

Permitted Use Proposed Change

Marine Zone (M)

Current Permitted Use:

24.2.5	Common Interest Community Development	X
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Proposed Permitted Use:

24.2.5	Common Interest Community Development	SE
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Description

After reviewing the audio files for the meeting where Alan proposed and the Commission rejected our proposed amendments of the CICD, we are reapplying and addressing the issue for rejection, which is that the POCD addresses residential development only in terms of “multi-family housing” and that the CICD fails to specify this. Since the marine zone is in the POCD, any residential development should address the “multi-family” component.

To rectify that concern, we added a section necessitating a minimum of 4 units per building. Now by proposed regulation, any marine zone residential development in the CICD would be “multi-family”. This also would significantly make the development denser and address Christine’s concern of a “residential sprawl”. Also, we condensed all the specific marine parts into one section to make it easier to read and more fluent.

We will address this further in our presentation in addition to going into further detail, but it is incredibly important to note after listening to the audio of last meeting - the whole property does not have to be CICD. Therefore, CICD does not preclude a mixed use type development on a piece of property..

10.5 Common Interest Community Development (CICD)

10.5.1 Purpose: The purpose of these Regulations is to allow for the arrangement of multiple dwelling units (units) on larger properties in a way to focus development in one or more groupings or clusters of units, and protect open space and common areas so as to create a village atmosphere, while still remaining consistent with the Plan of Conservation and Development, and promoting the health, safety and welfare of the town of Clinton.

10.5.2 Qualifications: A Special Exceptions for a Common Interest Community Development (CICD) may be granted provided that:

- (a) The minimum area of the tract of land to be considered for a CICD shall be no less than ten (10) acres.
- (b) The tract must have a minimum frontage of twenty-five feet (25') on an accepted Town road, State road, a road in an approved subdivision or to a road which is part of a proposed subdivision.
- (c) The tract shall be served by public water or a community water system approved by the Department of Energy and Environmental Protection and the Department of Public Health.

10.5.3 Standards: A Special Exception for a Common Interest Community Development (CICD) may be granted provided that:

(a) Area, Bulk and Height:

- (1) Any area to be developed within a CICD shall have a minimum area of forty thousand square feet (40,000 sq. ft.).
 - (i) A limited common element, exclusive use area or other restriction on the use or portion of land created through the declaration of a common interest community and not as a division of land through the subdivision process or otherwise shall not be considered a "lot" for the purposes of this Section.
 - (2) Each area to be developed shall include a minimum square of one hundred ten feet by one hundred ten feet (110' x 110') within and upon which multiple units may be constructed.
 - (3) The maximum ground coverage shall not exceed eighty percent (80%).
 - (4) The maximum building height shall not exceed the maximum permitted in the underlying zoning district.
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- (5) Lots must remain under a unified ownership as part of a master common interest community, but may contain units that are separately and individually owned.
- (6) Setbacks:
- (i) Minimum setback from front lot line Ten feet (10')
 - (ii) Minimum setback from any lot line other than a front or rear lot line Fifteen feet (15')
 - (iii) Minimum setback from rear lot line Twenty feet (20')
- (7) Perimeter setback: The setback for the underlying zoning district shall apply to each developed area within a tract.
- (b) Building Standards:
- (1) Each unit shall be served by a public water supply or a community water system approved by the Department of Energy and Environmental Protection and the Department of Public Health.
 - (2) Utilities serving the unit shall be buried underground as feasible.
 - (3) The minimum floor area for each unit shall be eight hundred fifty square feet (850 sq. ft.).
- (c) Parking: The provisions of Section 29.11 do not apply. The applicant must demonstrate that parking is adequate for the proposed use.
- (d) Stormwater Management: The CICD shall provide for the maintenance or reduction of pre-development level stormwater runoff from the site upon completion.
- (e) Landscaping:
- (1) To the greatest extent possible, mature trees shall be retained on-site. The Commission may require street trees (minimum three inch [3"] caliper) be planted on thirty foot (30') centers.
 - (2) Utility terminal boxes and connections placed above ground shall be adequately landscaped to screen them from view and shall be shown on initial and final residential plans. The Commission recognizes that the utility companies have the final decisions as to locations and therefore the locations shown on the plans are the suggested locations.
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- (3) Trees shall be planted adjacent to parking areas, if feasible.
- (f) Open Space
- (1) A minimum of thirty percent (30%) of the tract shall be preserved as open space, through deed or conservation easement.
 - (2) Wherever possible, open space shall be located so as to preserve existing woodlands, farmland, unique natural features, stonewalls and sites of historic, archeological or scenic value. Due to the unique and fragile coastal environment, the primary public good of open space within the Coastal Area Management Review Zone is anticipated to be for conservation.
 - (3) Open space shall be located to provide linkage with reserved open space on adjacent properties whenever possible.
- (g) Common Green Space: Usable common green space is encouraged in addition to the required open space. Desirable features for green space include:
- (1) Walking paths, open fields, picnic areas and other park-like features.
 - (2) Landscaped and outdoor furnished spaces including playground, exercise course, picnic, amphitheater, player table, court, field and reflective areas.
 - (3) Bicycle, walking and information paths and where they may be appropriate, viewing platforms.
 - (4) Garden plots, and public swimming pools.
 - (5) Community notice boards and commemorative monuments within the common green spaces listed above.
- (h) Street Standards:
- (1) All streets within the CICD shall be constructed in accordance with these Regulations, town ordinance and the Town of Clinton Construction and Development Standards.
 - (2) All internal roadways and driveways shall be private roads and shall be maintained by the owner or Home Owners Association.
 - (3) Emergency Vehicle Access
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- (i) All streets must provide adequate fire truck and emergency vehicle access.
- (ii) Developers are encouraged to design roads and accesses that minimize the expanse of pavement through the employment of “natural” roadside surfaces that accommodate the turning radii and clearances necessary for the maneuvering of emergency vehicles.
 - (I) Examples of natural roadside surfaces include but are not limited to, grass over a road base, grass paver blocks, granite cobblestones and concrete brick pavers.
- (i) Sidewalks, Pedestrian and Bike Paths: These may be provided as deemed necessary by the Commission and consistent with the proposed aesthetic concepts.
 - (1) Concrete, brick pavers, and pervious cinder walkways are examples of acceptable sidewalk construction. Asphalt is not an acceptable material for sidewalks but asphalt may be used for pedestrian and bike paths.
 - (2) Where appropriate pedestrian paths shall be lighted at night consistent with the principles of the International Dark Sky Association.
- (j) All provisions of the Subdivision and Zoning Regulations which have not been modified or eliminated by this Section shall pertain to CICD areas, together with the requirements of Section 9, Special Exceptions.

10.5.4 Special Requirements for Marine Zone: If the development is located in a Marine Zone, a plan must be submitted showing that the following additional requirements have been met:

- (a) There shall be a minimum of four (4) individual dwelling units per building.
- (b) Public Waterfront Access (PWA): the public will be allowed unimpeded access to the waterfront as deemed appropriate by the Commission either through a deeded restriction satisfactory to Commission counsel or by donating a piece of property to either the Town of Clinton or a non-profit organization as approved by the Commission:
 - (1) Examples of access include but are not limited to:
 - (i) Public walkways, aesthetically consistent with the overall development;

- (ii) Common Green Space and waterfront areas (if available);
- (iii) Existing beachfront areas. In areas where there is no beachfront access, a scenic waterfront viewing area will be provided for public use; and
- (iv) Outdoor furniture and fixtures which encourages pedestrian and bicycle use, such as bicycle racks and benches.

(2) The PWA must provide the following:

- (i) Adequate public parking availability; and
- (ii) Maintained road access to the public parking area(s).
- (iii) In the event of traffic congestion and/or limited parking availability, a shuttle service shall be considered.

(c) Water Dependent Uses:

- (1) All prior water dependent uses shall be protected and access maintained consistent with the standards set forth in the Connecticut Coastal Management Act (CCMA).
- (2) The proposal shall not foreclose the possibility of future water dependent uses.

(d) Innovative Stormwater/Wastewater Design:

- (1) Energy and environmentally responsible and energy efficient stormwater and/or wastewater facilities must be considered in the design of the proposal.
- (2) If the stormwater and/or wastewater facilities are determined to be feasible, the Commission may require that they are implemented.

10.5.410.5.5 Requirements: A Special Exception for a CICD shall not be approved until the Commission **finds** that the following requirements have been met:

- (a) The proposed units are clustered in a manner that is in harmony with the natural site so as to promote the preservation of natural resources, unique natural and manmade site features, and scenic views.
- (b) The proposed unit layout contributes to the convenience of residential living and has a relationship to adjoining properties and neighborhoods that is harmonious with their character and serves to protect their values.
- (c) The purposes, qualifications and standards for a CICD have been met.

- (d) The provisions for traffic, water, stormwater and usable open space are adequate, do not overburden the existing streets, water and stormwater drainage facilities on- and off-site and do not create water problems off-site.
- (e) The site drainage and layout in terms of location of buildings and locations of residential uses provides for the safety of the residents.
- (f) The development and design of the CICD will not have a significant adverse effect on surrounding properties or property values in the area.
- (g) The proposed development will not have an adverse effect on the environment and, in particular, wetland and watercourse areas. In making this finding, the recommendations of the Inland Wetlands Commission regarding the development will be taken into account.
- (h) Where appropriate, the applicant has providing for continuing maintenance of parking areas, stormwater drainage facilities, open space and other infrastructure or amenities not to be accepted by the Town of Clinton.
- (i) The CICD is found to be consistent with the health, welfare and public safety needs of the community.
- (j) Performance standards and soil erosion control measures have been met.
- (k) The proposed development must demonstrate its proximity to state highways and/or locations of mass transit access and be serviced by a public water supply.
- (l) Additional Findings Required for Proposals Located within the Marine Zone: A Special Exception for a CICD located within the Marine Zone shall not be approved until the Commission **finds** that the following requirements have been met:
 - (1) Appropriate Public Waterfront Access has been provided and the method of designating such access (c.g. deed restriction) is satisfactory to the Commission and its Counsel.
 - (2) All prior water dependent uses have been protected and the proposal does not foreclose the possibility of any future water dependent uses.
 - (1)(3) Innovated stormwater/wastewater designs were considered and have been implemented to the satisfaction of the Commission if feasible.

~~10.5.5~~10.5.6 **Procedures:** The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

- (a) If the tract is being subdivided into lots, the approval of a CICD is a two-part process. An applicant must obtain Special Exception approval under these Regulations and must receive approval of a subdivision under the requirements of the Subdivision Regulations. A tract need not be subdivided into separate lots.
- (1) The applicant shall submit all the required applications concurrently.
 - (2) The Commission may hold a single, combined public hearing on the application(s) for Special Exception and the application for subdivision approval.
 - (3) In accordance with Connecticut General Statutes, the Commission must vote separately on the applications for Special Exception(s) and for subdivision.
- (b) The following plans shall be submitted:
- (1) Lighting Plan
 - (2) Landscaping Plan
 - (3) For developments located in the Marine (M) Zone, a traffic study which includes traffic management, circulation and minimization of traffic flow.
 - (i) If shuttle services are to be provided, the traffic study shall also provide details on the operation of said service.
- (c) The following materials shall be submitted:
- (1) Parking analysis prepared by a Professional Engineer or Traffic Engineer which demonstrates that the parking provided is adequate for the use.
 - (2) Sample common interest community documents, easements and/or shared driveway agreement documents.
 - (3) Maintenance agreement documents.
- (d) Public Waterfront Access plan which shows the following:
- (1) Proposed public access
 - (2) Proposed public parking availability
 - (3) Proposed road access to the public parking areas(a)

