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# TOWN OF NORTH BRANFORD

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

## NOTICE TO ADJACENT MUNICIPALITY OF PENDING APPLICATION Pursuant to CGS §8-7d(f)

<b>DATE</b>	May 26, 2021
<b>TO</b>	Town of Branford – certified mail #7014 0150 0000 8650 3651 Town of East Haven – certified mail #7015 1520 0000 1166 4953 <u>Town of North Haven – certified mail #7015 1520 0000 1166 4762</u> Town of Wallingford – certified mail #7015 1520 0000 1166 4755 Town of Guilford – certified mail #7015 1520 0000 1166 4779 Town of Durham – certified mail #7015 1520 0000 1166 4786
<b>FROM</b>	North Branford Planning and Zoning Commission
<b>APPLICANT</b>	Panico Design, LLC
<b>LOCATION</b>	Residence R-40 District
<b>ACTION</b>	Zoning Text Amendment Application PZC #2021-5  Proposed Zoning Text Amendment to establish a NEW Special Use Permit (new Section 42A.9) in an R-40 Zoning District to permit a Multiple Dwelling Community (condominium) on parcels containing a minimum of 5 acres and maximum of 15 acres net buildable area as defined by the proposed new use regulations.  See attached copy for full details.
<b>PUBLIC HEARING</b>	July 8, 2021
<b>COMMENTS TO</b>	<a href="mailto:townplanner@townofnorthbranfordct.com">townplanner@townofnorthbranfordct.com</a>

RECEIVED AND FILED  
TOWN CLERK'S OFFICE  
NORTH HAVEN, CT  
JUN 01 2021  
*[Signature]*  
TOWN CLERK

TOWN OF NORTH BRANFORD  
PLANNING & ZONING COMMISSION

Appl. # 2021-5  
Submission Date: 5-18-21  
Date of Receipt: \_\_\_\_\_  
Fee: \$360 -

Circle One:

**AMENDMENT TO ZONING REGULATIONS**

**AMENDMENT TO ZONING MAP**

**RECEIVED**

**MAY 18 2021**

**PLANNING &  
ZONING DEPT**

Applicant Name: Panico Design, LLC  
Mailing Address: 9 Westwind Drive - Northford, CT  
Telephone: 203-927-4111 Cell #: 203-927-4111  
E-mail address: PanicoDesignCT@gmail.com

**For TEXT CHANGES, please supply information below:**

Section of Zoning Regulations to Amend: 42A

Full Text of the Proposed Amendment: \_\_\_\_\_

Attached - New Section 42A.9 Multiple Dwelling Community

(May attach a separate sheet if necessary)

**For MAP CHANGES, please supply additional information below:**

Address of Property: \_\_\_\_\_

Assessor's Map No: \_\_\_\_\_ Lot #: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Has a previous zone change been requested for this property?  
If so, when? \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell #: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**ALL APPLICATIONS SHALL ADHERE TO THE FOLLOWING:**

- SUBMISSION REQUIREMENTS** include a complete and comprehensive statement of the reasons for any proposed change, including any special interest the Applicant(s) may have in such change.

Proposing text addition in order to propose a new type of development within the Town of North Branford which follows the State of Connecticut's goals for housing diversity and afford-ability while preserving the character of the Town of North Branford.

2. **ADJOINING MUNICIPALITIES:** Applications affecting sites within 500 feet of, or affecting, an adjacent municipality require notification to that municipality and to the regional planning agency.

Site is within 500 feet of an adjoining municipality.

Site is not within 500 feet and will not impact any adjacent municipality.

3. **REGIONAL WATER AUTHORITY (RWA) NOTIFICATION:** The applicant must provide written notice to the RWA and to the East Shore District Health Department (ESDHD) when any application is within the watershed of the RWA.

Project is not within watershed of the RWA.

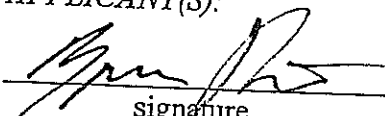
Project is within the RWA's watershed and the RWA and ESDHD have been notified.

**SIGNATURES REQUIRED ON THIS APPLICATION:**

The following is the legal agreement regarding this application which must be signed by the applicant and by all property owners of property for which a zoning map change is requested.

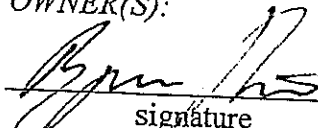
*The undersigned hereby applies for approval of the foregoing Regulation Amendment and/or Zoning Map Change and declares that the statements contained in this application and in all documents and/or drawings submitted as part of the same are, to the best of his/her knowledge and belief, true and accurate as presented.*

APPLICANT(S):

 Panico Design, LLC - Bryan Panico, Member 5/17/21  
signature print name date

\_\_\_\_\_  
signature print name date

OWNER(S):

 -- 108 Old Post, LLC - Bryan Panico, Member 5/17/21  
signature print name date

\_\_\_\_\_  
signature print name date

Narrative for:

Proposed Zone Text Amendment for new section 42A.9 "Multiple Dwelling Community"

To whom it may concern,

The proposed text addition for new section 42A.9 is being proposed to provide additional options for the development of the R-40 residential zone. This new regulation aims to provide a more desirable version of Section 42A.8 – Affordable Dwelling Open Space Subdivision. Section 42A.9 is more desirable for the properties and neighborhoods surrounding new developments as it increases setback distances from other properties. Section 42A.9 is desirable to the town as it requires privately owned and maintained roads reducing the burden and responsibilities of the Town of North Branford.

This new regulation requires free standing, individual, condominium houses managed by a Homeowners Association (HOA). This means that the HOA will be responsible for maintenance of the overall property and roadways; but, unlike other similar developments in North Branford, the units are individual houses. These individual houses are required to have similar construction style and character of the neighboring communities. Condominium development provides a different housing type than is common in the R-40 zone and provides more diversity in housing options within the Town of North Branford. This coupled with the open space requirements, and affordable unit requirements of Section 42A.9 means this regulation not only focuses on meeting the Town of North Branford's Plan of Conservation and Development, but also helps align the Zoning Regulations of the Town of North Branford with the current plans of the State of Connecticut.

Thank you,



Bryan Panico  
Panico Design

# Proposed Zone Text Amendments for New Section 42A.9 "Multiple Dwelling Community"

RECEIVED

MAY 18 2021

PLANNING & ZONING DEP

## 42A.9 Multiple Dwelling Community

### 42A.9.1 General

The Planning and Zoning Commission may grant a SPECIAL USE PERMIT to allow the development of a multiple dwelling community on unique sites in the R-40 zone. This community shall be individual detached condominium style homes promoting individual unit ownership while retaining land, roadway, sidewalks and open space in common ownership, and the responsibility for maintenance, of a condominium association. The Commission shall follow the procedures specified herein and, before granting a SPECIAL USE PERMIT under this section, shall find that the standards and conditions specified herein have met and that the SPECIAL USE PERMIT will be in harmony with the purpose and intent of the Town's Plan of Conservation and Development and these Regulations.

### 42A.9.2 Application and Procedure

- A. Application for SPECIAL USE PERMIT to allow for a multiple dwelling community shall be submitted in writing and shall be accompanied by all the documents listed in Section 42A.7.6.1.
- B. At time of application before the Commission, an Affordability Plan and identification of an acceptable qualified Plan Administrator shall be submitted for review and approval. The Affordability Plan shall include provisions for administration of and compliance with the provisions of these Regulations, identification of those units which are to be designated affordable, notice/advertisement procedures to the general public of the availability of affordable units, application procedures and requirements, procedures for verification and periodic confirmation of unit occupancy eligibility and income, and compliance with the affordability requirements. The Affordability Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the unit occupants concerning such restrictions.
- C. Site development plan approval
  - 1. Site development plan approval shall conform to the standards of Sections 41 and 62.5 of these Regulations, the provisions of this section, and any conditions imposed as part of the special use permit approval.
  - 2. The site development plan shall be in conformance with the standards of Section 42A.7.6.4.

Panico Design  
9 Westwind Drive  
Northford, CT 06472  
[PanicoDesignCT@gmail.com](mailto:PanicoDesignCT@gmail.com)



42A.9.3 Standards

A multiple dwelling community shall conform to the following standards in addition to other applicable sections of these Regulations.

A. Acreage

The site shall contain a minimum of 5 and a maximum of 15 contiguous acres of buildable area. For the purpose of determining buildable area, the acreage of the site shall be separated into: (1) wetlands and watercourses, (2) the area of 100-year floodplain and open water (ponds, lakes, etc.), slopes in excess of 25% for greater than 100 feet in all directions, and the remaining unencumbered contiguous area.

The following multipliers shall be applied to these areas to calculate the net buildable area for each:

1. 25% of wetlands and watercourses – (area x 0.25) = usable land counted to buildable area.
2. 10% of 100-year floodplain and open water (ponds, lakes, etc.) – (area x 0.10) = usable land counted to buildable area.
3. 75% of slopes in excess of 25% - (area x 0.75) = usable land counted to buildable area.

B. Frontage

The site shall have a minimum of 50 feet of frontage on a Town or State road.

C. Condominium Dwelling Unit Bulk Standards

The following condominium bulk standards shall be applicable within the development:

Condominium Dwelling Unit Bulk Standards	
Minimum distance from internal private access driveway (front of unit to edge of pavement or, if applicable, back edge of sidewalk closest to unit)	24 feet
Minimum distance between units	25 feet
Minimum distance to abutting public street	50 feet
Minimum rear yard setback to property lines	40 feet
Minimum side yard setback to property lines	40 feet



Maximum building height	35 feet
Maximum building stories	2.5 stories
Maximum building coverage	15% of lot area
Minimum floor area	900 sf
Minimum Open Space or Area Preserved as Conservation Area	10% of lot area

Table 42A.9.3C

D. Unit Density – Maximum Number of Dwelling Units

The maximum number of dwelling units permitted shall be determined by multiplying the acreage of the site’s net buildable area per Section 42A.9.3A by the “units per acre” factor from Table 42A.9.3E and rounding off the results to the nearest whole number (for example. 2.5=3; 2.49=2).

E. Affordable Units Calculations

In order to promote diversity in housing options, a multiple dwelling community shall include a minimum number of the dwelling units as restricted affordable dwellings per Table 42A.9.3E:

Minimum % of Affordable Units	Income Limit Category	Maximum Units per Acre
15%	80% of Median	2.25
20%	80% of Median	2.75

Table 42A.9.3E

F. Multiple Dwelling Community Development Requirements

1. Affordable Units Requirements

- a. Any multi dwelling community development proposal submitted pursuant to this section shall include free standing, individual units. All proposed affordable dwelling units shall be held or conveyed by deeds containing covenants and restrictions which shall require that such dwelling units be rented or sold at an affordable rate to persons with an income not exceeding eighty (80%) percent median income for the Town of North Branford or Statewide, whichever is least, based on data published by the U.S. Department of Housing and Urban Development as in effect on the first day of a signed rental lease or sale.
- b. The affordable dwelling units shall be of a construction of equal quality to market-rate dwellings within the development.
- c. The affordable dwelling units shall have bedroom counts consistent and proportional to market rate units.



- d. The affordable dwelling units shall be dispersed throughout the development and built on a pro rata basis as construction proceeds.
  - e. The affordable dwelling units shall have an indefinite affordability term and shall remain deeded affordable perpetually.
  - f. The affordable dwelling units shall be occupied only as an occupant's principal residence. Subletting of rental affordable dwelling units or rental by occupant of owned affordable dwellings shall be prohibited.
2. Other Requirements of Multiple Dwelling Community Development

- a. The site shall be served by public sewer or public water supply. The site must at a minimum utilize one, wherever possible the site shall utilize both if practical.

If public water is used, septic systems may be used. If public sewer is used, private wells may be used in accordance with the following:

- (1) If private wells or private septic systems, whether individual or community, are proposed. Suitability for said systems shall be confirmed and approved by the East Shore Health District.
  - (2) If public water and/or public sewer are proposed the applicant shall contact and provide confirmation from the applicable public utility franchised for such that there is adequate supply and capacity to serve the community.
  - (3) All systems shall be designed, constructed, and operated in conformance with all State and local standards and requirements, and shall be certified by a Connecticut licensed professional engineer.
  - (4) Adequate water supply and pressure shall be provided to address domestic and fire suppression demands of the community.
- b. The development shall be accessed by a private internal access driveway connecting directly with an abutting Town of State road. The ownership and maintenance of such driveway shall be provided by the establishment of a homeowners' association under the terms of the Connecticut Common Interest Ownership Act.
    - (1) The private internal access driveway shall maintain a minimum pavement width of 22 feet.
    - (2) The private internal access driveway shall have an adequate turn around to accommodate emergency vehicles.
    - (3) The private internal access driveway shall have minimum curb radii of 20 feet where intersecting a public road.





- (4) The private internal access driveway shall have a minimum slope of 1% and a maximum slope of 12%.
  - (5) The private internal access driveway, where intersecting another internal access driveway or abutting public road shall have a maximum slope of 3% for at least 50 feet; and the angle of intersection shall be as close to 90 degrees as possible, but in no means shall an intersection angle be less than 60 degrees within 100 feet of the intersection.
  - (6) The construction of the private internal access driveway shall be as follows:
    - Subbase: 6 inches of Gravel
    - Base: 3 inches of Processed Stone
    - Pavement: 3 inches of bituminous, in two courses
- c. Notwithstanding any other requirement in these Regulations, all areas not covered by buildings or paved areas shall be suitably landscaped with retention of existing vegetation and/or new trees, shrubs, and ground cover plantings. Shrubs and shade trees are required to create a residential environment similar to that of the surrounding residential neighborhood.
- (1) Internal access driveway street trees shall be planted at a rate of 1 tree for every 1 unit.
    - (a) Street trees shall be 2.5 inches caliber at time of planting.
    - (b) Street trees may be clustered in groups, soldier style or a combination of both; but shall be dispersed throughout the site.
    - (c) Existing trees shall be preserved if possible and may be counted toward the total.
  - (2) Sidewalks are encouraged by the Commission. Sidewalks may be required by the Commission if:
    - (a) The development is directly adjacent to a street containing sidewalks and proposed sidewalks can easily be connected.
    - (b) The development boundary is directly adjacent to another developable property which is adjacent to a property or street with sidewalks.
    - (c) In no case shall sidewalks be required if topography, limited street accessibility, or poor traffic conditions would make sidewalks promote unsafe activity on other roads and streets.



- d. Notwithstanding any other requirement of these Regulations, parking shall be designed to provide safe circulation, and satisfy the following minimum requirements:
  - (1) Individual dwelling parking may be within a garage, driveway, or both in order to eliminate the need for parking on the private internal driveway.
  - (2) At least one (1) parking space per dwelling unit shall be within an attached garage.
  - (3) Minimum parking shall be at a rate of two (2) spaces per dwelling unit.
  - (4) Additional visitor parking shall be provided at a minimum rate of one (1) space per dwelling unit and shall be grouped but proportionally dispersed throughout the site to provide easy access for all units.
  - (5) When calculating parking, tandem parking may be used for visitor spaces within driveways but shall not be used in calculating primary parking for units.
  - (6) No parking or storage of recreational vehicles shall be allowed on site, except if parked within an enclosed attached garage of a dwelling unit.
- e. Notwithstanding any other requirement in these Regulations, a stormwater quality and quantity management system shall be designed and certified by a Connecticut licensed professional engineer.
- f. The stormwater management plan shall be submitted which promotes low impact design (LID) measures and best management practices (BMPs), and which complies with all local, state, and federal requirements.
- g. Adequate sight distance in conformance with the Town of North Branford Road Standards, subject to Town Engineer approval, shall be provided; and if necessary, easements may be considered to be granted to the Town of North Branford or State of Connecticut, as the case may be, to prevent/limit future planting, construction or modification to intersections where line of sight is required. Maintenance of such grounds outside of the public street right-of-way shall be the responsibility of the Condominium Association.
- h. Exterior elevations and floor plans shall be provided consistent with these Regulations.
- i. Material selection and building designs shall conform to the neighborhood aesthetics in like form and quality.



- j. Appropriate sediment and erosion control measures shall be provided consistent with these Regulations.
- k. Areas of open space for playgrounds or other outdoor activity shall be the greater of: 1,000 total square feet, or 100 square feet per dwelling unit. The area can be contiguous or multiple smaller areas spread throughout the site. If spread throughout the site, no area shall be less than 300 square feet.
  - (1) These areas shall be clearly identified and easily accessible and have surface treatment suitable for recreational activities.
  - (2) These areas shall be delineated from other portions of the site/yards with landscaping, or decorative fencing.
- l. Lighting
  - (1) All exterior lighting shall be full cut-off, LED fixtures, and shall reduce light pollution as much as possible, consistent with these Regulations.
  - (2) Exterior lighting on individual dwelling units shall be designed in such a way to illuminate driveways, walkways, and doors; and enhance the character and appearance of the units.
  - (3) Exterior lighting shall not spill from one unit to another, or cause glare upon another unit.
  - (4) Individual dwelling unit exterior lighting requirements and guidelines shall be included in the Condominium Association Declaration of Covenants and Restrictions and By-Law documents to prevent future discrepancies.
- m. Condominium Dwelling Unit Landscaping
  - (1) Individual dwelling units shall be landscaped per a Commission approved unit landscaping plan.
  - (2) The unit landscaping plan shall provide landscaping typical for each unit, detailing plant installation size, plant type and quantity, and surface treatment.
- n. Accessory Structures
  - (1) Accessory structures may be permitted but shall only be allowed directly behind individual units. No accessory structure shall be permitted in any required yard area.



- A. The Commission shall have found that the proposed development is in harmony with the area in which it is proposed and has been designed and sited to protect neighboring property values while respecting the site's natural and man-made features.
- B. The Commission shall have found that the proposed development is appropriately related to the Town's general goals regarding housing, open space, and community facilities.
- C. The Commission shall consider the proximity of the proposed development to other like developments and uses.

