CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

Serving Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, and Southington

225 North Main Street, Suite 304
Bristol, CT 06010-4993

Internet: http://ccrpa.org
Fax/TDD: (860) 589-6950

Tel: (860) 589-7820
or (860) 224-9888

TO:	REGIONAL PLAN COMMITTEE
FROM:	Timothy Malone, Senior Planner
DATE:	January 2, 2014
RECEIVED BY CCRPA ON:	December 31, 2013
REFERRAL NAME:	Meriden Zoning Regulation Amendments
INITIATOR:	Meriden Housing Authority
MUNICIPAL HEARING:	January 2, 2014
REFERRED TO:	CCRPA
DESCRIPTION:	The Meriden Housing Authority is petitioning to have a definition of "community building" added to zoning regulations for the R-2 district and to add it to the list of accessory uses in that zone. The definition restricts community buildings to no more than 25,000 square feet and to parcels that currently have at least forty residential units.
COMMENTS:	No comments were received.
STAFF RECOMMENDATION:	CCRPA recommends that the referral in this proposal be found ***not in Conflict*** with the Regional Plan of Conservation and Development or any other agency plan

City of Meriden, Connecticut

Office of the City Council

RECEIVED
DEC 31 2013

142 EAST MAIN STREET
MERIDEN, CONNECTICUT 06450-8022
TELEPHONE: (203)630-4125
FAX: (203)639-7008

December 20, 2013
Central Connecticut Regional Planning Agency
225 North Main Street
Suite 304
Bristol, CT 06010

Dear Regional Planning Agency:

Per State Statutes, the City of Meriden hereby refers the following proposed zoning amendment for your review and comment. Enclosed please find the legal notice and resolution for the following:

1. Item #2 of 11/14/13: Petition for Text Amendment Zoning District R-2 Section 213-7B(definitions) COMMUNITY BUILDING and Section 213-19C(Accessory Use in the R-2 Zone)..

Thank you for your consideration.

Respectfully,

Brian P. Daniels /lc

Brian P. Daniels
Chairman, Economic Development, Housing & Zoning

BPD/lnc
Enc.
cc: Dominick Caruso, Director of Development & Enforcement

LEGAL NOTICE

Special Economic Development, Housing & Zoning Committee
Meriden City Council

The Economic Development, Housing & Zoning Committee of the Meriden City Council will hold a special public hearing on Thursday, January 2, 2014 at 6:00 p.m. at City Hall in the City Council Chambers, Room 206, 142 East Main Street, Meriden, CT to consider the following:

1. Item #2 of 11/14/13: Petition for Text Amendment Zoning District R-2 Section 213-7B (definitions) COMMUNITY BUILDING and Section 213-19C(Accessory Use in the R-2 Zone).

At this hearing, all interested parties may appear and be heard and written communications will be received. The text of the resolution is on file for public review in the City Clerk's Office, Room 214, City Hall.

_____
Brian P. Daniels, Chairman

TO BE PUBLISHED: DECEMBER 20th AND DECEMBER 27TH, 2013

Item #2
DATE:
12/14/2013

CITY CLERK
MERIDEN, CONN.

2013 OCT 31 AM 11:45

Irene G. Massé

PETITON FOR TEXT AMENDMENT

ZONING DISTRICT R-2

Section 213-7 B (definitions):

COMMUNITY BUILDING- An accessory building of not more than 25,000 sq. ft. in size which is located on a parcel of land that is currently developed with a housing development of at least forty (40) residential units, is ten (10) acres or greater in area, and is under the ownership of one common owner; the building will be used primarily by residents of the Community in which it is located, except that, in emergency situations as declared by the City, residents of the City of Meriden may use it for purposes consistent with needs arising from the declared emergency; and the building may include (but not be limited to) management offices, a gathering room with kitchen, a child care/day care area, an after-school program area, training rooms for resident job searches, game rooms, a fuel cell energy area, and leisure, health, and exercise facilities (i.e swimming, skating, gym, racket games, etc).

Section 213-19C (Accessory Uses)

(6) A Community Building

PETITIONER: MERIDEN HOUSING AUTHORITY

Robert Cappelletti

By Robert Cappelletti, Executive Director

Dated: October 28, 2013

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Bristol, CT 06010-4993

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Tel: (860) 589-7820
or (860) 224-9888

TO:	REGIONAL PLAN COMMITTEE
FROM:	Timothy Malone, Senior Planner
DATE:	January 2, 2014
RECEIVED BY CCRPA ON:	December 16, 2013
REFERRAL NAME:	New Britain Rezoning and Zoning Regulation Amendments
INITIATOR:	Charlotte, LLC
MUNICIPAL HEARING:	January 21, 2014
REFERRED TO:	CCRPA
DESCRIPTION:	Charlotte, LLC is seeking to have properties located at the intersection of Farmington Avenue and Alexander Road rezoned from S-2 (Residential District) to B-3 (Secondary Business). They are also petitioning to add a definition of "pawn shops" to the zoning regulations and to prohibit them in all districts.
COMMENTS:	No comments were received.
STAFF RECOMMENDATION:	CCRPA recommends that the referral in this proposal be found ***in Conflict*** with the Regional Plan of Conservation and Development. While the proposal does promote infill development, it does so in a manner that is not consistent with the character of the surrounding neighborhood.

CERTIFIED

December 16, 2013

Carl J. Stephani, Executive Director
Central Connecticut Regional Planning Agency
225 North Main Street – Suite 304
Bristol, CT 06010-4993

Dear Mr. Stephani:

In accordance with Section 8-b of the Connecticut General Statutes this letter is to provide notice that the Zoning Committee of the Common Council will hold a public hearing on January 21, 2014 at 7:00 p.m. in Council Chambers, City Hall, 27 West Main Street, New Britain, Connecticut, for the following:

Petition #32577: An amendment to the zoning map to change the zone of properties on the east side of Farmington Avenue in the vicinity of 955-075 Farmington Avenue from S-2 (Residential District) to B-3 (Secondary Business), as depicted on the attached map. A copy of the petition and zone change map is attached.

Petition #32578: An amendment to the zoning ordinances to add subsection 30-20-573 and 220-10-970 – Pawn Shops. A copy of the petition is attached.

Any questions regarding this petition may be directed to the City Planner at 860-826-3432.

Larry Hermanowski
Clerk of Committees

CITY CLERK'S OFFICE
NEW BRITAIN, CONN.

Your attention is called to the following petition received by the Common Council at its meeting held Wednesday evening, December 11, 2013
and referred to

32577

ZONING SUB-COMMITTEE

AND

CITY PLAN COMMISSION

AND

CAPITOL REGION COUNCIL OF GOVERNMENT

To Her Honor, the Mayor, and the Common Council of the City of New Britain:

the undersigned beg leave to petition your Honorable body:

To change the zone of properties on the east side of Farmington Avenue in the vicinty of 955 -975 Farmington Avenue from S-2 (Residential District) to B-3 (Secondary Business), as depicted on the attached map entitled "Compilation Plan" by Vanasse Hangan brustlin, Inc. dated May 3, 2010.

Charlotte, LLC, owner
By Hunter Devlopment Company, its agent

By: _____
Michael A. Carrier
Its attorney

Parcel Description

BEGINNING AT A POINT BEING THE NORTHERLY CORNER OF THE HEREIN DESCRIBED PARCEL AND BEING ON THE SOUTHERLY SIDE OF ALEXANDER ROAD, SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY DERRICK TEPASKE;

THENCE IN A GENERALLY SOUTHEASTERLY DIRECTION PARTLY BY LAND NOW OR FORMERLY DERRICK TEPASKE, PARTLY BY LAND NOW OR FORMERLY JEFFREY GETZ, PARTLY BY LAND NOW OR FORMERLY ROLAND LAREAU, AND PARTLY BY LAND NOW OR FORMERLY CYNTHIA WEBBER, A DISTANCE OF 473± FEET TO A POINT;

THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION PARTLY BY LAND NOW OR FORMERLY STACEY DOUYARD, PARTLY BY LAND NOW OR FORMERLY TADEUSZ SWIATEK, PARTLY BY LAND NOW OR FORMERLY RICARDO ANDERSON AND PARTLY BY LAND NOW OR FORMERLY THEODORE WOJTUSIK, A DISTANCE OF 451± FEET TO A POINT;

THENCE IN A GENERALLY SOUTHEASTERLY DIRECTION BY LAND NOW OR FORMERLY THEODORE WOJTUSIK, A DISTANCE OF 140± FEET TO A POINT;

THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION BY LAND NOW OR FORMERLY WILFRED VALENTINE, A DISTANCE OF 150± FEET TO A POINT IN THE EASTERLY SIDE OF FARMINGTON AVENUE;

THENCE IN A GENERALLY NORTHWESTERLY DIRECTION ALONG THE EASTERLY SIDE OF FARMINGTON AVENUE A DISTANCE OF 518± FEET TO A POINT OF CURVATURE;

THENCE IN A GENERALLY NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT CONNECTING THE EASTERLY SIDE OF FARMINGTON AVENUE WITH THE SOUTHERLY SIDE OF ALEXANDER ROAD, AN ARC LENGTH OF 36± FEET AND A RADIUS OF 25 FEET TO A POINT OF TANGENCY;

THENCE IN A GENERALLY NORTHEASTERLY DIRECTION ALONG THE SOUTHERLY SIDE OF ALEXANDER ROAD A DISTANCE OF 583± FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 283,000 SQUARE FEET (6.5 ACRES).

CITY CLERK'S OFFICE
NEW BRITAIN, CONN.

2

Mr._____

_____

Dear Sir:

Your attention is called to the following petition received by the Common Council at its meeting held Wednesday Evening, December 11, 2013, and referred to

32578

ZONING SUB-COMMITTEE
AND
CITY PLAN COMMISSION

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to petition your Honorable body:

To amend the zoning ordinances to add subsections 30-20-573 and 220-10-970 which will serve to prohibit certain uses. (inserted text appears in **bold underline**; deleted text appears in ~~strikethrough~~;

(Add: new subsection 30-20-573, under 30-20 Definition of Words and Terms)

Section 30-20-573 PAWN SHOP: An establishment where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where pawned property may be redeemed by the seller in a fixed period of time or sold to the general public.

(Add: new subsection 220-10-970, under Section 220 Prohibited Uses)

Section 220-10-970 Any use not specified as a permitted use, special exception use, accessory use, permitted home occupation use or use by temporary permit are prohibited uses including but not limited to correctional facilities, alternate incarceration centers, half way houses, pawn shops and check cashing establishments.

Alderpersons: Carlo Carlozzi
Emmanuel Sanchez
~~Jaimie~~ Giantonio
Jamie

4

Map References

MAP TITLED "J & J ESTATES, PREPARED FOR J & J BUILDERS, ALEXANDER ROAD," MAP SCALE 1"=40', MAP DATED APRIL 14, 1998 AND ON FILE AT THE CITY OF NEW BRITAIN'S OFFICE OF THE CITY CLERK IN MAP BOOK 25 PAGE 30.

MAP TITLED "MAP SHOWING PROPOSED SUB-DIVISION OF PROPERTY OWNED BY JOSEPH B. RASINE ON FARMINGTON AVENUE", MAP SCALE 1"=30', MAP DATED JUNE 20, 1952 AND ON FILE AT THE CITY OF NEW BRITAIN'S OFFICE OF THE CITY CLERK IN MAP BOOK 6 PAGE 14.

MAP TITLED "MAP AND PROFILE OF FARMINGTON AVENUE, CORBIN AVE. TO FARMINGTON TOWN LINE,", MAP SCALE 1"=40', MAP DATED MARCH 1967 AND ON FILE AT THE CITY OF NEW BRITAIN'S ENGINEERS OFFICE.

MAP TITLED "MAP AND PROFILE TO ALEXANDER ROAD, STANLEY ST. – FARMINGTON AVE.", MAP SCALE 1"=40', MAP DATED JANUARY 1969 AND ON FILE AT THE CITY OF NEW BRITAIN'S ENGINEERS OFFICE.

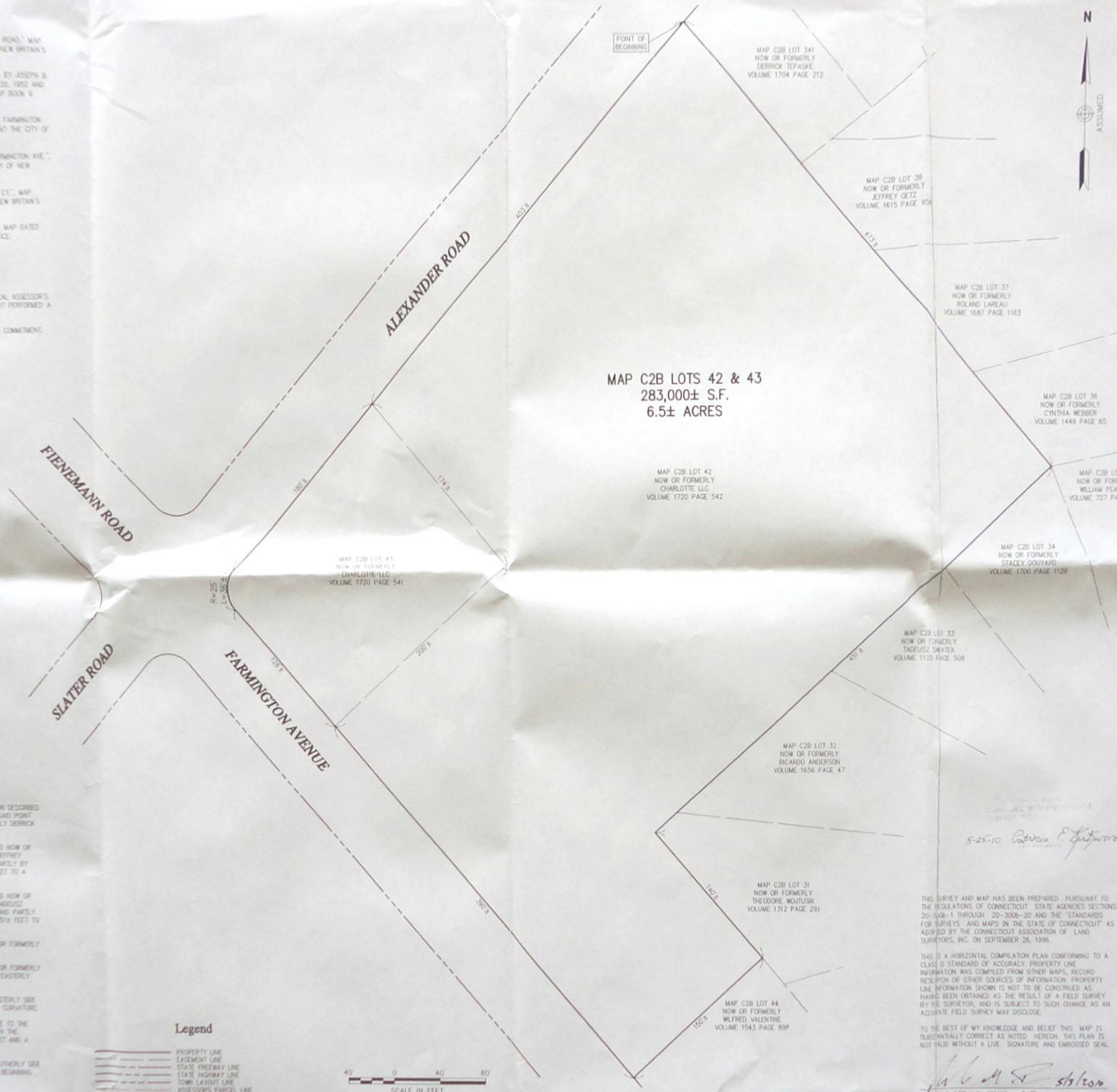
MAP TITLED "SITE ENGINEERING PLAN, FARMINGTON VILLAGE, NEW BRITAIN CT.", MAP SCALE 1"=100', MAP DATED APRIL 1996, AND ON FILE AT THE CITY OF NEW BRITAIN'S OFFICE OF THE CITY CLERK IN MAP BOOK 7 PAGE 70.

MAP TITLED "CITY OF NEW BRITAIN ENGINEERING ASSESSOR'S MAP #C2B.", MAP DATED JULY 2008, AND ON FILE AT THE CITY OF NEW BRITAIN'S ASSESSORS OFFICE.

General Notes

THE PROPERTY LINES DEPICTED ON THIS PLAN WERE COMPILED FROM LOCAL ASSESSOR'S PLATS AND FROM PREVIOUS PLANS AND DEEDS OF RECORD. VHB HAS NOT PERFORMED A FIELD SURVEY TO VERIFY THE PROPERTY LINES.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. ACCORDINGLY, ALL ENCUMBRANCES MAY NOT BE DEPICTED.



Parcel Description

BEGINNING AT A POINT BEING THE NORTHERLY CORNER OF THE HEREIN DESCRIBED PARCEL, AND BEING ON THE SOUTHERLY SIDE OF ALEXANDER ROAD, SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY DERRICK TEPASKE;

THENCE IN A GENERALLY SOUTHEASTERLY DIRECTION PARTLY BY LAND NOW OR FORMERLY DERRICK TEPASKE, PARTLY BY LAND NOW OR FORMERLY JEFFREY GETZ, PARTLY BY LAND NOW OR FORMERLY ROLAND LAREAU, AND PARTLY BY LAND NOW OR FORMERLY CINTHIA WEBBER, A DISTANCE OF 473± FEET TO A POINT;

THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION PARTLY BY LAND NOW OR FORMERLY STACEY DOUYARD, PARTLY BY LAND NOW OR FORMERLY TADEUSZ SWIATEK, PARTLY BY LAND NOW OR FORMERLY RICARDO ANDERSON AND PARTLY BY LAND NOW OR FORMERLY THEODORE WOJTUSIK, A DISTANCE OF 451± FEET TO A POINT;

THENCE IN A GENERALLY SOUTHEASTERLY DIRECTION BY LAND NOW OR FORMERLY THEODORE WOJTUSIK, A DISTANCE OF 140± FEET TO A POINT;

THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION BY LAND NOW OR FORMERLY WILFRED VALENTINE, A DISTANCE OF 150± FEET TO A POINT IN THE EASTERLY SIDE OF FARMINGTON AVENUE;

THENCE IN A GENERALLY NORTHWESTERLY DIRECTION ALONG THE EASTERLY SIDE OF FARMINGTON AVENUE A DISTANCE OF 518± FEET TO A POINT OF CURVATURE;

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CONTAINING APPROXIMATELY 283,000 SQUARE FEET (6.5 ACRES).

Legend

- PROPERTY LINE
- EASEMENT LINE
- STATE FREEWAY LINE
- STATE HIGHWAY LINE
- TOWN LAYOUT LINE
- ASSESSORS PARCEL LINE

THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996.

THIS IS A HORIZONTAL COMPILATION PLAN CONFORMING TO A CLASS D STANDARD OF ACCURACY. PROPERTY LINE INFORMATION WAS COMPILED FROM OTHER MAPS, RECORD RESEARCH OR OTHER SOURCES OF INFORMATION. PROPERTY LINE INFORMATION SHOWN IS NOT TO BE CONSTRUED AS HAVING BEEN OBTAINED AS THE RESULT OF A FIELD SURVEY BY THE SURVEYOR, AND IS SUBJECT TO SUCH CHANGE AS AN ACCURATE FIELD SURVEY MAY DISCLOSE.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON. THIS PLAN IS NOT VALID WITHOUT A LIVE SIGNATURE AND EMBOSSED SEAL.

5/3/2010

ANDREW G. IVES, L.S. #70286 DATE

5-25-10 Patricia E. Sutherland

VHB

Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

54 Tuttle Place
Middletown, Connecticut 06457
860.632.1500 • FAX 860.632.7879

Locus Map
(NOT TO SCALE)

No.	Revision	Date	Appvd

Designed by | Drawn by | Checked by

CAD checked by BEM | Approved by AGI

Scale 1"=40' | Date May 3, 2010

Project Title
Alexander Road & Farmington Avenue

New Britain, Connecticut

Prepared for
Review

Drawing Title
Compilation Plan

Drawing Number
Sv-1

Sheet 1 of 1

Project Number
41545.32

41545.32PL.DWG

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TO:	REGIONAL PLAN COMMITTEE
FROM:	Timothy Malone, Senior Planner
DATE:	January 2, 2014
RECEIVED BY CCRPA ON:	December 21, 2013
REFERRAL NAME:	Newington Zoning Regulation Amendments
INITIATOR:	Hayes-Kaufman Newington Associates, LLC.
MUNICIPAL HEARING:	January 2, 2014
REFERRED TO:	CCRPA

DESCRIPTION: Hayes-Kaufman Newington Associates, LLC is proposing changes to regulations regarding fueling stations in the B Business Zone. Currently, fueling stations are only allowed *within* a shopping center. The change would allow them on properties abutting a shopping center. The shopping center must have a principal building containing a grocery store as the principal tenant. Said principal tenant must be the lessee of the fueling station premises. A special permit is required.

COMMENTS: No comments were received.

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

OR#12924

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM

APPLICATION #:	# 62-13
SUBMITTED DATE:	11/18/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: Rear Fenn Road **ZONE:** B. Business

APPLICANT: Hayes-Kaufman Newington Assoc, LLC TELEPHONE: (860) 646-0131

ADDRESS: 1471 Pleasant Valley Rd., Manchester, CT EMAIL: rich@hayesdevelopers.com

CONTACT PERSON: Mark S. Shipman TELEPHONE: (860) 606-1700

ADDRESS: 20 Batterson Park Rd. Farmington, CT 06032 EMAIL: _____

OWNER OF RECORD: Fenn Road Associates, LLC

THIS APPLICATION IS FOR: (CHECK ONE OF THE FOLLOWING)

- o Zone Change to the _____ Zone (Public Hearing required)
- ✓ Zoning Amendment to Section 3.11.7 (Public Hearing required)
- o Subdivision
- o Resubdivision (Public Hearing required)
- o Special Exception per Section _____ of the Zoning Regulations (Public Hearing required)
- o Site Development Plan Approval
- o Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

Hayes-Kaufman Newington Associates, LLC

APPLICANT by Mark S. Shipman DATE 11/18/13

Fenn Road Associates, LLC

OWNER by Mark S. Shipman DATE 11/18/13

NOTE:
PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

The Applicant proposes an amendment to Section 3.11.7 of the Zoning Regulations of the Town of Newington in order to provide a Special Exception "Fueling Station" use to permit a Fueling Station on property either within or adjacent to a Shopping Center, both properties being in a B Business Zone within a Shopping Center in the B Business Zone.

Section 3.11.7 is hereby amended as follows:

3.11.7 A Fueling Station located within, ***or on property adjacent*** to a Shopping Center and subject to the following requirements:

(a) Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.

(b) ***The Fueling Station must be on the Shopping Center Premises or it must be on property abuts and is adjacent to the Shopping Center.***

(c) Principal Tenant must be the ***lessee of the Fueling Station premises and*** beneficiary of the Special Permit.

(d) Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations;

(e) The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.

(f) The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.

(g) No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building

(h) There shall be no repairs or vehicle maintenance performed on the premises.

(i) The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11***excluding the provisions of Sections 6.11.6 and 6.11.8.***

(j) No outside storage of any motor vehicles shall be permitted.

(k) There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.

(l) Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.

(m) There shall be no storage and or dumping of waste materials.

(n) There shall be no sleeping quarters in the building.

(o) The sign provisions of Section 6.2 shall apply.

(p) There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.

(q) The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.

(q) In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use.

All additions are shown in bold italic. No deletions have been made except for renumbering.

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TO:	REGIONAL PLAN COMMITTEE
FROM:	Timothy Malone, Senior Planner
DATE:	January 2, 2014
RECEIVED BY CCRPA ON:	December 12, 2013
REFERRAL NAME:	Plainville Zoning Regulation Amendments (Medical Marijuana)
INITIATOR:	Plainville Planning and Zoning Commission
MUNICIPAL HEARING:	January 28, 2014
REFERRED TO:	CCRPA
DESCRIPTION:	Plainville is proposing zoning amendments to regulate medical marijuana dispensaries. The amendments add a definition of dispensary and production facilities that utilize definitions contained in state statutes. The amendments also modify use tables to allow dispensary facilities, by special exception, in General Commercial zones and production facilities, also by special exception, in industrial zones. Guidelines regarding distance from various uses (such as schools and residential areas) are also included.
COMMENTS:	No comments were received.
STAFF RECOMMENDATION:	CCRPA recommends that the referral in this proposal be found ***not in Conflict*** with the Regional Plan of Conservation and Development or any other agency plan.

TOWN OF

PLAINVILLE

ONE CENTRAL SQUARE, PLAINVILLE, CONNECTICUT 06062-1955

MARK S. DEVOE, AICP
Director of Planning and Economic Development
(860) 793-0221, Extension 210
(Fax 860-793-2285)

VIA EMAIL: referrals@ccrpa.org

December 12, 2013

Mr. Carl Stephani, Executive Director
Central Connecticut Regional Planning Agency
225 North Main Street, Suite 304
Bristol, CT 06010

Re: Proposed Text Amendments to the Zoning Regulations, Plainville, Connecticut
Section 9.02 – Medical Marijuana Dispensary Facility, Medical Marijuana Production
Section 2.02.6.4 – Business Zones – Medical Marijuana Dispensary Facility
Section 2.02.6.5 – Business Zones - Medical Marijuana Production

Dear Mr. Stephani:

In accordance with Section 8-3b of the Connecticut General Statutes, as amended, please be advised that Plainville Planning and Zoning Commission has initiated a zoning text amendment application proposing revisions to the regulations as detailed in the attached materials. The public hearing on the proposed amendments is scheduled for January 28, 2014 at 7:30 p.m. in the Plainville Municipal Center.

If you have any questions regarding the proposed zoning regulation changes, please do not hesitate to contact me at (860) 793-0221, extension 210. We anticipate and appreciate your consideration and comments.

Sincerely,

Mark DeVoe, AICP
Director of Planning and Economic Development

Enclosures

Palliative Marijuana – Analysis and Recommendations

The Governor of the State of Connecticut signed Public Act 12-55 into law on May 31, 2012. The act legalizes the possession and use of palliative [medicinal] marijuana by registered patients where it is deemed medically necessary. Under the law, palliative marijuana can only be used by persons registered with the State of Connecticut Department of Consumer protection through their physician.

Only State licensed dispensaries may distribute palliative marijuana. It may not be dispensed from a retail pharmacy or any other unlicensed outlet. Only State Qualified Patients and their Registered Primary Care Givers are permitted into the dispensary department of a licensed facility.

Only State licensed production facilities may grow, process, package and otherwise produce marijuana and the drug may be grown or produced only in a licensed facility that is indoors and secure. We believe that the State's intent is to require that production facilities consist of enclosed buildings that can be easily secured such as a manufacturing facility. This type of facility is better capable of being secured in a manner required by the new law. State regulations further provide for several layers of security including specified locking mechanisms and alarm systems.

Some CT towns have taken the position that they will not allow this activity within their jurisdiction. For the Town of Plainville, this option requires either no action, or perhaps the mention that the Town does not permit uses that do not comply with State or Federal laws. Federal law still prohibits the cultivation and possession of marijuana.

Other CT towns have taken a proactive approach to regulate such facilities. The logic behind the latter is that the State has legitimized the use of marijuana under Public Act 12-55 and have adopted State Regulations that provide a strict framework of regulatory requirements. For towns and cities to prohibit this use could be construed as a restriction of rights granted by a higher authority. This passive approach may foster expensive litigation when determined growers and/or dispensary operators are rebuffed. As of late, many Cities and Towns have adopted moratoriums on such facilities. Under the law, a moratorium may be called to permit time to study the potential impacts of a use and determine if the use will allowed, and where.

Thus far, several municipalities have engaged in talks with potential producers. Initial reports indicate that as few as three, but not more than 10 growers will be licensed initially. That number may grow based on need. Dispensaries are also State licensed and it has not yet been determined how many licenses the State will issue for these establishments. This number will depend on the amount and geographic distribution of registered patients and has been left open as to total amount statewide.

Step One - define the use: If the Town of Plainville decides to adopt measures to regulate these facilities, we recommend that it be defined. We can think of no better way to do that than by utilizing the State's own definitions. This will alleviate any confusion and will be fairly easy to accomplish.

Section 9.02

MEDICAL MARIJUANA DISPENSARY FACILITY - A place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the department has issued a dispensary facility permit to an applicant under the Act and section 21a-408-14 of the Regulations of Connecticut State Agencies.

MEDICAL MARIJUANA PRODUCTION FACILITY - a secure, indoor facility where the production of marijuana occurs and that is operated by a person to whom the department has issued a producer license under the Act and sections 21a-408-20 of the Regulations of Connecticut State Agencies.

Step Two – develop use regulations: Where should such facilities be located? Are separation distances warranted? Are such uses suitable in residential zones? Until impacts are known, it was determined that separation distances from residential and public uses are recommended. Separation distances can be modified in the future should the Commission decide impacts warrant. These questions represent a starting point for a rational discussion on what is right for the Town of Plainville. In addition, the Commission should also be aware of the level of control the State of Connecticut is placing

on facilities. For example, the draft regulations control advertising and permitted signage is a fraction of what would be allowed by local regulation. No display of product, graphics or paraphernalia related to marijuana may be visible from the outside of the store. Given these controls, it seems fair to say that local authorities can concentrate their efforts on suitable location.

Assuming the Commission takes a proactive approach and wants to regulate facility locations, the use tables in your regulations will need revision - specifically, Article 2 as it regulates uses in commercial zones. We've included only those sections that may apply and listed the proposed uses as permitted by special exception. The Commission may wish to downgrade that requirement to site plan approval. Because dispensing and producing are synonymous with healthcare, we are suggesting that both be mentioned under subsection 2.02.A.6 - Health and Medical-Type Uses.

The proposed changes below suggest that dispensaries should be located in the general commercial zone while production facilities are better suited to industrial zones. Revisions are in **bold and underlined**.

Article 2. BUSINESS ZONES

Section 2.02

A. Permitted Principal Uses and Structures

Buildings and land may be used and buildings may be altered or erected to be used for the following purposes:

6. HEALTH AND MEDICAL-TYPE USES	CC	GC	TP	RI	GI	QI
6.1. Public or private hospital	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
6.2. Public or private convalescent home	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
6.3. Clinic	**SE**	**SE**	**SE**	**SE**	**SE**	**SE**
6.4. Medical Marijuana dispensary facility in accordance with the provisions of Subsection 2.04.N of these regulations and Sections 21a-408-1 to 21a-408-70 of the CT General Statutes as may be amended		**SE**				
6.5. Medical Marijuana production facility in accordance with the provisions of Subsection 2.04.N of these regulations and Sections 21a-408-1 to 21a-408-70 of the CT General Statutes as may be amended				**SE**	**SE**	
6.6. Veterinary ~~hospital~~ ***clinic****	**SE**	**SE**		**SE**	**SE**	**SE**

unrelated but requested to legitimize existing businesses in these zones.

The next step in regulating the use is to define a set of standards that apply specifically to these facilities. Since the State's regulations address everything from facility security, personnel, advertising and access, we suggest that these items need no mention here. This would be an ideal place to mention separation distances.

A review of the Town's Zoning Map indicates that the separation distances from residential zones/uses of 400 – 500 feet or greater are difficult to meet and greatly reduce the locations where such facilities can locate. Increasing these distances by even a small margin will have the effect of prohibiting facilities in the Town of Plainville altogether.

Should the Commission wish to regulate the location of these facilities, separation distances should still be implemented. The following section is recommended as a starting point based on the many discussions the Commission has had in addition to the direction provided they've provided to Staff.

This entire section is new.

Section 2.04

N. Medical Marijuana Dispensing and Growing Facilities

1. **Purpose**: The purpose of this regulation is to prevent a concentration of regulated medical marijuana dispensing and production facilities or establishments (regulated facilities) which may adversely affect existing and potential neighborhoods, property values, retail, wholesale and industrial trade, schools, public buildings, public parks, public and private recreation areas and places of worship.

2. **Required Permit**: Regulated facilities shall require the granting of a Special Exception in compliance with Section 7.03 of these regulations. Site plan approval in compliance with Section 7.02 is also required. Regulated facilities shall be required to comply with applicable State and local fire, health and building codes.

3. **State Compliance**: Any regulated facility shall, prior to operation, provide a copy of a License to operate issued under the authority of the Commissioner of the Department of Consumer Protection.

4. **Separating Distances**:
   a. Production facilities shall not be located within two hundred (200) feet of a residentially zoned property, within one hundred (100) feet of a property containing a residential use, within one-thousand (1,000) feet of an another existing dispensary or production facility located within the Town of Plainville and/or within five hundred (500) feet of schools, public buildings, public parks, public and private recreation areas and places of worship.
   b. Dispensing facilities shall not be located within two hundred (200) feet of a residentially zoned property, within one hundred (100) feet of a property containing a residential use, within one-thousand (1,000) feet of an another existing dispensary or production facility located within the Town of Plainville and/or within five hundred (500) feet of schools, public buildings, public parks, public and private recreation areas and places of worship.
   c. For the purposes of this section:
      1. **School** means any public, private or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.
      2. **Public Building** means any building owned, leased or otherwise held by the United States, the state, the town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.
      3. **Public Park and Recreation Area** means public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the town that is under the control, operation, or management of the town, any other town, or the state.
      4. **Private Recreation Area** means any private business, whether for-profit or not-for-profit, intended to serve or attract clients, customers, or users under 18 years of age, for the purpose of engaging in indoor or outdoor youth-oriented programs or activities, including but not limited to sports or fitness centers, martial arts, dance, gymnastics, music or art studios, indoor open or guided play areas, camps, and the like.
      5. **Place of Worship** means a building or place that by design is intended for conducting organized religious services and may be referred to more commonly as a church.
      6. **Separation Distance** means a straight measurement taken from the nearest lot line of the proposed use to the nearest lot line of the protected use.

CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

Serving Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, and Southington

225 North Main Street, Suite 304
Bristol, CT 06010-4993

Internet: http://ccrpa.org
Fax/TDD: (860) 589-6950

Tel: (860) 589-7820
or (860) 224-9888

TO:	REGIONAL PLAN COMMITTEE
FROM:	Timothy Malone, Senior Planner
DATE:	January 2, 2014
RECEIVED BY CCRPA ON:	December 12, 2013
REFERRAL NAME:	Plainville Zoning Regulation Amendments (Adaptive Reuse)
INITIATOR:	Plainville Planning and Zoning Commission
MUNICIPAL HEARING:	January 14, 2014
REFERRED TO:	CCRPA
DESCRIPTION:	Plainville is proposing changes to regulations regarding adaptive reuse of properties. The changes restrict adaptive reuse to buildings that are at least 50 years old. A special exception or site plan approval is required. The changes clarify the intent and bring the regulation into compliance with state statutes.
COMMENTS:	No comments were received.
STAFF RECOMMENDATION:	CCRPA recommends that the referral in this proposal be found ***not in Conflict*** with the Regional Plan of Conservation and Development or any other agency plan.

TOWN OF

PLAINVILLE

ONE CENTRAL SQUARE, PLAINVILLE, CONNECTICUT 06062-1955

MARK S. DEVOE, AICP
Director of Planning and Economic Development
(860) 793-0221, Extension 210
(Fax 860-793-2285)

VIA EMAIL: referrals@ccrpa.org

December 12, 2013

Mr. Carl Stephani, Executive Director
Central Connecticut Regional Planning Agency
225 North Main Street, Suite 304
Bristol, CT 06010

Re: Proposed Text Amendments to the Zoning Regulations, Plainville, Connecticut
Section 2.04.B - Business Zones – Use Regulations

Dear Mr. Stephani:

In accordance with Section 8-3b of the Connecticut General Statutes, as amended, please be advised that the Plainville Planning and Zoning Commission has initiated a zoning text amendment application proposing revisions to the regulations as detailed in the attached materials. The public hearing on the proposed amendments is scheduled for January 14, 2014 at 7:30 p.m. in the Plainville Municipal Center.

If you have any questions regarding the proposed zoning regulation changes, please do not hesitate to contact me at (860) 793-0221, extension 210. We anticipate and appreciate your consideration and comments.

Sincerely,

Mark DeVoe

Mark DeVoe, AICP
Director of Planning and Economic Development

Enclosures

ADAPTIVE REUSE
CORRECTIVE MEASURES

On June 11, 2013, the Commission approved amendments to their regulations regarding adaptive reuse. One provision of the previous version required that the building where adaptive reuse was being considered be at least 20 years old. Another provision limited the amount of space used in the building to 50% of the total floor area. While it was staff's intent to suggest that the latter be removed, the age restriction appears to have been mistakenly removed. The Commission recently agreed that the age restriction was a key factor meant to discourage property owners from immediately repurposing new industrial buildings. Staff agrees and in fact suggests that the Commission consider increasing the eligibility age. We have suggested 50 years.

Additional changes were made to clarify the intent. We also added stronger language for special exception approvals, which include restaurants, bars, and indoor recreation facilities.

Additions are **underlined and in bold**.
Deletions are ~~stricken~~.

Section 2.04 Use Regulations

B. Adaptive Reuse

1. In order to promote environmentally friendly uses of land within **certain** ~~the General Industrial~~ Zone**s**, particularly in areas designated as Aquifer Protection Areas, the Commission may, by Site Plan or Special Exception, as indicated in the use tables, allow **for the** adaptive reuse of an existing building or buildings under the following conditions:
   a. **The building in which said adaptive reuse is proposed must be at least 50 years old at the time of the application.**
   b. The Commission must find that the proposed use does not:
      1. Impair the character of the building, site or surrounding properties.
      2. Interfere with any remaining industrial use or uses on the premises.
   b. In all cases, the Commission shall require a site plan detailing how the applicant proposes to upgrade or improve site access, landscaping, parking lot layout and design and external illumination in accordance with the provisions of Section 7.02 of the Regulations.
   c. **Where a proposed adaptive reuse also requires approval of a special exception by the Commission, the considerations and criteria under Section 7.03 of these regulations shall be weighed carefully to insure that the proposed reuse does conflict with adjacent uses or neighborhood character.**

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Bristol, CT 06010-4993

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Fax/TDD: (860) 589-6950

Tel: (860) 589-7820
or (860) 224-9888

TO:	REGIONAL PLAN COMMITTEE
FROM:	Timothy Malone, Senior Planner
DATE:	January 2, 2014
RECEIVED BY CCRPA ON:	December 5, 2013
REFERRAL NAME:	Plymouth Zoning Regulation Amendments
INITIATOR:	Plymouth Planning and Zoning Commission
MUNICIPAL HEARING:	December 12, 2014
REFERRED TO:	CCRPA
DESCRIPTION:	Plymouth is proposing changes to zoning regulations to allow solar electric generation systems in all zoning districts. Depending on the zone and the character of the project, approval would be based on special permit, site plan, or as a by-right accessory use (restricted to small scale residential installation in R20 and R40 zones).
COMMENTS:	No comments were received.
STAFF RECOMMENDATION:	CCRPA recommends that the referral in this proposal be found ***not in Conflict*** with the Regional Plan of Conservation and Development or any other agency plan.

TOWN OF PLYMOUTH LAND USE DEPARTMENT

80 Main Street, Terryville, Connecticut 06786
Telephone: (860) 585-4043 Fax: (860) 314-2564
http://www.plymouthct.us

RECEIVED
DEC 0 5 2013

December 4, 2013

Mr. Timothy Malone
Senior Planner
Central Connecticut Regional Planning Agency
225 North Main Street Suite 304
Bristol, CT 06010

Re: Hand Delivery of Referral Notice

Dear Tim:

This is to request your consent to accept hand-delivery of this referral notification for amendments to Article 4, Use and Bulk Regulations, and Article 6, Special Permit Uses, of the Town of Plymouth's Zoning Regulations. Given the timing of the Agency's monthly meeting, the completion of this regulation amendment and my presence at a meeting at Bristol City Hall, I thought it be advisable to deliver the notice in person than delivery by required mail. Therefore, I am asking for your consent in lieu of the required certified mail requirement of Connecticut General Statute Section 8-3b for the notice to regional planning organization for zoning regulation changes within 500 feet of a municipal border.

Thank you for your time and consideration in this matter.

Respectfully,

Margus T. Laan, AICP
Director of Planning & Economic Development

Attachments.

TOWN OF PLYMOUTH LAND USE DEPARTMENT

80 Main Street, Terryville, Connecticut 06786
Telephone: (860) 585-4043 Fax: (860) 314-2564
http://www.plymouthct.us

December 4, 2013

Mr. Timothy Malone
Senior Planner
Central Connecticut Regional Planning Agency
225 North Main Street Suite 304
Bristol, CT 06010

Re: Referral Notice on Zoning Regulation Text Amendments

Dear Tim:

Per Connecticut General Statute Section 8-3b for notice to regional planning organization for zoning regulation changes within 500 feet of a municipal border, this is to advise you of the proposal to amend Article 4, Use and Bulk Regulations, and Article 6, Special Permit Uses, in the Town of Plymouth's Zoning Regulations. The proposal seeks to allow site specific, solar electric generation systems in all zoning districts in the municipality as either accessory use, site plan use or special permit use, dependent upon the character of the project. These amendments are town-wide in scope and, as such, will affect uses within 500 feet of the boundary with adjoining municipalities. Attached is the proposal amendment titled "Alternative Energy Systems". The public hearing on these amendments is scheduled for Thursday evening, December 12, 2013 at 7:00 PM in the Assembly Room at Town Hall, located at 80 Main Street in the Terryville section of the Town of Plymouth.

Please feel free to contact me with any questions or concerns. Thank you for your time and assistance regarding this matter.

Respectfully,

Margus T. Laan, AICP
Director of Planning & Economic Development

Enclosure.

Alternative Energy Systems Amendment Package
For Filing in the Office of the Town Clerk
Town of Plymouth, Connecticut
Date December 2, 2013
And available in the Land Use Department
Town of Plymouth, Town Hall
Terryville, Connecticut

PLYMOUTH, CT
TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
13 DEC -2 PM 3:44

Petition of Land Use Staff to the Planning & Zoning Commission
To amend the Zoning Regulations of the Town of Plymouth
For Public Hearing of Planning & Zoning Commission
To be held December 12, 2013 at 7:00 PM Assembly Room
Town Hall 80 Main Street Terryville, Connecticut

ADD BELOW PROVISIONS TO:
B. Table of General Use Regulations in Article 4 Use and Bulk Regulations

ALTERNATIVE ENERGY SYSTEMS	R20	R40	R-Lake	C-1	RBZ	C-Vill	I-1	I-2
Solar Electric - Small Scale Residential: Roof Mounted	Acc.	Acc.	P					
Solar Electric - Small Scale Residential: Ground Mounted	P	P						
Solar Electric - Small Scale Commercial, Industrial & Institutional: Roof Mounted				P	P	SP	P	P
Solar Electric - Small Scale Commercial, Industrial & Institutional: Ground Mounted				SP	SP	SP	SP	SP
Solar Electric - Large Scale: Roof or Ground Mounted		SP					SP	SP

ADD NEW SUBSECTION "Z" TO
Article 6 SPECIAL PERMIT USES AND REGULATIONS
TITLED: "SOLAR ELECTRIC ENERGY SYSTEMS"

Z. SOLAR ELECTRIC ENERGY SYSTEMS

1. Purpose

The purpose of this Regulation is to provide a permitting process for the wide range of solar photovoltaic installations and standards with respect to the placement, design, construction, operation, monitoring, modification and removal of such installations. These standards are designed to: a) address public health, safety, and welfare concerns; b) minimize impacts on scenic, natural, agricultural, and historic resources; and c) provide adequate financial assurance for the eventual decommissioning of such installations if necessary.

2. Definitions

Behind the Meter Generation: A generation unit that delivers energy to load directly to consumer without using the Transmission System or any distribution facilities.

Distribution Lines: Electrical wires owned and operated by the utility company, which run from sub-station to end user.

Inverters: The equipment used to convert direct current (DC) voltage to alternating current (AC) voltage. The alternating current (AC) voltage is regulated by the utility company as to what they need on their distribution lines.

Power Suppliers: Third party entities that buy and sell electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

Solar Array: A "solar array" shall mean a free-standing, ground-mounted solar collection system consisting of a linked series of photovoltaic modules, the primary purpose of a solar array is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating on-site. Excess energy output may be delivered to a power grid to offset the cost of energy on-site.

Solar Energy Facility: All equipment utilized in connection with the conversion of solar to electricity. This includes, but is not limited to, distribution lines, inverters, transformers, service access roads, and solar energy producing panels. In any solar energy facility the use will be for electricity generation either to be utilized on site or sold to the electricity markets, including utility companies and power suppliers.

Solar Energy Panel: A device that utilizes modules and cells to collect the sunlight and convert to direct current (DC) voltage.

Solar Energy System, Small: An accessory solar energy collection system that is interconnected to the local utility electrical grid on the customer's side of the electric meter, generates electricity for direct consumption on the subject property to offset electricity purchased from the local electric distribution company, and performs in accordance with current state net-metering laws.

Solar Energy System, Large: A solar energy collection system, which is interconnected to the local utility electrical grid and generates electricity that can be used to serve all or part of the electric load at one or more properties and consumers, and/or that can be sold directly into the wholesale electricity market through a regional transmission organization.

Solar Energy System, Roof-Mounted: A solar collection system that is installed upon or is part of the roof of a building or structure located on the subject property. Systems integrated as awnings or attached to the roofs of porches, sheds, carports and covered parking structures also fall under this distinction.

Solar Energy System, Ground-Mounted: A solar collection system that is installed on the ground.

Sub-Station: Utility owned point of transmission of alternating current (AC) power.

Transformers: Units used to convert one alternating current (AC) voltage to another. Transformers are always owned by the utility company.

Utility Company: Entity which generates, transmits, and distributes alternating current (AC) voltage.

3. **Small-Scale Solar Electric Energy Systems**

Small solar energy systems shall be permitted as an accessory, site plan or special permit use, dependent upon the particular zoning district, subject to the requirements set forth in this section. Solar energy systems include ground, pole and roof mounted systems.

Purpose: The energy generated by the small solar energy system shall be used for direct consumption by the single, subject property only and be interconnected to the electric utility power grid to off-set energy use on the subject property, in accordance with current state net-metering laws.

The construction of the small solar energy system shall be in accordance with an approved building permit application. If the small solar energy system is to be interconnected to the local utility power grid, a copy of the notification form local electric distribution company (EDC) that the EDC has received a complete Interconnection Request ("Application").

i. Roof Mounted Small Solar Electric Energy System

Roof-mounted small solar energy systems shall include integrated solar shingles, tiles, or panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush or rack-mounted solar panels mechanically fastened to and/or secured with ballast on the roof surface.

Separate flush or rack-mounted small solar energy systems installed on the roof of a building or structure shall not:

Project vertically more than 4 inches above the peak of the sloped roof to which it is attached; or

Project vertically more than five (5) feet above a flat roof installation.

It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof pathways to specific areas of the roof, and safe egress from the roof.

Any glare generated by the system must be mitigated or directed away form an adjoining property or adjacent road when it creates a nuisance or safety hazard.

Roof top panels shall be configured in a square or rectangular pattern.

ii. Ground Mounted Small Solar Electric Energy Systems

Ground-mounted small-scale solar energy systems for residential use shall be subject to Site Plan review pursuant to the provisions of Article 7 of these Regulations, with a residential use located in the Central Village District.

Ground-mounted small-scale solar energy systems for non-residential uses and residential use in the Village District shall be subject to Special Permit / Site Plan review pursuant to the provisions of Articles 6 and 7 of these Regulations.

The total height of the solar energy system, including any mounts shall not exceed 18 feet above the ground at maximum height. If the solar energy system is intended to provide power for outdoor lighting, the system shall not extend higher than the permitted height of the structure to which it is attached and/or inter-connected.

Ground or pole-mounted solar energy system shall only be allowed in the rear or the side yard behind the front building line. Ground or pole-mounted small-scale solar energy systems shall be placed so that no individual component is closer than five (5) feet from the rear lot line and five (5) feet from side lot lines.

Panels shall be mounted onto a pole, rack of suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer which are able to fully support the system components and withstand adverse weather conditions.

Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.

No ground-mounted small solar energy systems shall be affixed to a fence.

Ground mounted small-scale solar systems shall be screened from adjoining property by planting evergreen hedge at sufficient height on the outside of the perimeter fence. The Commission may allow additional or alternative screening methods such as berms and opaque fencing when it is determined that such alternatives are more appropriate for the particular site.

iii. Code Compliance and System Appearance

A small solar energy system shall comply with all applicable construction and electrical codes.

Appearance, color, and finish. The small solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.

All signs, other that the manufacturer's, or installer's identification, appropriate warning signs, or owner identification on a small solar energy system shall be prohibited.

Installer and/or developer are limited to one (1) sign indicating their role in the system installation.

iv. System Removal

All obsolete or unused systems shall be removed within twelve (12) months of cessation of operations without cost to the Town. System components should be reused or recycled whenever possible.

4. Large Scale Solar Electric System – Roof or Ground Mounted

This portion of the Regulation applies to large scale, solar photovoltaic installations, operating either "behind the meter", in conjunction with the State of Connecticut sponsored solar programs, or "not behind the meter", whether roof-mounted or ground-mounted. This solar photovoltaic installation will have the ability to generate sufficient electric energy to power a single large facility and/or the combination of multiple, smaller facilities with the potential to sell excess supply to the utility company / power suppliers and for "not behind the meter" facility that will generate power for selling to the electrical grid.

This section regulates the physical modifications altering the type, configuration, or size of these installations or related equipment. Special Permit & Site Plan will be required for these large scale solar photovoltaic installations, in order to ensure that the proposed project is in accordance with and in conformity with the Zoning Regulations of the Town of Plymouth prior to obtaining a building permit for construction, installation or modification.

For the purpose of this regulation, a ground-mounted solar photovoltaic is structurally mounted on the ground and has a minimum rated nameplate capacity of 250 kW DC, as well as any accessory structures and buildings. A roof-mounted solar photovoltaic is structurally mounted to the roof and has a minimum rated nameplate capacity of 250 kW DC, as well as any accessory structures and buildings.

Size, Dimensional and Density Requirements:

A ground-mounted solar photovoltaic installation can be the primary use on the land parcel, generating electrical power to supply facility / facilities located on another parcel of land or an accessory use, providing the power generating capacity for the principal use located on the same parcel.

The area devoted to ground-mounted photovoltaic arrays and supporting facilities, as defined in this section, shall not exceed ten acres, in aggregate of all arrays, structures and buildings. The size limitation for the solar photovoltaic installation is independent of the land needed or devoted to the primary, non-electric generation use.

A roof-mounted solar photovoltaic installation shall be limited to the size of the structure supporting the solar photovoltaic installation and that structure will conform and be limited by the size allowed by the Zoning Regulations.

For ground-mounted solar photovoltaic installations, the front, side and rear setbacks shall be as follows:

A. Front, side, and rear setbacks shall be at least 50 feet.

B. Access roads shall be set back at least 20 feet from front, side, and rear lot lines.

C. All ground-mounted solar photovoltaic installations shall be constructed on parcels meeting the minimum dimensional zoning requirements for the zone in which it is proposed.

No component of a ground-mounted solar photovoltaic installation shall exceed 20 feet from the mean grade of the site at the location of the installation to its highest point above said mean grade.

For roof-mounted solar photovoltaic installations, the front, side and rear setbacks shall be the same as those for the structure that roof-mounted installation is constructed on.

Accessory Structures:
All accessory structures to ground-mounted solar photovoltaic installations shall comply with the Town of Plymouth Zoning Regulations, specifically the requirements of Article 4, and the Connecticut State Building Code. All components and accessory structures shall be screened from view from public ways and neighboring properties by vegetative screening with varieties approved by the Plymouth Planning & Zoning Commission during the site plan review process. Said vegetative planting will be of such size and density that the plantings will reach a mature form to effectively screen the installation within five years of the installation. Planting of the vegetative screening shall be completed prior to final approval of the installation by the Zoning Enforcement Officer.

General Requirements for all Solar Photovoltaic Installations:

The following requirements shall apply to all solar photovoltaic installations:

A. Site Control: The project application shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation, as well as accessibility by Public Safety Officials and their vehicles, should it be necessary.

B. Operation & Maintenance Plan: The project applicant shall submit a plan for the operation and maintenance of the solar photovoltaic installation as part of the Special Permit & Site Plan application, which shall include measures for maintaining safe access to the installation and general procedures for maintenance of the installation.

C. Compliance with Laws, Ordinances and Regulations: The construction and operation of all ground-mounted and roof-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to, all applicable safety, construction, electrical, environmental and communications requirements. All buildings forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code and the Town of Plymouth Zoning Regulations, as applicable.

D. Building Permit and Building Inspection: No solar photovoltaic installation shall be constructed, installed, modified or removed without first obtaining a building permit.

E. Fees: Building permits issued for the construction, alteration, enlargement or demolition of ground-mounted solar photovoltaic installations shall be subject to permit fees, as well as Special Permit / Site Plan Review application fees, established by the Town of Plymouth. No building permit shall be deemed valid until such fees are paid.

F.

Utility Notification: No roof-mounted or ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Building Inspector that Connecticut Light & Power / Northeast Utilities or any other utility company operating the electrical grid, where the installation is to be located, has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected generator, and has approved said operation.

G. No roof-mounted or ground-mounted solar photovoltaic installation may be proposed where it may be visible from any local, State or Federally designated historic district or scenic byway in the Town of Plymouth. For ground-mounted solar photovoltaic installation, there is the exception of the use of mature vegetative screening, shielding visibility of the solar photovoltaic installation from subject historic district or scenic byway, when planted prior to any construction, such construction may be allowed at the discretion of the Plymouth Planning & Zoning Commission.

5. **Required Documents**

The project applicant shall provide the following documents to the Plymouth Planning & Zoning Commission:

Submission of site plan, maps, drawings and/or narratives clearly demonstrating:

Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

Property lines and physical features, including roads, lot area, setbacks, open space, parking and structure coverage for the project site;

All proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

Plans of the site layout, solar photovoltaic installation and accessory structures signed by a Professional Engineer licensed to practice in the State of Connecticut showing the proposed layout of the system, lighting, signage, utility connections, transformers and any potential shading from nearby structures or natural features and vegetation;

Electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant components, disconnects, and overcurrent devices;

Documentation by means of manufactures' specifications of the major system components to be used, including, but not limited to, the photovoltaic panels, mounting system(s), and inverter(s);

Documentations as outlined under the General Requirements subsection, including name, address, phone number and signature of the project applicant and co-applicant(s), if any; name, contact information and signature of any agents representing the project application(s); name, address, license verification and contact information for proposed system installer(s); and the Operation & Maintenance Plan.

The solar photovoltaic installation owner or operator shall provide a copy of the project summary, electric schematic, and site plan to the Plymouth Fire Chief and Plymouth Police Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. Twenty-four hour access to the site shall be provided to the Fire Department and Police Department by means approved by the Chief of Police and Fire Chief.

The Plymouth Planning & Zoning Commission may waive documentary requirements, as it deems appropriate, by majority vote.

6. **Utility Connections**

Reasonable efforts, as determined by the Plymouth Planning & Zoning Commission during site plan review process, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Connection components may be located above ground if required by the utility provider.

7. **Project Design, Monitoring and Maintenance Standards**

Design Standards, Lighting and On-Site Signage:

Lighting of photovoltaic installations and accessory structures and buildings shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties with appropriate fencing or vegetative screening, as specified by the Plymouth Planning & Zoning Commission. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

Signs on ground-mounted solar photovoltaic installations shall comply with the Town of Plymouth Zoning Regulations. A sign shall be required to identify the owner and provide a 24- hour emergency contact telephone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable (as defined by the Plymouth) identification the manufacturer, owner and/or operator of the solar photovoltaic installation.

Screening & Landscaping for Roof and Ground-Mounted Solar Installation: Ground-mounted, solar installation shall be screened from view from public ways and neighboring properties, in order to protect the rural character of the town. The roof-mounted solar photovoltaic installation will be screened from view, as much as possible.

Land Clearing, Soil Erosion and Habitat Impacts:

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ground-mounted solar-photovoltaic installation or otherwise prescribed by applicable laws and regulations.

Solar photovoltaic systems shall be installed on water permeable surfaces, as approved by the Planning & Zoning Commission during the site plan review process.

It is recognized that ground-mounted solar installations are not the same as conventional site coverage of buildings, parking areas and sidewalks where the land is overlaid with impermeable surfaces, thereby creating storm-water runoff. Instead, solar panels, fencing and inverter pads are elevated, leaving land covered with vegetation, allowing the absorption of storm-water and not creating the creating storm-water runoff issues of impermeable surfaces.

Landscape Maintenance and Environmental Quality:

When possible, a diversity of plant species shall be used, with all species native to New England. Use of exotic plants, as identified by the most recent copy of the "Connecticut Prohibited Plant List" maintained by the Connecticut Department of Agricultural Resources, is prohibited. Vegetative screening shall be of a height upon maturity to shield visibility of all components from view offsite.

Given that portions of the Town of Plymouth are located in the public watershed areas and there are subject Aquifer Protection Areas, the use of herbicides to control unwanted plant growth is an important issue. Herbicides shall only be applied by properly licensed personnel, as enforced and regulated by the Connecticut Departments of Energy & Environmental Protection and Public Health.

Solar Photovoltaic Installation Conditions:
Owner of any solar photovoltaic installation shall be responsible for maintenance of the facility and the solar photovoltaic installation itself. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The owner shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).

8. **Modifications**

All substantial modifications to a solar photovoltaic installation made after final inspection by the Building Inspector shall require approval by the Planning & Zoning Commission prior to the issuance of a building permit for said modifications.

9. **Abandonment, Decommissioning and Removal Requirements**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning & Zoning Commission. If the owner of the ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Building Inspector or his designee may enter the property and physically remove the installation.

The owner shall notify the Planning & Zoning Commission by Certified Mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

A. Removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

B. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

C. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning & Zoning Commission may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

10. Financial Surety

Applicants of ground-mounted solar photovoltaic installations shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape. A plan shall be submitted, as part of the application for a ground-mounted photovoltaic installation to return the site to pre-existing condition, as determined reasonable by the Planning & Zoning Commission, with the form of surety to be held by the Town in the amount of an applicant-provided estimate (R.H. Means or Equivalent) for such work. The amount shall include a mechanism for calculating increased removal costs due to inflation. The surety shall be submitted to the Planning & Zoning Commission prior to the issuance of the Building Permit, as well as prior to any disturbance, including tree cutting, at the site. This may be waived provided a plan already exists via a Power Purchase Agreement.

11. **Severability Provision**

If any part of these Regulations is found not to be legal the rest will remain intact.