

Permit #: _____

Fee: _____

Date: _____

Application: _____
(Must be resident owner of property during period of apartment permit)

Location: _____

Mailing Address: _____

Number of Bedrooms in Primary Dwelling: _____

Number of Bedrooms in apartment: _____
(Maximum 2, 2 parking spaces must be provided)

Floor Area of apartment: _____

Is the apartment in a basement: _____

Is this a pre-existing apartment dated prior to June 30, 1995? _____

Income of the apartment dweller: _____

Deed restriction signed and recorded (date, volume and page) _____

The apartment will be subject to yearly inspection by the Zoning Enforcement Officer.

Provide plot plan with septic and well data and designs.

Provide certificate of Occupancy for primary dwelling and certificate from Health Officer that water supply and septic are adequate for both dwelling units.

Provide 8 complete sets of drawings showing interior and exterior plan of both the primary residence and the apartment (3 sets to be forwarded to the Fire Department).

Provide envelopes addressed to all property owners within 250 feet of the property and stamped at current certified registered mail rate.

Fill out Special Permit form and go through hearing/review/decision procedure.

Sign and record deed covenant.

Applicant (owner's) Signature

1/29/96

RESTRICTION CONCERNING RENTAL OF PORTION OF PREMISES
FOR AFFORDABLE HOUSING

This restrictive covenant made and executed this _____ day of

_____, 1996 by _____ and _____
(Owner) (Owner)

(collectively the "Owners");

W I T N E S S E T H :

WHEREAS, the Owners own certain premises known as
_____, Easton, Connecticut, being more
(street address)

particularly described in Schedule A attached hereto and
incorporated herein by reference (the "Property"); and

WHEREAS, the Property contains two dwelling units (hereinafter
the "owners' unit" and the "rental unit") as defined under Section
8-30g(f) of the Connecticut General Statutes and regulations of the
Connecticut Department of Housing promulgated thereunder; and

WHEREAS, the Owners represent that they have complied with all
applicable rules and regulations of the Town of Easton relating to
the construction, location, layout, size, maintenance and use of
said dwelling units including a certificate of occupancy therefor;
and

WHEREAS, the Owners wish to restrict the rental of the rental
unit for affordable housing; and

WHEREAS, the Town of Easton (the "Town") will permit the use of the rental unit for rental purposes as long as it is rented for affordable housing for at least. years or such lesser time as the Easton Planning and Zoning Commission (the "Commission") may approve;

NOW, THEREFORE, the Owners covenant and agree as follows:

1. Affordable Housing. At the time of initial occupancy of the rental unit, the rental unit shall be occupied by persons and families which will preserve the rental unit as affordable housing (as hereinafter defined) for years after such occupancy or such lesser time as the Commission and the Owners may agree upon in writing.

2. Compliance With Laws, Etc.. The Owners agree that they shall comply with all applicable laws, ordinances, codes, rules and regulations pertaining to the use and occupancy of the rental unit.

3. Proof of Compliance. The Owners shall, no later than January 31 each year, file with the Town a certificate stating (a) the names of the tenants of the rental unit, (b) the rent for the rental unit is less than the maximum rent for which the rental unit may be rented in order for it to continue to qualify as affordable housing as defined under Paragraph 4 of this restriction, (c) any additional charges which the tenants pay such as real property

taxes, insurance and/or utilities for the rental unit, (d) if the rental unit is leased, the term of the lease, and (e) such other information as the Town may require to assure continued compliance with all laws and regulations relating to affordable housing.

4. Definition of Affordable Housing. For purposes of this Restriction, "affordable housing" shall mean housing for persons and families (a) whose annual income does not exceed 80% of the area median income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the area of the State of Connecticut which includes Easton or for the State of Connecticut, whichever is lower, and (b) for whom the cost of housing does not exceed 30% of the person's and family's income. For purposes of calculating the cost of housing, it shall include the rent, heat and utility costs except for telephone and cable television for the rental unit.

5. Penalties for Violations. If the Owners shall at any time rent the rental unit for an amount which exceeds the maximum rent as permitted under Paragraph 4, the Owners shall immediately refund any such excess to the tenants. If the Owners shall fail to file the annual certificate specified under Paragraph 3 within the time specified therein, the Owners shall pay the Town a penalty an amount specified in the Commission's Regulations for each month until they shall file the certificate.

6. Continued Occupancy by Owners. The Owners agree to occupy the owners' unit as their residence while this restriction is in effect.

7. Amendment of Restriction. The Owners acknowledge and agree that they shall make available for rental and/or rent the rental unit for affordable housing in order that the rental unit shall at all times meet the requirements of Section 8-30g(g) of the Connecticut General Statutes as it may from time to time be amended. To this end, the Owners agree that they shall amend this restriction upon request by the Town in order to assure the continued qualification of the rental unit as affordable housing.

8. Restriction to Run With Land. This Restriction shall be deemed a covenant to run with the title to the Property and shall be binding upon the successors in ownership of the Property for a period of years from the date hereof unless earlier terminated pursuant to Paragraph 1 hereof.

9. Severability. Should any part of this Restriction be held to be invalid or unenforceable by any court having competent jurisdiction with respect thereto, the remaining parts thereof shall continue to be valid and binding.

10. Binding Effect. This restriction shall be binding upon the parties hereto and their respective heirs, successors and assigns.

Dated at Easton, Connecticut this _____ day of _____, 1996.

Witnessed by:

Owner

Owner

STATE OF CONNECTICUT:

: ss: Town of Easton

COUNTY OF FAIRFIELD :

The foregoing instrument was acknowledged before me this

_____ day of _____, 1996, by _____
(Names of Owners)

Commissioner of the Superior Court
Notary Public
My Commission Expires: _____

EASTON PLANNING AND ZONING COMMISSION
CERTIFICATE CONCERNING RENTAL OF RENTAL UNIT

THE UNDERSIGNED, being the owners of premises known as _____, Easton, Connecticut (the "Property") hereby certify as of the date hereof as follows:

1. The names of the tenants occupying the rental unit on the Property are: _____.

2. The rent for the rental unit is less than the maximum rent for which it can be rented for it to continue to qualify as affordable housing as defined under Paragraph 4 of the restriction signed by the owner and on file with the Easton Planning and Zoning Commission.

3. The tenants pay the following charges in addition to the rent for the rental unit (itemize real property taxes, fire insurance and/or utilities paid by the tenants): _____.

4. (If applicable) The rental unit is subject to a lease which will expire on: _____.

Date: _____

Owner

Owner

Subscribed and sworn to before me this _____ day of _____, 199_____.

Notary Public

7.8 APARTMENT REGULATIONS - (ADOPTED 2/8/1995)

7.8.1 Purpose:

The purpose of this section is to increase the availability of housing for those persons who earn moderate incomes, including the elderly and town employees, while conforming with the purposes of these regulations as set forth in Article I and the "Conservation and Development Policies Plan for Connecticut 1992-1997" prepared by the Connecticut Office of Policy and Management, Policy Development and Planning Division, as amended from time to time, a copy of which is on file in the Easton Town Hall Town Clerk's Office, hereinafter known the "State Conservation Plan".

7.8.2 Definitions:

- A. AFFORDABLE ACCESSORY APARTMENT: shall mean for purposes of these regulations a dwelling unit, hereinafter known as the "affordable apartment", within a single family house, hereinafter known as the "primary dwelling", offered for rent by persons and families
 - (1) whose annual income does not exceed 80% of the area median income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the area of the State of Connecticut which includes Easton, and
 - (2) for whom the cost of housing does not exceed 30% of the person's or family's income.
- B. APARTMENT PERMIT: shall mean an approval by the Commission to construct, maintain and rent any apartment in a single family dwelling, pursuant to these regulations.
- C. BEDROOM: shall mean any heated space in the dwelling unit or apartment exclusive of a kitchen, bathroom, dining room and living room, which can be used or is actually used as sleeping quarters.
- D. COST OF HOUSING: shall mean the annual cost for the rental unit including rent, heat, and utility costs except for telephone and cable television.
- E. ELDERLY ACCESSORY APARTMENT: shall mean an accessory apartment in existence as of the effective date of this section, having a legal accessory apartment permit granted by the Commission.
- F. INCORPORATION: shall mean either completely within an existing principal building or added to an existing principal building, provided that both dwelling units shall be attached by a common wall, floor or ceiling in such a manner that the apartment can revert to an integral part of a single-family dwelling in the event of termination of the apartment permit. (and not simply by an attached breezeway or porch and shall be contained within one building.) 1983 Revised 7/85 & 2/88

- G. IN-LAW APARTMENT: shall mean a separate living area, having its own kitchen, located within a single-family dwelling, occupied or intended to be occupied by persons related to of the owner or resident occupant of the single family dwelling.

7.8.3 GENERAL

- A. A dwelling, located on a single lot meeting the minimum lot size specified in Section 5.1, except as specified in 7.8.5 A(2), may be constructed or converted to allow the incorporation of not more than one affordable apartment for any person or family whose annual income is 80% or less of the area median income, subject to such provisions of other sections of this Article as may be specified by the Commission and subject to the provisions of this section.
- B. All apartments currently requiring an apartment permit and all apartments constructed or converted under these regulations require an apartment permit. Such permits shall be automatically renewed by September 30th of each year upon submission of evidence of compliance with these regulations on a form to be prescribed by the Commission and submitted to the zoning enforcement officer and upon payment of an annual apartment permit fee in an amount set from time to time by the Commission.
- C. Inspection, Revocation of Apartment permit: The zoning enforcement officer is authorized to inspect the premises upon reasonable notice to the occupants to assure continued compliance with these regulations and any conditions imposed in the granting of the apartment permit. Should the zoning enforcement officer find said premises in violation of these regulations or any of such conditions, he shall report the violation(s) to the Commission which may revoke the apartment permit after hearing and notice to the apartment permit holder. This penalty shall be in addition to any other penalty imposed by law for violation of these regulations.
- D. The renting or leasing of rooms shall not be permitted in either the primary dwelling or the apartment.
- E. No apartment shall be used as a professional office.
- F. Home occupations are permitted in either the apartment or the primary dwelling, subject to the provisions of Article 6.
- G. No in-law apartment shall be created or constructed after the effective date of this section.

7.8.4 Elderly Accessory Apartments

All elderly accessory apartments shall be subject to the following:

- A. At least one dwelling unit within the primary dwelling shall be occupied as a residence by a person who is not less than 60 years old and who has been a resident of Easton for at least 5 consecutive years prior to the application for the apartment permit;
- B. At least one owner of the primary dwelling shall occupy it or the apartment as such owner's principal residence throughout the period of the apartment permit.

- C. No later than September 30th, the owner shall certify and supply, on a form prescribed by the Commission, the name(s) of the person or persons living in either the apartment or the primary dwelling who are at least 60 years old.
- D. The owner shall pay an annual apartment permit fee by September 30th each year in an amount set from time to time by the Commission.
- E. Termination of Apartment permit: The apartment permit shall expire 3 months after the occurrence of any of the following:
 - (1) Failure by the owner to file the annual certificate by the date specified in Subparagraph D;
 - (2) Failure by the owner to pay the annual apartment permit fee by the date specified in Subparagraph D; or
 - (3) Termination of the occupancy of the dwelling by either the owner or all persons 60 years of age or older.

7.8.5 Affordable Accessory Apartments

No apartment permits for any new (affordable) apartments will be issued if the total number of affordable housing units in Easton qualified in accordance with Sec 8-30g (g) of the Connecticut General Statutes, whether constructed as affordable accessory apartments or other affordable housing under any other Article of these regulations, exceeds 11% of the total number of housing units in the town, determined annually as of December 31st, commencing December 31st, 1995.

A. General Requirements

- (1) Deed Covenant or Restriction: No apartment permit for an affordable accessory apartment shall be issued until the owner of the primary dwelling in which the apartment is located has:
 - (a) Signed and recorded with the Easton Town Clerk a deed or other document containing covenants or restrictions in a form approved by the Commission requiring that such apartment be rented at, or below, prices which will preserve the units as affordable housing as defined in Section 7.8 A of these regulations, (for persons and families whose income is not more than eighty percent of the Area Median Income for at least twenty years after the initial occupation of the apartment,) and;
 - (b) Filed with the Commission a copy of the deed or document certified by the Easton Town Clerk as having been recorded.
- (2) Affidavit: Whenever any new tenant takes occupancy and upon annual renewal of the apartment permit, the owner and the tenant, if any, shall sign and file with the Commission an affidavit, in the form prescribed by the Commission, certifying that
 - (a) the primary dwelling is occupied by the owner;
 - (b) the affidavit or annexed lease accurately sets forth the rent to be charged and paid;
 - (c) said rent does not exceed the maximum allowable rent published by the Commission; and

- (d) the tenant has certified to the owner, under penalty of false statement, either in the lease or otherwise, that the tenant's income does not exceed the maximum allowed tenant income.

Note: It shall not be a violation of this Section if, after initial occupancy, a tenant's income exceeds 80% of the area median income adjusted for family size, as determined by HUD, provided the tenant meets all requirements at the time of initial occupancy.

- (3) Density: Pursuant to the goal stated in the "State Conservation Plan", no affordable apartment shall be constructed or otherwise created in the watershed of a public water supply, if the resulting density on the property would be greater than one dwelling unit per two buildable acres; provided that the Commission may allow a greater density if the total number of bedrooms contained in both dwelling units does not exceed four (4) per two buildable acres.
- (4) At least one of the owners shall occupy the primary dwelling as such owner's principal residence during the period of the apartment permit.
- (5) Two additional off-street parking places, not located within the required front setback, must be provided.

B. Structural Requirements

- (1) Floor Area and Location: The floor area of the apartment shall not be less than 500 square feet nor greater than 1000 square feet.
- (2) Maximum Number of Bedrooms: No apartment shall have more than two bedrooms.
- (3) Basement: No part of a basement shall be used for an apartment, except that the Commission may permit a basement to be occupied as an apartment if substantial portions of the basement walls are above grade and the Commission determines that the basement has sufficient light, ventilation and a direct entrance to the outside planned or in place, so as to permit use as a separate living unit.
- (4) Bathroom: The apartment shall be served by at least one bathroom within the apartment, having a toilet, sink and shower or bath.
- (5) Exterior: No exterior evidence of the accessory apartment use (e.g. outside stairs, doors, fire escapes, etc) shall be visible from the street.
- (6) Fire protection: A fire alarm in accordance with applicable state and local codes.

C. Procedures

- (1) Application: The applicant shall submit the following to the Commission:
- (a) An application complying with the requirements of This Article;
- (b) A certificate of occupancy for the primary dwelling in the case of existing buildings.

- (c) Evidence satisfactory to the Commission that the water supply and sewage disposal systems will be adequate to meet the needs of both dwelling units;
 - (d) An application fee in amount as may be set by the Commission from time to time;
 - (e) Stamped envelopes addressed to each of the owners of property within 250 feet of any portion of the property on which the proposed apartment permit is located.
 - (f) Four (4) complete sets of drawings showing the interior and exterior plan of the primary residence and the apartment (3 sets to be forwarded to the fire department by the Commission).
- D. Duration: Any approval for an accessory affordable apartment permit shall be subject to automatic revocation upon:
- (1) The failure of the owner of the affordable apartment to file timely with the Commission the annual affidavit required in Section 7.8.5; or
 - (2) A finding by the Zoning Enforcement Officer that, notwithstanding the filing of such an affidavit, the unit does not comply with said occupancy standards or other requirements including any conditions imposed by the Commission..

7.8.6 Permitted Non-Conforming Apartments

All currently-existing apartments created prior to July 1, 1948 shall continue to be permitted provided they comply with the following requirements:

- A. They have been used as such continuously since said date;
- B. They have complied with and will continue to comply with the requirements set forth in Article VIII; and
- C. The owner shall register the accessory apartment with the Commission no later than June 30, 1995; any non-conforming apartment not registered with the Commission by that date shall be deemed to have abandoned its non-conforming status pursuant to Section 8.4 and its use thereafter may be resumed as an affordable apartment only and subject to compliance with the requirements of Section 7.8.5.

7.8.7 Existing Unauthorized Apartments

- A. Any existing unauthorized apartment created after January 1, 1949, including but not limited to in-law apartments, will become conforming upon filing, within twelve months of the effective date of these regulations, a deed covenant on the land records of the Town of Easton, as stipulated in Sec 7.8.5 A(1) above and proof that the apartment meets the applicable building, fire and health codes of the Town of Easton,
- B. The Commission may waive the requirements of Paragraphs B(1) and B(5) of Section 7.8.5 if it finds that:
 - (1) the apartment has been continuously occupied for not less than two years immediately preceding the effective date of this regulation; and

- (2) the apartment meets the standards of this Article, does not materially alter the single family characteristic of the neighborhood, and does not have a negative impact on the neighborhood.

7.8.8 Existing In-Law apartments

- A. Upon the termination of occupancy of an in-law apartment by the person related to the owner, or upon sale of the premises containing it, the apartment shall be deemed to be an illegal non-conforming use. Such use can be converted to a legal conforming use by either of the following:
 - (1) The filing of a deed covenant on the land records of the Town of Easton, as stipulated in Sec 7.8.5 A(1) above; or
 - (2) Removal of the kitchen from the apartment.

7.8.9 Administration

- A. Number of Dwelling units: The Commission, or its designee, shall determine the total number of dwelling units in the Town as of January 1st of each year. The number so determined shall be used for the purpose of compliance with Section 7.8.5 of these regulations and with Section 8-30g of the Connecticut General Statutes.
- B. Allowable Rent and Income: The Commission shall publish annually a notice of
 - (1) the maximum rents that may be charged for affordable apartments; and
 - (2) the maximum allowed tenant income.
- C. Register of Accessory Apartments: The Commission shall maintain a register of accessory apartments, categorizing them as elderly accessory apartments, affordable apartments and authorized non-conforming apartments. The Commission shall also maintain a waiting list of applications for affordable apartments if the number of them, at any time, shall exceed 11% of the number of dwelling units in the Town.
- D. Reports: The Commission shall file such reports with the Connecticut Department of Housing as it may require for purposes of complying with Section 8-30g and other applicable sections of the Connecticut General Statutes.

SPECIAL PERMIT APPLICATION PACKET
EASTON, CONNECTICUT

Dear Applicant:

This Special Permit Application Packet has been compiled to help you, the applicant, comply with the Zoning Regulations and obtain a timely decision on your proposal.

In Easton, a special permit application is expedited through the Planning and Zoning Commission. State Statutes require that a public hearing will be held within sixty-five (65) days following official receipt of the application. At the close of the hearing the Commission will have sixty-five (65) days to render a decision on the application.

Because of the increasing demands on Commission and staff time, the stated process must be adhered to strictly. The Commission can no longer accept additional supporting data from the applicant after the application has been accepted. You will receive a decision on the application based on the initial record you submit with the application. Upon request you may obtain a copy of department comments prior to the public hearing.

If the application is believed to be deficient for any reason, e.g., incomplete application form, failure to provide notices for adjacent property owners, omitted site plan data, it may be denied by the Commission. Upon written request the applicant may obtain an extension of each period in the process equal to the original time period.

The enclosed items are designed to act as a detailed resource for your use throughout the application process. The packet includes the required forms and checklists as required by the Planning and Zoning Commission. If you have additional questions after reading this packet, the Commission staff is available to help you every Monday, Wednesday and Friday morning from 9-12 noon. Please make a note of these times and call the Commission staff at 268-6291 in Town Hall to make an appointment.

REQUIRED ITEMS

1. Fee: This application must be submitted with a fee as set by ordinance.
2. Application: To avoid delays and/or possible denial this application must be completed in its entirety.
3. Plan Maps: Ten copies of all required plan maps as required by the Planning and Zoning Commission.
4. Documents: Ten copies of all other documents as required by the Planning and Zoning Commission.
5. Proof of Legal Notice: Proof of notice of Public Hearing to adjacent property owners to be submitted at Public Hearing in the form of certified letter receipt.

SPECIAL PERMIT APPLICATION PROCESS

A. APPLICATION

1. Submission

Applications may be submitted to the Planning and Zoning Commission office in Town Hall from 9 AM - 12 Noon every Monday, Wednesday and Friday.

2. Review for Completion

The application will be reviewed for completion by the Commission staff upon receipt. The Commission staff will notify the applicant whether the application is complete in accordance with the Zoning Regulations.

3. If it is determined that an Inland Wetland Permit is required the applicant should begin that process immediately. A required Inland Wetland Permit must be obtained prior to approval of the subdivision application by the Planning and Zoning Commission.

B. REVIEW

1. After the application has been received the Commission has sixty-five (65) days in which to hold the public hearing. During this time the application is reviewed by Commission staff, Town departments, and adjoining towns and Regional Planning Agencies, as required.

2. Revisions and Corrections to Application

An accepted application must be completed, including revisions and

opportunity to inspect the proposal prior to the Public Hearing.

3. Comments and Extensions

The applicant may obtain a copy of review comments prior to the public hearing upon request at the Commission office. Also, the sixty-five (65) day time period in which to hold a public hearing after application receipt may be extended by the applicant up to an additional sixty-five (65) days.

C. NOTICE OF PUBLIC HEARING

1. Notice to Surrounding Property Owners

The applicant must provide to the Commission stamped, addressed envelopes to each of the owners of property within 250 feet of any portion of the lot on which the proposed special permit is located.

2. The Planning and Zoning Commission is responsible for publication of the legal notice in the newspaper, and for notification of any other parties, as required.

D. PUBLIC HEARING

1. Applicant Responsibilities

The applicant is required to give a formal presentation of the proposal at the beginning of application consideration at the public hearing.

3. If an Inland Wetland Permit is required, the granted permit along with any attached conditions must be entered into the records. If a decision on the Inland Wetland Permit has not been made, an extension of up to thirty-five (35) days may be granted by the Planning and Zoning Commission.

4. Deadline and Extension

The public hearing must be completed within thirty (30) days. If it is reconvened, proper public notice must be published. The applicant may extend the time for a public hearing for an additional thirty (30) days.

E. DECISION

1. Approval and Approval with Modifications

If the plan is approved, or approved with modifications, several conditions must be met:

- a. A final plan, complete with all modifications, must be signed by the Planning and Zoning Commission Chairman.
- b. Endorsements must be obtained from all other agencies, as required, e.g., Health Department, ConnDOT, Water Pollution Control Authority.
- c. Bond must be posted by the applicant, if needed (see G. BOND).
- d. The final plan must be filed with the Town Clerk and Town land records within 90 days after the time for taking appeal has expired. The Commission must endorse the map prior to filing

2. Disapproval

If the plan is disapproved, the Commission must state the reasons for disapproval in the Minutes of the meeting.

3. Notice

Notice of the decision will be published in the newspaper within fifteen (15) days of the decision date. In addition, the applicant will be notified of the decision by certified letter.

4. Deadline and Extension

A decision on the application must be made within sixty-five (65) days of the close of the public hearing. An extension of the decision period for an additional sixty-five (65) days may be granted. Also, if an Inland Wetland Permit is required an extension of up to thirty-five (35) days may be requested.

F. APPEAL

The applicant and other aggrieved parties may appeal the decision to the Superior Court within fifteen (15) days of publication of the decision.

G. BOND

1. Amount Set

A bond may be required by the Commission to insure completion of the project. The amount of the bond will be fixed by the Town Engineer

account, or an irrevocable Letter of Credit from a bank.

3. The bond will be released upon certification by the First Selectman on completion of all public utilities and streets and all improvements in substantial accordance with the subdivision plan. The site shall be inspected by the Zoning Enforcement Officer and the Town Engineer and any other Town official, as required, prior to endorsement by the First Selectman.

SPECIAL PERMIT APPLICATION

Planning & Zoning Commission
Easton, Connecticut 06612

Application Number _____

Location of Property – Street & Number _____

Assessor's Map No. _____

Parcel No. _____

Applicant _____ Owner _____

Address _____ Address _____
(forward notice)

Engineer _____ Surveyor _____

Type of Sewage Disposal _____ Type of Water Supply _____

Zoning District _____

Number of Feet of New Road Construction (if required) _____

Wetland: Does this application require a permit from the Inland Wetlands Agency: Yes / No

Notice: If a wetland permit is required, this application will not be acted upon until the wetland permit is obtained.

This applicant understands that this application is to be considered complete only when all information and maps are submitted in accordance with Section 7.2 of the Zoning Regulations of the Town of Easton, Connecticut. Failure to submit a complete application and maps may result in denial of the application by the Commission.

Signature of Record Owner _____ Telephone _____

Signature of Applicant _____ Telephone _____

Application and Documents Submitted: Date: _____

By: _____
For the Commission

SPECIAL PERMIT PLAN CHECKLIST

Location of existing and proposed:

Buildings

Uses

~~Parking areas~~

Traffic access and circulation drives

Open spaces

Landscaping

Topography (including regraded contours)

Leaching fields and Sewage disposal system

Signs

Exterior lighting

Special Features

Information about neighboring properties

ARTICLE 7

SPECIAL PERMITS

7.1 GENERAL PROVISIONS:

Those uses identified in these Regulations as requiring special permits shall be deemed to be permitted uses, subject to the satisfaction of the requirements and standards set forth in this Section, in addition to all other requirements of these Regulations. All such uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case.

7.2 PROCEDURES

7.2.1 APPLICATION FOR SPECIAL PERMIT: Application for a special permit shall be made to the Commission on a form prescribed by the Commission. The application shall be accompanied by 4 black and white prints of the proposed plan as required by Section 7.2, and stamped envelopes addressed to each of the owners of property within 250 feet of any portion of the lot on which the proposed special permit is located. The application fee for a special permit shall be set from time to time by the Commission and shall be paid at the time the application is filed. The Commission shall hold a public hearing thereon, with the same notice as required for zoning amendments, and, within 65 days of close of such hearing, either approve, modify and approve, or disapprove such application. The Commission may approve the application and issue a special permit provided it finds that all of the following conditions and standards have been met:

- A. The proposed use will serve a community need or convenience.
- B. The location and scope of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to street providing access to it, are such that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.
- C. The location, nature and height of all improvements, buildings, structures, walls and fences and the nature and extent of landscaping, screen plantings and exterior illumination on the site, are such that the use will not hinder or discourage the appropriate use and development of adjacent land and buildings or impair the value thereof.
- D. Operations in connection with any such special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or other characteristics, than would be the operation of any permitted use not requiring a special permit and will not impose an undue burden on Town facilities.
- E. The parking area will be of sufficient size for the proposed use and shall be properly located and suitably screened with planting, walls or fences, or combination thereof, as required by the

Commission, and the entrance and exit drives shall be designed and located so as to minimize traffic hazards.

F. Unless the facility is served by public water supply and municipal sanitary sewer, the source of water supply and the sewage disposal system are sufficient for the proposed use and are approved by the Town Health Officer and any other applicable governmental agency.

G. In cases where it is proposed to convert a building or structure originally built and designed for other purposes, it must be shown that such a building or structure is adaptable to the proposed use from the point of view of public health and safety and meets the other requirements of these Regulations, as determined by the Commission.

7.2.2 REQUIRED PLAN: A plan for the proposed development of a lot for a special permit shall be submitted with the special permit application. The plan shall show the location of all existing and proposed buildings, uses, parking areas, traffic access and circulation drives, open spaces, landscaping, topography (including regraded contours), leaching fields and sewage disposal system, signs, exterior lighting, special features and any other pertinent information, including information about neighboring properties, as determined by the Commission. An application shall not be considered complete until the plan with all of the foregoing data on it has also been submitted.

7.2.3 CONDITIONS: The Commission may attach such conditions to any approval as are necessary to assure compliance with all applicable standards and requirements under these Regulations.

7.2.4 ACTION FOLLOWING APPROVAL: Within 15 days of the approval of a special permit, the Commission shall file with the Building Inspector and Zoning Enforcement Officer one print of the approved plans, with the approval noted thereon, and a copy of the Commission's resolution including any conditions pertaining to the approval. One print of the plan and the resolution shall be made available to the applicant.

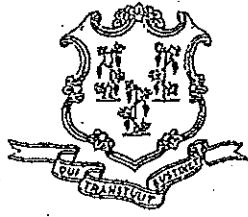
7.2.5 EXPIRATION OF SPECIAL PERMITS: A special permit shall authorize only the particular use or uses specified in the permit. It shall expire if the use or uses shall cease for more than one year for any reason, or if all required improvements are not completed within one year from the date of issue, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

7.3 CHURCH OR OTHER PLACE OF WORSHIP, MUSEUM, ART GALLERY, PRIVATE SCHOOL, PRIVATE RECREATION CLUB, NURSERY SCHOOL (DELETION ON 2/5/90): (MOVED FROM ART 6 - 11/93)

7.3.1 LOCATION: All such uses shall be permitted only in locations fronting on or having direct, safe and convenient access to, a major or collector road.

7.3.2 COVERAGE: Building coverage shall not exceed 10% of the site area. The total of the land covered by all buildings, structures and other improvements including parking areas and driveways shall not exceed 30% of the site area.

7.3.3 SETBACKS: All principal structures shall be set back from any adjoining street line a distance equal to at least 150% of the required front lot setback distance for residence buildings. Minimum setbacks from other property lines shall be as follows:



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

RECEIVED

OCT -2 PM 12:24

TOWN CLERK

OCT 05 2006

September 2006

To: Municipal Clerk EASTON PLANNING & ZONING COMMISSION
RE: Public Act 06-53 Notification Process and Packet

The Connecticut Department of Public Health (CTDPH) would like to notify you of a new requirement of applicants to town commissions concerning protection of sensitive public drinking water supply source areas. We have developed the enclosed map of your town that delineates these source areas, as well as a simple web based notification form for applicants to utilize.

Effective October 1, 2006 The Commissioner of the CTDPH must be notified by applicants before a municipal Zoning Commission, Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission for any project located within a public water supply aquifer protection area or watershed area. The enclosed Public Act No. 06-53, modified Connecticut General Statute Sections 8-3i and 22a-42f, requiring this additional notification as water companies have been required to be notified since 1989. Any forms of past notification to the water companies are not changing with this new CTDPH notification requirement.

The process that an applicant must follow to satisfy the new CTDPH notification requirements is:

1. Refer to the enclosed map to determine whether your project falls within a public water supply aquifer protection area or watershed area;
2. Go to the CTDPH website at <http://www.dph.state.ct.us>.
3. Click on "Programs and Services".
4. Click on "D" and then "Drinking Water Section"
5. Click on "Source Water Protection" on the right hand side menu.
6. Follow the link to the Notification Process.
7. Submit the form by clicking on the "submit" button.

To ensure that the applicant is engaged in this process, we suggest town officials add the notification requirement to your check lists for filing site plan, subdivision, wetland and zone change applications, petitions, requests or plans; as well as posting the change of notification requirement at the town hall. Town websites may insert a link to our web based notification.

Please make the enclosed map available to applicants and treat the map as sensitive data.

We also invite you to attend free training on October 24, 2006 developed for town planners and local health officials to discuss the development process for new public water systems and the protection of public drinking water supplies. Please see the attached announcement and additional information at our website. Please forward this information to your town's inland wetland, zoning and planning commission members as well as board of appeal members and aquifer protection regulation commission members.

Feel free to contact Laurie Giannotti (860-509-7356) or me with any comments or questions.

Sincerely,

Lori Mathieu
Supervising Environmental Analyst
Drinking Water Section

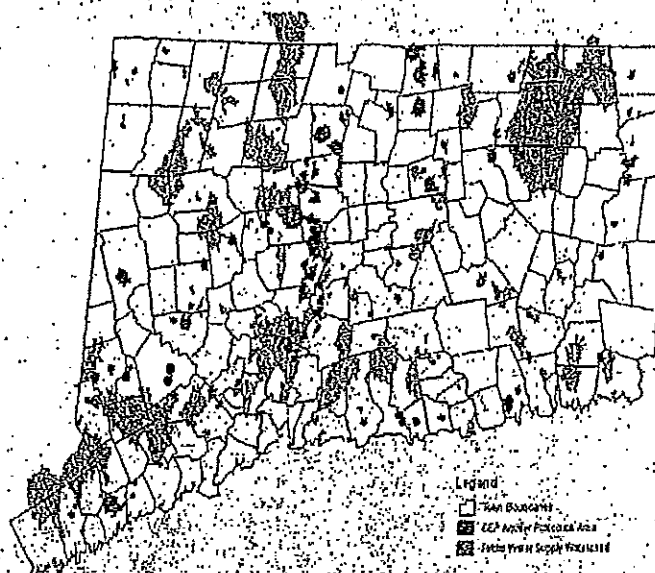
Protection of Sensitive Drinking Water Source Areas: *New Legislation Requires Applicants for Municipal Land Use Permits to Notify the State Department of Public Health*

by Lori Mathieu, Connecticut Department of Public Health

Editor's Note: Conservation Commissions and Inland Wetland Commissions now have a vital role in protecting watersheds that are the source of public water supplies. Inland Wetlands Commissions should make sure applicants have notified the State Department of Public Health when their proposed development is within a public water supply drainage area. Conservation Commissions, as part of their statutory responsibility to conduct research into the utilization of land areas of the municipality, should be familiar with public water supply drainage areas within town boundaries and make recommendations regarding the use of those lands.

The DPH has authority over the adequacy and purity of sources of public drinking water, and regulates 3,400 public water systems within Connecticut. DPH views this notification as a proactive step toward land developers recognizing the potential adverse impact that proposed projects can have on drinking water purity.

It is the intent of the DPH under its Drinking Water Section to work closely with and provide technical assistance to local town land use decision makers concerning development and management of these drainage areas. Over the last fifteen years, the DPH has commented to local land use boards concerning proposed projects that may



In a move to highlight the need to protect sensitive source water areas that drain to public drinking water supplies, the State Department of Public Health (DPH) will be required to be notified when a proposed development is planned within a public water supply drainage area. Effective October 1, 2006, Public Act 06-53 Sections 1 and 2 modifies two existing laws requiring an applicant to either an inland wetland agency or a planning and zoning board to notify the DPH. Presently, the water company that owns and controls the public drinking water supply is required to be notified by the applicant.

Public Act 06-53 can be found under the following web-site address: <http://www.cga.ct.gov/2006/ACT/PA/2006PA-00053-R00SB-00313-PA.htm>. The DPH is working toward a standard notification format. It is anticipated that this format will be mailed directly to towns and also made available on the DPH web-site in September 2006.

effect public drinking water sources. Many towns have found these comments to be useful in making their land use decisions.

The state's public drinking water supply drainage areas cover approximately 18 % of the state and impacts many towns throughout the state as shown in the figure above. These drainage areas provide water to large capacity public drinking water supplies including all surface water reservoirs and shallow sand and gravel ground water wells. Towns may have received detailed maps of these drainage areas from the water companies. Also, the DPH in 2003 hand delivered drainage area mapping to each chief elected official as a part of the source water assessment program.

Please contact Lori Mathieu at the DPH's Drinking Water Section at (860)509-7333 if you should have any questions.

Public Water Supply Watershed or Aquifer Area Project Notification Form

REQUIREMENT:

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

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

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

Step 1: Have you already notified The CT Department of Public Health (CTDPH) of this project? No ☐ Complete Steps 2 - 6

Yes, I have notified DPH under a different project name ☐

OR I have notified DPH under the same name but in the year _____. Complete Steps 4 - 6.

Step 2:

1. Name of public water supply aquifer your project lies within _____.
2. Name of public water supply watershed your project lies within _____.
3. Public Water Supply Identification number (PWSID) for the water utility that manages the watershed or well(s):
CT _____.
4. Project Town _____.

Steps 3: For 1-5 check all that apply

1. My project is proposing:
 - ☐ Industrial (factory)
 - ☐ Commercial (business)
 - ☐ Agricultural (farm, field, nursery)
 - ☐ Residential (housing - single or multiple family)
 - ☐ Recreational (trail, ball field, complex)
 - ☐ Transportation improvements (road widening or relocation, parking lot expansion)
 - ☐ Institutional (school, hospital, nursing home etc)
 - ☐ Quarry/Mining
 - ☐ Zone Change, please describe _____.
 - ☐ Other, please describe _____.
2. The total acreage of my project site parcel is:
 - ☐ 5 acres or less
 - ☐ Greater than 5 acres
3. My project site contains, abuts or is within 50 feet of a:
 - ☐ Wetland(s)
 - ☐ Stream
 - ☐ River
 - ☐ Pond or lake

4. Existing use of my project site is:

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

5. My project will utilize (check all that apply):

- ☐ septic system ☐ new public sewer.
☐ existing public sewer ☐ new private well
☐ existing private well ☐ agricultural waste facility
☐ existing public water supply ☐ new public water supply and I have ☐ applied for / ☐ did not apply for a *certificate of public convenience and necessity* from DPH

6. My project will contain this percentage of built up area (buildings, parking, road/driveway, pool):

- ☐ 10% or less
☐ 20% to 40%
☐ 50% or more

Step 4: Applicants Contact Information:

- a) Name _____
b) Email address _____
c) telephone and/or cell phone number _____
d) fax number _____

Step 5: Provide the following project information if available:

- a) Project name _____
b) Project site street address _____
c) Project site nearest intersection _____
d) Project site latitude and longitude _____

Step 6: SUBMIT FORM



Substitute Senate Bill No. 313

Public Act No. 06-53

AN ACT CONCERNING PROTECTION OF PUBLIC WATER SUPPLY SOURCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-31 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) As used in this section "water company" means a water company, as defined in section 25-32a, and "petition" includes a petition or proposal to change the regulations, boundaries or classifications of zoning districts.

(b) When an application, petition, request or plan is filed with the zoning commission, planning and zoning commission or zoning board of appeals of any municipality concerning any project on any site [which] that is within the aquifer protection area delineated pursuant to section 22a-354c or the watershed of a water company, the applicant or the person making the filing shall provide written notice of the application, petition, request or plan to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application, petition, request or plan is made and with the planning commission, zoning commission, planning and zoning commission or zoning board of appeals of such municipality or the aquifer protection area has been delineated in accordance with section 22a-354c, as the case may be. Such notice shall be made by certified mail, return receipt requested, and shall be mailed [within] not later than seven days [of] after the date of the application. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

(c) Notwithstanding the provisions of subsection (b) of this section, when an agent of the zoning commission, planning and zoning commission or zoning board of appeals is authorized to approve an application, petition, request or plan concerning any site [which] that is within the aquifer protection area delineated pursuant to section 22a-354c or the watershed of a water company without the approval of the zoning commission, planning and zoning commission or zoning board of appeals, and such agent determines that the proposed activity will not adversely affect the public water supply, the applicant or person making the filing shall not be required to notify the water company or the Commissioner of Public Health.

Sec. 2. Section 22a-42f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed [within] not later than seven days [of] after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.