
Thomaston
Watertown
Level A Area for Connecticut Water Company Reynolds Bridge Well Field

UNDERLINED WORDS ARE PROPOSED TO BE DELETED FROM THE REGULATIONS
ITALISIZCED WORDS ARE ADDITIONS TO THE REGUALTIONS

Article XXIV – Home Occupations

24.1 General Requirement

Home occupations shall be located in residential units and the owner shall obtain a Special Permit. The purpose of this regulation is to protect neighborhoods from adverse impacts of certain activities while permitting other residents the reasonable use of their property and homes.

24.2 General Provisions

Except as may be permitted, home occupations shall be operated in such a way so as not to display any overt characteristic or appearance of a business which would infringe upon the lawful right or privilege of others to enjoy the peaceful use of their residential units.

Home occupations shall not permit the outside storage of equipment or materials. Window displays designed to be seen from the exterior of the dwelling are not permitted.

Occupations shall not cause any intolerable amounts of noise, dust, vibrations, odors or noxious fumes to leave the premises other than which can normally be associated with or produced by a single family dwelling unit. They shall not use mechanical or electrical equipment which will create interference with radio or television receivers or cause fluctuations in line voltage off the premises. Occupations shall not interfere with the normal delivery of utilities or other customary services to the neighborhood.

24.3 Abutting Property Owners

The applicant shall provide the Commission with the names and addresses of all abutting property owners and those across the street on a list and on self-addressed stamped envelopes.

24.4 Number of Occupations and Location

Only one (1) occupation shall be permitted to operate at any time in the dwelling. Permits are non-transferable to new owners or to new locations.

24.5 Vehicular Circulation and Parking

Home occupations shall not cause significantly larger traffic volumes than would normally be expected. Activities shall not create safety hazards or cause traffic congestion to residents. Occupations shall keep delivery and pick-up of materials to and from the premises to an absolute minimum. Permit holders should encourage customers to park vehicles only in areas permitted by law. The Commission may request additional information from other agencies involved in public safety to determine if off-street parking should be required for vehicles.

24.6 Employees

Home occupations shall be operated by members of the family residing in the unit. Persons engaged in construction trades or other similar fields may utilize their unit as an office for business activities. Work must be performed off the premises. The home shall not serve as a gathering place or staging area for employee parking.

24.7 Signs and Advertising
Signs shall be flush-mounted to the side of the dwelling and not exceed two (2) square feet. Signs shall display only the name of the resident owner and the type of business conducted in the premises. The permit holder shall be required to obtain a sign permit.

24.8 Classes and Instruction
Class size shall not exceed more than two (2) students. Classes may be permitted up to a maximum of four (4) students if the Commission determines that additional traffic will not be generated. The limiting of class size shall not be construed to prohibit occasional exceptions for recitals of other similar gatherings. Class shall be scheduled a minimum of thirty (30) minutes apart to help mitigate traffic congestion.

24.9 Enforcement
Any party, who feels aggrieved by an action pursuant to this section, shall notify the Enforcement Officer in writing and detail the alleged violation. Within thirty (30) days after receipt of such notice, the Enforcement Officer shall investigate. Within ten (10) days after completing the investigation, the Zoning Officer shall notify the aggrieved party by Certified Mail, the findings of the investigation.

The notification shall state the reasons for the decision and specify a time frame for compliance. It shall also state what action will be taken if compliance is not forthcoming. Any person aggrieved by the decision of the Zoning Officer may appeal that decision to the Board of Appeals.

24.9 10 Home Occupations
The following uses are permitted as occupations:

A. *arts* and craft for sale off-site, data and word processing, catalog direct sales and distribution off-site, professional sales insurance, consulting services, broker, real estate, home grown produce, gardening and landscaping for sale and distribution off-site, telephone solicitation, doctor, accountants, investors, designers, financial planners, architects, planners and engineers.

B. *Studios of artists and musicians provided no retail sales are made on the premises unless such sales are authorized under this Section. In addition to being located in principal buildings, studios may also be located within accessory buildings provided that such buildings do not contain cooking facilities and that studios located in such accessory buildings are for the use of the residents of the premises, as opposed to the public and further provided that no use occupies an area greater than 50% of the floor area of the principal building.*

C. *Sale of objects of arts and crafts, including without limitation, paintings, woodcarvings, ceramics and sculptures provided that such objects are created or made entirely on the premises or items that are incidental to the art or craft; skilled trades such as watch*

repair and small appliance repair provided, however, that only those sales of parts and equipment essential to the performance of the trade are permitted; and the sale of antiques. In addition to being located in principal buildings, the above home occupations may be located within accessory buildings provided that no such use occupies an area greater than 50 % of the floor area of the principal building and the accessory building does not contain any cooking facilities.

The following uses are not permitted as occupations: video sale and distribution, retail sales establishments, automobile sale and repair, painting, parts and service, appliance repair including television and radio, private clubs, beauty salons, barber shops, exercise studios, massage parlors, gyms, welding or metal shops, firearms, ammunition and explosives.

The Commission recognizes that it is impossible to list all permitted and non-permitted home occupations. The Commission will make a determination of the merits of each application after conducting a public hearing and soliciting comments from adjacent property owners and public safety officials.

UNDERLINED WORDS ARE DELETED
ITALISIZED WORDS ARE ADDITIONS TO THE REGUALTIONS

Article 15 – Amendments

15.1 Amendments

These Regulations, including the Zoning Map may be amended or repealed as provided in Section 8-3 of the State of Connecticut General Statutes as amended by either the initiative of the Commission or by petition. Every petition for such action shall be filed with the Commission which may act on it only after a public hearing. The applicant, or his authorized agent, will be required to appear at the public hearing for the change to the Zoning Regulations or the Zoning Map.

15.2 *PETITIONS FOR CHANGE*

Any person may petition the Commission requesting a change in these Regulations or the boundaries of the Zoning Districts as shown on the Official Zoning Map for the Town of Thomaston. A complete petition shall consist of the petition form and filing fee prescribed by the Commission and all documents and statements required to accompany the form.

15.3 SUPPORTING INFORMATION

A. *A full text of any proposed change in these regulations clearly indicating existing provisions to be repealed and new provisions to be enacted.*

B. *A Map clearly showing , and a complete written description of any proposed change in Zoning District boundaries, including a precise description by metes and bounds or courses and descriptions, of the location of the new boundary to be established and a list, keyed to said map of the names and addresses of the record owners of land within, and within 500 feet outside, the area to be affected by such zoning boundary change.*

C. *A complete and comprehensive written statement of the reasons for any proposed regulation or Zoning District Map boundary change, including any special interest the petitioner may have in such change.*

D. *Said Map shall show existing and proposed zoning districts with dimensions and distances of all zone boundary lines, and existing property lines.*

15.4 ADVISORY REPORTS

The Commission may request advisory reports and or reviews from governmental agencies, commissions, officials or others. The applicant shall furnish to say parties copies of application documents and maps and other information as directed by the Commission. Copies of any such reports shall be provided to the applicant.

15.5 POSTING OF SIGN AT PROPERTIES

The applicant shall place a sign or signs on the affected property giving notice of the proposed public hearing. Where the property is a corner lot, a sign shall b placed on both frontages of the property. The sign is to be placed at or near the street line or traveled way and shall be clearly visible to the general public.
The sign shall have a minimum area of 4 feet by 4 feet. Lettering shall be black on yellow background and the wording shall read as follows:

HEARING NOTICE (3inch letters)
CHANGE OF ZONE (3 inch letters)
OF THIS PROPERTY

FROM: _____
TO: _____
PLACE: TOWN HALL, THOMASTON, CONN (2 INCH LETTERS)
DATE AND TIME: _____

Note:
Capital Letters shall be 3 inches in height.
The sign must be legible in block or printed letters not less than the size shown above. Signs must be a minimum of two (2) signs on a corner lot or parcel, one facing each street. Signs must be posted not over 200 feet apart, in addition to the minimum required. Said sign(s) must be erected at least 20 days before the date of the hearing and remain on the premise until after the hearing after which said sign(s) shall be promptly removed by the applicant. The sign(s) shall be prepared and erected by the applicant or agent for the applicant or property owners who request the zone change. The cost of the sign(s) shall be borne by the applicant(s).

Petitions shall make specific reference to the section of the regulations to be amended and shall contain the text of the proposed amendment.

15.3 Zone Change
Petitions requesting a change in zone shall be accompanied by a map showing the subject area. The map shall include the names and addresses of all abutting property owners and those within five hundred (500) feet.

All other requirements of the Zone Change Application guidelines shall be met by the applicant.

15.4 Petitions to Amend Regulations or the Map

Petition Forms:
Petitions shall be on forms provided by the Commission. Each page shall contain a statement signed and addressed by the person(s) who circulated the petition. The statement must affirm that

ITALISIZED WORDS ARE PROPOSED ADDITONS TO ZONING REGULATIONS

Draft Article VIII – Signs

8.1 General Provisions

Except as provided, no sign shall be constructed, enlarged, extended, structurally altered or moved without obtaining a Zoning Permit. Permits are required for all signs except for identification of residential dwelling units.

Real estate and elections signs are deemed temporary uses and not subject to the permit requirements.

Unless specified on the permit, signs shall not be animated, rotating or flashing and may be illuminated by incandescent or fluorescent lamps directed so as not to cause glare onto any street or adjacent property.

Signs shall not be located on roofs and not project above the top wall of any structure. Signs attached to a building may project into the setback area provided it does not project more than one (1) foot from the building or into the street line.

8.2 Temporary Signs – Number and Size

Temporary advertisements, sale notifications, construction and rental signs shall not exceed one (1) sign per lot and five (5) square feet in size.

Election signs shall be removed within sixty (60) days after the election process is completed or after the issuance of the permit.

Temporary portable signs shall be located on the premises and not exceed thirty-two (32) square feet in size.

Sidewalk sale signs or sandwich board signs may be located on the sidewalk as long as they do not hinder pedestrian traffic. A permit from the Thomaston Police Department may be required.

8.3 Identification Signs

Identification signs for farms and truck gardens, campgrounds or parks, nurseries, schools, places of worship, cemeteries, charitable institutions and hospitals shall not exceed two (2) per lot and not any larger than twelve (12) square feet.

8.4 Non-Residential Signs

Non-residential uses shall be permitted, one (1) detached sign per lot. The sign shall not exceed thirty-two (32) square feet. One (1) additional sign for the entrance or front of the building shall be allowed for each occupancy.

The sign shall not exceed one (1) square foot for each linear foot of frontage. Unattached signs shall not be higher than sixteen (16) feet.

Signs shall not be located in such a way to be hazardous to traffic circulation or pedestrian use, obstruct any window or door, ventilation system, fire escape, exit or to cause hazards to public safety.

8.5 Residential Signs

Free Standing signs shall not exceed six (6) feet in height.

8.6 ***SPONSORSHIP SIGNS***

Signs at Municipal Recreational Facilities Baseball, Softball Fields, Tennis Courts etc. Signs shall be 18 inches by 24 inches or 24 inches by 48 inches. The signs shall be non-illuminated and located on outfield fences and dugouts for players. The signs may be doubled sided. Signs shall be located at the facility not more than 4 months in any 12 month period depending upon the season of the athletic activity. See the Appendix to the Zoning Regulations for illustrations of sponsorship signs.

8.7 STREET BANNERS

Sponsored or installed by the Town of Thomaston. See the appendix to the Zoning Regulations for illustrations of Street Banners.

ARTICLE II DEFINITIONS
New Definition added

Section 2.52 **Sponsorship signs-** An advertising sign for a sponsorship entity for, at or inside a public event or venue that is open to the public. Examples include but are not limited to: a public event sponsored by a business; a park named after a sponsoring entity.