

**COMPLIANCE WITH REGULATIONS
GINGRAS DEVELOPMENT, LLC
January 11, 2021**

Article XXVI – Detached Housing Development Zone (DHD)

§ 214-153 Purpose.

It is the purpose of this article to allow for greater variety and flexibility in the development of housing types and to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner while at the same time conserving important natural site features and permanently preserving open space, while at the same time providing for low density detached and semi-detached housing for young professionals empty-nesters.

This development proposes to construct exactly what is envisioned by the Purpose set forth above, by providing for low density detached and semi-detached housing for young professional empty-nesters.

§ 214-154 Procedure.

After a public hearing, the Planning Commission may grant a special use permit for the development of detached and semi-detached housing units.

§ 214-155 Definitions.

As used in this article, the following terms shall have the meanings indicated:

Detached Housing

Detached housing units are single-family dwelling units that do not share any walls or other structural elements with other units.

Semi-Detached Housing

Semi-detached housing units are single-family dwelling units that share walls or other structural elements with other units. No more four units can be attached or connected.

§ 214-156 Application.

A. The applicant shall submit a written application on the prescribed form containing all the information required hereafter, including the following materials:

(1) A development statement listing the development team, setting forth the development concept, including, in tabular form, the number of units, type, size (number of bedrooms, amount of living space, gross floor area), ground coverage and summary showing the area of residential development and common open space as percentage of the total area.

This has been or will be submitted prior to the public hearing

(2) A development site plan of the entire tract in accordance with the requirements of this section and §§ 214-101 and 214-102 and meeting, to the extent applicable, the requirements set forth for a definitive plan in the Somers Subdivision Regulations.¹¹

The Plan submitted meets these requirements

[1] *Editor's Note: See Ch. 213, Subdivision of Land.*

(3) An architectural rendering of the site plans and typical structures, including floor plans and elevations.

Submitted

(4) A traffic study of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed intersections and entrances serving the development.

(5) An engineering report regarding the adequacy of sewage disposal, water supply and stormwater drainage as the proposed design relates to existing utilities to the Town.

Submitted

(6) A copy of the sewage disposal plans and application to the State Department of Health or Department of Environmental Protection.

N/A

B. Said application shall contain sufficient information so that the Planning Commission can determine the applicability of said application for the following items:

(1) Consistency with the Somers Town Plan of Conservation and Development;

The Application is consistent with the Somers Town Plan of Conservation and Development

(2) Preservation and protection of the character of the Town and especially the immediate neighborhood, giving due consideration to such features as public safety, including traffic control and traffic impact upon surrounding roads; development of adequate recreational facilities for the use of the residents of said proposal; adequate fire protection; public health, including sewerage disposal, drainage and water supply; and the compatibility of the size, location, architecture, and landscaping of said project with the adjacent neighborhood and the Town;

The Application preserves and protects the character of the Town and the immediate neighborhood.

(3) Minimizing potential adverse environmental impacts upon the Town;

There will be no adverse environmental impacts upon the Town

(4) The application is likely to result in a financially stable, soundly and attractively constructed and well managed and maintained project; and

The Applicant has a proven track record with its Development of Somers Village. Soapstone Estates will also be a financially stable, soundly and attractively constructed and well managed and maintained project

(5) Conformity to the specific provisions of the design guidelines of this section.

The Plans conform to the specific provisions of the design guidelines of this section

C. Said permit shall not be issued unless the Planning Commission affirmatively determines that each of the above listed criteria is met by said applicant.

D. The applicant shall pay an application fee which is computed as the total of the following which are applicable to such application:

(1) Base application fee: \$200.

(2) Eighty-five dollars for every 100 feet, or any part thereof, of new roadway proposed to be constructed as part of the project and intended to be deeded to the Town as public right-of-way.

(3) Fifty-five dollars for every 100 feet, or any part thereof, of existing or previously approved public rights-of-way for Town or state roadways abutted by the boundaries of the land contained in the proposed project.

(4) The following will be added according to unit count:8

(a) For each of the first 25 units: \$100.

(b) For each of the 26th through 50th units: \$75.

(c) For each new unit over the 50th lot to be created by the project filed with the Planning Commission: \$50.

(5) Applicable State of Connecticut fee pursuant to Section 22a-27j of the Connecticut General State Statutes.

(6) Fifty dollars per building for sedimentation and erosion control measures review.

(7) All applicable fees must be paid in full at the time the application is filed with the Planning Commission.

The Applicant has paid all required fees

§ 214-157 Use regulations.

The following uses shall be permitted:

A. Up to a story-and-one-half one-family detached dwellings = one unit;

B. Up to a story-and-one-half two-family detached dwellings = two units;

C. Up to a story-and-one-half semi-detached dwellings not exceeding four units per building = four units;

D. Recreational uses and community facilities such as parks, gardens, swimming pools, tennis courts, clubhouses and community buildings;

E. Accessory uses customarily incidental and subordinate to the principal uses listed above, but expressly excluding any commercial or retail enterprises or home occupations.

The proposed uses are all permitted uses under this Section

§ 214-158 Dimensional regulations.

Property for detached housing use shall comply with the following dimensional requirements:

A. Minimum parcel size. The total parcel shall have a minimum area of not less than 20 acres. A minimum area of 10 acres of the total area required for zoning compliance shall consist of buildable area as defined in § 214-4, Definitions.

The parcel is more than 20 acres and more than 10 acres of the parcel contain buildable land as defined in the regulations

B. Minimum parcel frontage. The total parcel shall have a minimum frontage on an approved public way of at least 100 feet. Frontage need only be met on one road. There shall be no frontage requirements within the zone.

The parcel has frontage in excess of 100 feet on an approved public way

C. Front, side and rear yards. The minimum front yard (setback), side yard and rear yard requirements shall be 80 feet and shall pertain only to the periphery of the parcel.

The proposed Plans meet the 80 feet setback requirement

D. Buffer area. A landscaped buffer strip not less than 30 feet wide, as described in Article IX of the Somers Zoning Regulations, shall be provided along the perimeter of the property. The buffer area shall be counted as part of the front, side and rear yards. Additional buffering may be required in environmentally sensitive areas at the discretion of the Planning Commission. The Commission may modify or waive the buffering requirements where variations in topography, natural features, or compatible land uses negate the need for such a buffer.

The proposed Plans contain a landscape buffer of at least 30 feet along the perimeter of the property.

§ 214-159 Density regulations.

The maximum number of dwelling units permitted shall be determined by the Planning Commission to assure compliance with the purpose and intent of these regulations, and in any event shall not exceed four dwelling units per acre of buildable land. The maximum number of units permitted per development shall equal the buildable area of the parcel multiplied by four. The Commission may allow the units to be concentrated on a small area of the site or spread over the entire site.

The proposed Plans meet the density requirement

§ 214-160 Building requirements.

A. Building character. The detached housing shall be an architecturally integrated development. An architectural theme shall be carried out by the use of common building materials, colors, exterior detailing, bulk and/or roof lines. Rigidity in design shall be avoided. Design characteristics shall be stated in the development application and shall include, but not be limited to, building materials, architectural design, and street furniture, and shall require Planning Commission approval.

The proposed Plans show an architecturally integrated development with an architectural theme using common building materials colors, exterior detailing, bulk and/or roof lines and rigidity in design has been avoided.

B. Building location. Building location and orientation shall reflect:

(1) Relationship to the street line and to other buildings in the development if in close proximity, in order to protect privacy and create visual coherence;

(2) Views, solar access, and access to common open space, in order to enhance occupant's scale and identity;

(3) Organization of large developments into recognizable subareas in order to provide scale and identity;

(4) Avoidance of major topographic change and destruction of significant natural site features, including removal of native trees and vegetation in order to preserve and protect the environment;

(5) Reduction of visual intrusion into abutting properties in order to protect existing character. To the extent practicable, the units shall be developed more towards the interior rather than the periphery of the tract so that the detached and semi-detached residences, if any, border adjacent properties, act as buffer between the development and preexisting one-family neighborhoods.

The proposed Plans have been designed so that building location and orientation address the five requirements in this section

C. Maximum building height. The maximum height of structures shall be 1.5 story and 35 feet above the ground.

The maximum building height is 1.5 stories and no more than 35 feet above the ground

D. Maximum number of bedrooms. The maximum number of bedrooms or rooms used primarily for sleeping purposes per dwelling unit shall be two.

Each dwelling contains no more than two bedrooms

E. Minimum floor area. The minimum floor area for any one dwelling unit shall be 900 square feet.

All dwellings are at least 900 square feet

F. ADA requirements. All exterior facilities shall comply with the current ADA requirements.

There are no exterior facilities

§ 214-161 Utilities.

A. Each dwelling unit shall be provided with access, drainage and utilities that are functionally equivalent to that provided under the Somers' Subdivision Regulations.^[1] All utilities shall be placed underground.

The proposed Plans meet this requirement

[1] Editor's Note: See Ch. 213, Subdivision of Land.

B. All structures that require plumbing shall be served by a sewage disposal system and a public water supply. All sewage disposal systems require approval from the Town's designated agent and the State Health Department and/or the Department of Environmental Protection.

The town sanitarian has approved the sewage disposal system

[Amended 3-15-2018 by the Board of Selectmen, effective 4-5-2018]

C. All lighting and illumination in and around the buildings and in the public areas shall at a minimum meet IESNA standards.

All lighting meets IESNA standards

§ 214-162 Parking and circulation requirements.

A. There shall be an adequate, safe, and convenient arrangement of pedestrian circulation (such as sidewalks, pathways, and walkways), roadways, driveways and parking.

The proposed Plans comply with this requirement

B. Vehicular access to the development shall be provided from an existing public right-of-way, dedicated and accepted by the Town or state, which in the opinion of the Planning Commission is adequate to service the proposed development. As a matter of public safety, an alternate emergency access may be required.

Access to the development is from Eleanor Road which is a town road.

C. All roads within the development shall be privately owned and maintained and shall be designed with sufficient width, suitable grade and adequate construction to safely provide for the needs of vehicular traffic generated by the development. All roads shall be designed and constructed according to the requirements of the Somers Subdivision Regulations^[1] or as otherwise modified by the Planning Commission.

The road within the development will be privately owned and maintained, and its design has been approved by the town's consulting engineer.

[1] *Editor's Note: See Ch. 213, Subdivision of Land.*

D. Garages or off-street parking spaces, or a combination thereof, shall be provided for all occupants, employees, and visitors, and shall be not less than 3.0 spaces per dwelling unit, one of which must be in a garage.

Garages and off-street parking spaces have been provided and the proposed plans meet this regulation

E. The use of exterior stairs and raised curbing in areas where there is pedestrian activity shall be minimized. Single-riser steps or stairs and ramp stairways, as well as individual wheel stops in or around parking lots, shall be prohibited. When a barrier is needed to separate vehicles from islands, walks, signs, etc., other devices shall be used as approved by the Planning Commission.

The proposed Plans comply with this requirement

§ 214-163 Landscaping requirements.

A. A coordinated landscape design for the entire project area, including landscaping of structures, parking areas, driveways, and walkways, and buffer strips, shall be submitted for approval by the Planning Commission.

A coordinated landscape design has been or will be submitted prior to the public hearing

B. Wherever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design

The proposed Plans conserve and integrate existing trees and vegetative cover into the landscape design wherever possible.

C. Proper maintenance of the landscaping, including the buffer strip, shall be the responsibility of the Association, and shall be a condition of conformance with the Zoning Regulations.

The Association Documents shall contain a requirement that the Association comply with this regulation

§ 214-164 Common open space requirements.

A. All land within the development which is not covered by buildings, roads, driveways, parking areas or other development, or which is not set aside as private yards, patios or gardens for the residents, shall be common open space. The area of the common open space shall equal at least 30% of the total buildable area of the development tract. Such land shall have a shape, dimension, character, and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by all the residents of the development. Land used for septic system(s) may be part of the open space calculation.

The proposed Plans meet this requirement

B. Suitable and usable outdoor recreational area or areas shall be provided for the use of tenants. At least 2,000 square feet per dwelling unit must be usable open space for active and passive recreation. Such space shall be defined to include land for community gardens, hiking/jogging paths, tennis courts or similar facilities.

There is more than 2000 square feet per dwelling unit of open usable space for residents to hike through the woods and enjoy the beautiful undisturbed land in the development

C. Subdivision of common open land or its use for other than recreation, conservation, or agriculture, except for easements for underground utilities, shall be prohibited.

The proposed Plans meet this requirement

D. Provision shall be made so that the common open space shall be owned in common and readily accessible to the owners and residents of all units in the development, or by a membership corporation, trust or association whose members are the owners and residents of the units. In all cases, the common open space shall be subject to a perpetual restriction running to and enforceable by the Town as a third-party beneficiary, which shall be recorded in the Somers Land Records. Such restriction shall be in such form and substance as the Planning Commission shall prescribe and may contain such additional restrictions on development and the use of common open space as the Commission may deem appropriate. Any proposed documents drafted in accordance with the section shall be submitted to the Commission as part of the application and shall be reviewed by the Town Counsel.

The Association shall own the common open space which will be readily accessible to the owners and residents of the development. The Applicant requests that the remainder of this regulation be made a condition of approval. The Applicant's attorney shall submit the restriction to the Town Attorney for review and approval prior to the sale of the first unit.

§ 214-165 Community association.

An owners' association shall be established, requiring membership of each lot or unit owner in the development. The association shall be responsible for the permanent maintenance of water, sewage, recreational and infrastructure facilities. An association agreement or covenant shall be submitted with the application guaranteeing the continuing maintenance of such common utilities, land and facilities by assessing each unit a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Commission as part of the permit and shall comply with the provisions of Connecticut General Statutes § 47-200 et seq.

The Applicant will comply with this regulation and requests that compliance be made a condition of approval. The Applicant's attorney shall submit the agreement to the Town Attorney for review and approval prior to the sale of the first unit.

§ 214-166 Project identification.

A. As a condition of its approval, the Planning Commission may permit a sign showing the project name to be permanently affixed at each entrance to the development. Each sign shall be of a size and design to be approved by the Planning Commission, provided that no such sign shall exceed 20 square feet in size. The design of the sign shall be compatible with the character of the development.

The Applicant has requested a sign at the entrance to the development

B. All streets shall be posted with standard street signs and all street names shall be approved by the Fire Chief and Assessor. Dwelling units shall be assigned street numbers by the Assessor's office.

The only road is a continuation of Eleanor Road

§ 214-167 Expiration of special use permit.

A special use permit issued for such a development shall expire one year following its issuance if construction has not actually commenced. All work in connection with a special use permit issued for a development shall be completed within five years of said approval. The Planning Commission, upon written request and for good cause shown, may extend either or both of these time periods one or more times, provided the total extension does not exceed the original time period. Site preparation alone shall not be deemed to be the actual commencement of construction under this section. As a condition of its approval, the Commission may establish time limits for any development or phases thereof.

§ 214-168 Security.

Before any building permits are issued, the developer shall be required to provide the Town with performance security in a form and amount satisfactory to the Planning Commission, the Town Engineer, and Town Counsel to guarantee the construction of required public improvements. The initial amount of the bond shall be no less than \$10,000. Reductions in the amount of the original bond may be considered

by the Commission for work completed; however, the bond shall not be reduced below the initial \$10,000 amount.

Public Hearing: March 2, 2020 and April 14, 2020

Approved: April 14, 2020

Legal Notice published: June 24, 2020