



# Town of Glastonbury

## Community Development

TO: Town Plan & Zoning Commission

PREPARED BY: Gary Haynes, Planner

DATE: August 14, 2024

RE: **TPZ Recommendation to Town Council: Draft Planned Area Development (PAD) Text Amendment – BZR Section 4.12**

### Proposal

The Town Council has drafted a Building-Zone Regulation text amendment to Section 4.12 allowing Planned Area Developments (PADs) in the Town Center (TC) zoning district. This concept was previously discussed and supported by the Town Plan and Zoning Commission (TPZ) and Architectural and Site Design Review Committee (ASDRC).

PADs are allowed in most other residential and commercial zones, with the exception of the South Glastonbury Village Commercial zone and the Flood zones. According to the former Director of Community Development, Ken Leslie, the possibility of using the PAD floating zoning in Town Center was never considered during the 2014 adoption of the Town Center zone.

Staff has proposed that the code allow for a minimum development tract size of 5 acres for PADs in Town Center, in line with other commercial zoning standards for PADs. Please note that the TC zone contains approximately 6 individual parcels that exceed 5 acres. Staff also recommends that density be maintained for PADs in TC at 0.5 FAR unless 20% of proposed units are set aside as affordable. With 20% affordable units, density could be doubled as it is in the Residence A and AA zones for affordable PAD developments.

### Recommendation

If TPZ agrees with proposed text amendment to allow PADs in the Town Center zoning district the following motion is offered for TPZ consideration:

*“MOVED, that the Glastonbury Town Plan & Zoning Commission hereby forwards a favorable recommendation to the Town Council in regard to the draft text amendment of the Building-Zone Regulations allowing Planned Area Developments in the Town Center zoning district, as drafted in BZR Text Amendment dated July 23, 2024, as it promotes and provides flexible and cohesive development for larger development projects with in the Town Center Zone.”*

Attachments:  
Draft Text Amendment



# FOR COUNCIL CONSIDERATION:

## Building-Zone Regulation Amendment to Allow PAD in

### Town Center Zone

### Presentation to the Town Council

Presented July 23, 2024

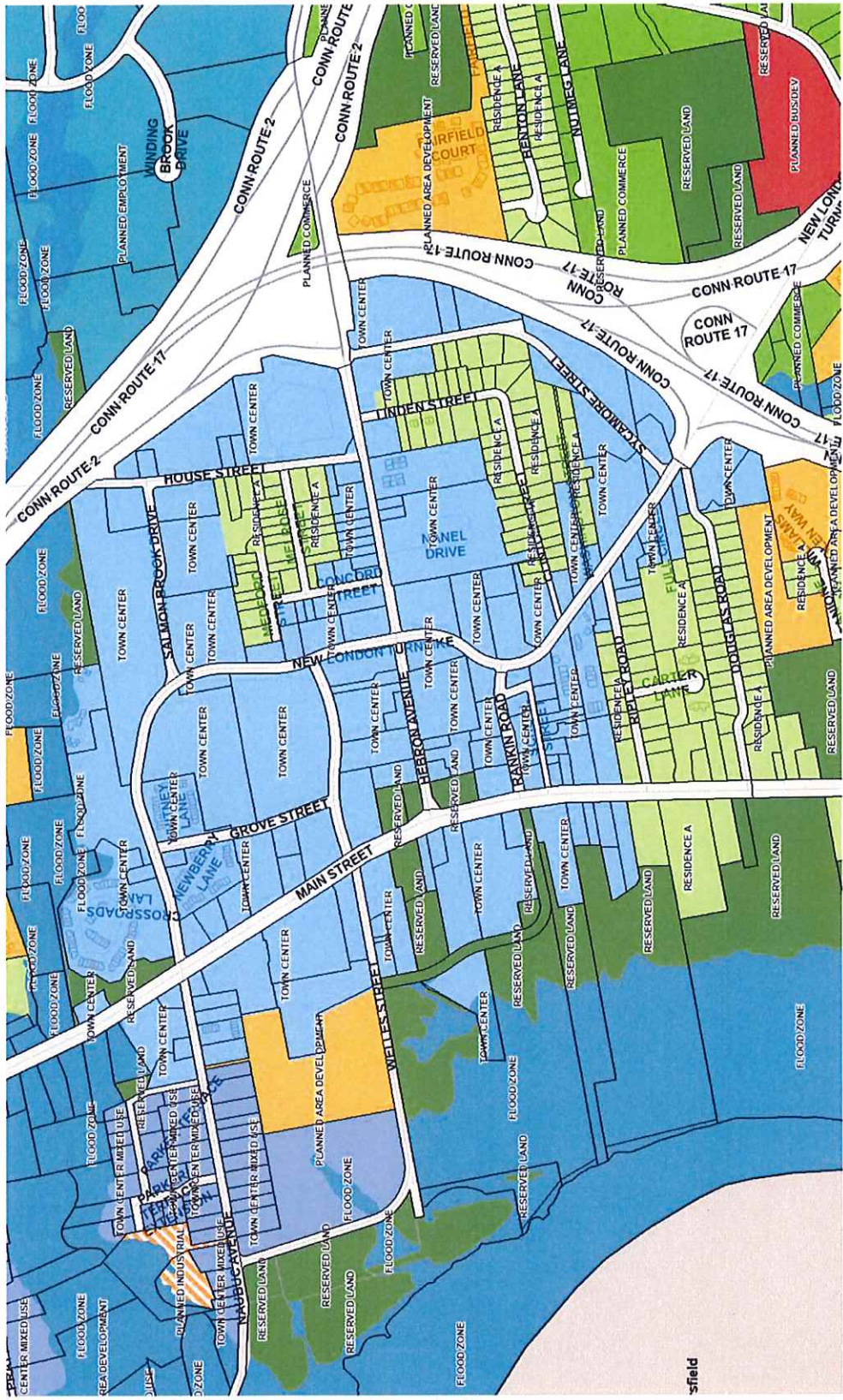
# Proposal

- To allow Planned Area Developments (PADs) in the Town Center (TC) zoning district.
- This concept was previously discussed and supported by the Town Plan and Zoning Commission (TPZ) and Architectural and Site Design Review Committee (ASDRC).
- PADs are allowed in most other residential and commercial zones, with the exception of the South Glastonbury Village Commercial zone and the Flood zones.

# Proposed Standards

- Minimum development tract size of 5 acres for PADs in Town Center.
- Minimum development tract size of 3.5 acres if 20% of proposed units are set aside as affordable OR if development is for elderly housing.
- Density be maintained at 0.5 Floor Area Ratio.
- Doubling of FAR to 1.0 if 20% of proposed units are set aside as affordable.

# Town Center Zoning Map



- Building Zones**
- Adaptive Redevelopment
  - Planned Area Development
  - Planned Bus/Dev
  - Travel
  - Planned Industrial
  - Planned Commerce
  - Planned Employment
  - Town Center
  - Town Center Mixed Use
  - Country Residence
  - Rural Residence
  - Residence A
  - Residence AA
  - Residence AAA
  - Reserved Land
  - Flood Zone
  - Village Commercial
  - Village Residential

# DRAFT BZR TEXT AMENDMENT

## Allowing PADs in Town Center Zone

July 23, 2024

### 4.12 Planned Area Development Zone (PAD)

#### 4.12.0 Purpose

In order to provide a procedure which can relate the type, design, and layout of land development to the particular site in a manner consistent with the adopted comprehensive plan of the Town of Glastonbury as required by the zoning law of the State of Connecticut and to ~~insure~~ ensure that the increased flexibility of land development allowed by this regulation is subject to greater administrative standards and procedures which will require the development plans submitted hereunder to comport in all respects with the zoning law and standards of the State of Connecticut, but to encourage the disposition of proposals for land development without undue delay; the following regulation is hereby adopted for application to those areas of land which are to be developed as Planned Area Development.

#### 4.12.1 Definitions

- a. Underlying Zone: that zone district existing on the tract at the time of filing the Final Development Plan pursuant to Section 4.12.4.b of this regulation and to which the tract will revert after a Planned Area Development Zone is not developed within a time limit established pursuant to 4.12.6a of this regulation.
- b. Land Use: The following land uses are recognized and permitted in a Planned Area Development Zone as may be defined and classified in Section 2 - Definitions, and Section 5 - Table of Permitted Uses, of the Glastonbury Building - Zone Regulations, limited to those uses specified in Section 4 - Use Regulations, and Section 5 - Table of Permitted Uses of the Glastonbury Building - Zone Regulations and subject to the other provision of this regulation; residential (including single-family, two-family and multiple-family dwellings and detached, semi-detached and attached dwelling units), office, service, trade, manufacturing, culture, entertainment and recreational, transportation, communication and utility, resource production and extraction.

#### 4.12.2 Minimum Tract Size

The size of tracts for which application for a Planned Area Development Zone may be made shall be controlled by the zone classification of the tract, in accordance with the following table:

<u>BUILDING ZONE MAP</u> <u>ZONE CLASSIFICATION</u>	<u>MINIMUM ACRES</u> <u>CONTIGUOUS TRACTS</u>
Residence A Zone	10 acres
Residence AA Zone	10 acres
Residence AAA Zone	15 acres
Rural Residence Zone	20 acres
Country Residence Zone	25 acres

Planned Business & Development Zone	5 acres
Planned Industrial Zone	5 acres
Planned Travel Zone	5 acres
Planned Commerce Zone	5 acres
Planned Employment Zone	5 acres
<u>Town Center Zone</u>	<u>5 acres</u>

For the purposes of this section 4.12.2, "contiguous" tracts shall mean tracts sharing a common boundary, but shall not include tracts separated by a town or state highway.

Any tracts of land located in more than one zone must meet the requirements of the zone having the highest minimum tract size requirements.

Notwithstanding the foregoing, the minimum tract size for which an application may be made in a residential zone for a PAD exclusively for Housing for the Elderly, as those terms are defined in these Regulations, or for a PAD in the Residence A, ~~or~~ Residence AA, or Town Center Zones that devotes 20% or more of its units as Affordable Dwelling Units, as those terms are defined in these Regulations, is 3.5 acres. ~~Amended—effective August 18, 2011~~

#### 4.12.3 Standards

- a. Waiver: Those sections of the Glastonbury Building-Zone Regulations governing: Use Regulations (Section 4); Table of Permitted Uses (Section 5); Special Regulations (Section 6); Accessory Uses and Structures (Section 7); Nonconforming Uses (Section 8); Off-street Parking and Truck Loading (Section 9); and Unified Sign Regulations (Section 10) which conflicts with the Final Development Plan for the Planned Area Development Zone as approved by the Town Council, shall be deemed to be waived as a result of such Council approval.
- b. Mixed Land Uses: Mixed land uses may be permitted in a Planned Area Development Zone, provided that in the case of any proposed use or uses in the Planned Area Development Zone which are not permitted in the underlying zone(s) by Section 4 and Section 5 of these Regulations, the total land area or total gross floor area (which is greater) of such use or uses shall not exceed ten percent (10%) of the total land area or total gross floor area (whichever unit of measurement is used in the first instance) of the Planned Area Development Zone in the case of any underlying residence zone and twenty percent (20%) of the total land area or total gross floor area (whichever unit of measurement is used in the first instance) of the Planned Area Development Zone in the case of any underlying non-residence zone except that the aforementioned restriction shall not apply to the types of residential units (single-family, two-family, multi-family, detached, semi-detached, attached) in the case of residential uses when the Planned Area Development is to be located in an underlying residence zone. No industrial Planned Area Development shall be permitted in any residential zone, nor shall a residential Planned Area Development be permitted in an industrial zone.
- c. Definitions      **Section 4.12.3.c amended – effective April 29, 2007**

For the purposes of this section 4.12.3(c)(1) & (2), the following definitions shall apply:

“100-year flood hazard area (Zone A)” shall mean property located within a floodplain with a flood frequency of every 100 years or greater designated Zone A on the municipal flood hazard maps or by more detailed survey.

“Unbuildable Property” shall mean property with any one of the following characteristics: inland wetland or watercourse; slopes with an incline of 25% or greater; or 100-year flood hazard area (Zone A).

"Buildable Property" shall mean all property that is not Unbuildable Property as defined above.

“Housing for the Elderly” shall mean housing restricted for those persons 62 years of age and older. In a multiple occupancy dwelling at least one of the occupants must be 62 years of age or older.

(1) Residential Unit Density

Dwelling Units per Acre: The Maximum Residential Dwelling Units per acre of Buildable Property of a Planned Area Development shall be in accordance with the following table:

<u>UNDERLYING</u>	<u>DWELLING UNITS PER ACRE</u>
Residence A Zone	3
Residence AA Zone	1.8
Residence AAA Zone	0.9
Rural Residence Zone	1
Country Residence Zone	0.5
South Glastonbury Village Residential	3

Where lands proposed for a Planned Area Development contain Unbuildable Property, the number of dwelling units shall be limited to the number of dwelling units allowed per acre of Buildable Property.

An exception may be made to the above table in accordance with the following three provisions:

- a) Up to a maximum of 11 units per acre of Buildable Property for housing for the elderly or elderly congregate housing may be allowed.
- b) The Town Council at its sole discretion based upon a finding of significant public benefit may allow one (1) additional dwelling unit for each acre of property defined as Unbuildable Property if the land is dedicated to the Town and accepted by the Town Council, provided, however, that the total number of dwelling units per acre of Buildable Property shall not exceed twice the density specified in the above table. Prior to a finding of significant public benefit, the Town Council, at a minimum, shall consider how the project protects and promotes the public health, safety or welfare, sound planning and community aesthetics.



- c) In a Planned Area Development which includes Buildable Property designated and accepted by the Town Council at its sole discretion based upon significant public benefit as open space to be deeded to the Town, the number of dwelling units shall adhere to the residential density table set forth above based on the total buildable property including the land dedicated to the Town, provided, however, that the total number of dwelling units per acre of Buildable Property not deeded to the Town shall not exceed twice the density specified in the above table. Prior to a finding of significant public benefit, the Town Council, at a minimum, shall consider how the project protects and promotes the public health, safety or welfare, sound planning and community aesthetics.

Dwelling Units per FAR: The Maximum Residential Dwelling Units of a Planned Area Development in Town Center Zone shall be determined by the Maximum Floor Area Ratio of 0.5. Per Definitions (Section 2.21), Floor Area Ratio is calculated per the total area of the lot.

#### Section 4.12.3(2) Affordable Dwelling Units Amended - effective August 7, 2023

- a) Purpose: To provide for the construction of affordable dwelling units as encouraged by the Plan of Conservation and Development and the Town's Affordable Housing Plan in conjunction with a Planned Area Development in accordance with the following.
- b) Standards: Affordable Dwelling Units shall be of comparable quality and workmanship as other Dwellings in the subject development, shall provide a comparable number of bedrooms, up to three (3) bedrooms, as other Dwellings in the subject development, and shall be evenly distributed throughout the development.

Affordable Dwelling Units must be administered per an Affordability Program approved by the Town Plan and Zoning Commission and meeting the requirements of Section 3.29.

The development shall be subject to a restrictive covenant describing the Affordability Program and enforceable by the Town and in a form as required by the Town Attorney.

A PAD that provides 20% or more of the total proposed units as Affordable Dwelling Units in underlying Residence A and Residence AA zoning districts served by public water and sanitary sewer shall be allowed at a density of no more than six (6) Dwelling Units per acre of Buildable Property in the Residence A zone and no more than five (5) Dwelling Units per acre of Buildable Property in the Residence AA zone.

A PAD that provides 20% or more of the total proposed units as Affordable Dwelling Units in underlying Town Center Zone served by public water and sanitary sewer shall be allowed at a Floor Area Ratio of no more than 1.0.

A PAD that provides 80% or more of the total proposed units as Affordable Dwelling Units in an underlying Residence A zoning district served by public water and sanitary sewer shall be allowed at a density of no more than ten (10) Dwelling Units per acre of Buildable Property.

No variance of these regulations regarding Affordable Dwelling Units or Floor Area Ratios may be granted by the Zoning Board of Appeals.

- c) Any Multiple Dwelling project developed in phases shall include at least one (1) Affordable Dwelling Unit in the first stage of development, and at least one (1) additional such unit for each additional ten (10) units regardless of any phases or stages of development.
- d. Evaluation: In evaluating the appropriateness and proposed density of the development, consideration shall be given to, among other things, the recommendations of the adopted Town Plan of Development for the area being considered, the development's association with or relationship to business or village centers, either existing or future, as shown on the adopted Town Plan of Development, the distance from such centers, the relationship with the nearness to dedicated and/or preserved areas of open space, the nature and type of surrounding development, access to commercial, recreational and other community facilities, availability or existing or potential public transportation, the transitional character of the development to existing or potential developments, impact on highways and other public facilities, including utilities, preservation of the character of existing neighborhoods, and satisfaction of any other standards set forth in this regulation..
- e. Lights: Outdoor Lighting shall be shielded and directed so that the light source, or light from internally lit signs or fixtures, shall not be seen at the property line of adjacent properties or properties across a street of highway from said zone. All lights shall be shielded so that indirect light falling outside the Planned Area Development Zone into areas shall be of low intensity.
- f. Drainage: An adequate storm and surface water drainage system shall be provided with outfall to a natural watercourse or existing adequate storm drainage system, except that in order to reduce drainage structures and recharge water tables, storm drainage shall be led, where possible, into marshes, wet areas, or impoundments. Provision shall be made to dispose of surface water which now drains naturally into the Planned Area Development from adjoining properties, with proper allowance for increased intensity of flow due to future developments. Erosion shall be controlled by, among other things, preserving trees, plant cover, and topsoil; avoiding the creation of steep, open slopes; and grading, seeding, or otherwise stabilizing open, excavated areas. Natural streams, whether intermittent or year-round, shall be left in their natural state and insofar as practicable lot layouts shall provide for streams to be located on side or rear lot lines or in public open spaces.
- g. Building Intensity: Buildings shall cover a total of not more than one-third (1/3) of the land area of a Planned Area Development used for nonresidential uses, Affordable Rental Housing, Moderate Priced Housing, or Elderly or elderly Congregate Housing. Buildings shall cover a total of not more than one-sixth (1/6) of the land area of the Planned Area Development used or designed, arranged or intended to be used for other residential uses. In determining such total residential or non-residential use area, buffer areas and the paved areas of public highways, common drives, and off-street parking lots shall be excluded. The Town Council may vary and the Town Plan and Zoning Commission may recommend that the Council vary the one-third (1.3) building coverage requirement for nonresidential uses when in its opinion the proposed use(s) carries out and it consistent with the intent of this regulation.

- h. Building Height: No building shall exceed a height of thirty-five (35) feet, except that the Council may allow buildings to have a greater height when firefighting feasibility is satisfactory in consideration of the report submitted by the Fire Marshal under Section 4.12.4.b below, and other information which might be included in the record.
- i. Area Relationships: The proposed Planned Area Development Zone shall relate properly to proposed land uses, traffic circulation patterns, and utility plans as may be shown in the adopted Town Plan of Development. The proposed Planned Area Development Zone shall also relate properly to such land uses and zoning as may exist at the time of the application, and shall protect the property values of surrounding neighborhoods.
- j. Open Space: Open space set aside or established pursuant to the density provisions of this section may be made available for public use at the option of the applicant and the Council. If not so dedicated, adequate provisions shall be made for the maintenance and upkeep of such open space, including recreational and public facilities provided therein, by an organization set up by the developer with the power of obtaining assessments through enforceable covenants against privately owned land within the development. Nothing set forth above shall be construed either as a requirement or obligation on the part of the Town of Glastonbury to make any repairs or improvements to any property subject to these covenant and restrictions or to enforce any covenant or restriction contained herein.

#### 4.12.4 Procedure and Application

The procedure of making application for and obtaining approval of a Planned Area Development Zone shall be governed by the laws applicable to all zone changes in the Town of Glastonbury.

At the time of submission of a preliminary proposal, the applicant shall be informed of the schedule of fees on file in the Town Plan and Zoning Commission office covering the application and its processing including any special studies required. Such fees, as approved by the Town Council and the Town Manager, shall be paid by the applicant at the time of submission of the Final Development Plan.

- a. Preliminary Development Plan: The applicant shall submit four (4) copies of a Preliminary Development Plan to the Commission. The Town Plan and Zoning Commission and Town Council, either jointly or severally, shall hold a public hearing, or hearings as the case may be within sixty (60) days of acceptance of a complete Preliminary Development Plan. Date of acceptance shall be the next regularly scheduled meeting of the Commission. After receipt of the Preliminary Plan and before public hearing, it shall not be submitted to any commission or board. The Chairman of the Town Council shall chair the joint hearing on the Preliminary Development Plan. Notice of the hearing shall be published in a newspaper of general circulation in Glastonbury at least twice at intervals of not less than two (2) days prior to the date of such hearing, and also sent at least fifteen (15) days before such hearing, and also sent at least fifteen (15) days before such hearing, by ordinary mail, to owners as appearing on the Assessor's records of land within five hundred feet of the area to be rezoned. Such notice shall indicate the time, date, and place of said hearing, the general location of the land involved in the zone change, the type of development, and that copies of the Preliminary Development Plan are available in an appropriate location for inspection. At the hearing on the Preliminary Plan of Development, the applicant shall present such plan, which will contain at a minimum the proposed uses, building and major structure layout, road and parking patterns, proposed

recreation and open space, density, architectural style of buildings, the names and owners of property as appearing on the Assessor's records of land within five hundred (500) feet of the area to be rezoned, and benefits of this Planned Area Development to the Town. The purpose of this hearing is to receive input from the public and comment and suggestions from the Commission and Council which would allow the applicant to decide whether to proceed with the expense of preparation of the Final Development Plan. The applicant may return for further guidance to a Planned Area development Subcommittee of Commission and Town Council members. The applicant may make such changes to the Preliminary Development Plan as he deems appropriate, provided, however, the Commission may within its discretion, if it considers those changes substantial, require the submission of a new Preliminary Development Plan to a public hearing. The Town Council or Town Plan and Zoning Commission may approve, approve with stipulations or disapprove the Preliminary Development Plan. Any opinions or suggestions expressed by members of the Commission or Council as to the Preliminary Development Plan shall be tentative only and shall not hinder or preclude such members from making an independent judgment as to the Final Plan of Development based upon all evidence in the record at the time of a final decision.

- b. Subsequent to the hearing on the Preliminary Development Plan, the Final Development Plan shall, where applicable, be prepared and certified by a licensed architect, or a professional civil engineer, and shall include or be accompanied by the following information unless specifically waived:
1. Location and zone of property and nature of owner's interest, including a boundary map certified to State of Connecticut A-2 map survey standards, which map is to be adopted as description of the zone boundaries.
  2. Present and proposed land and building uses, categorized as residential, non-residential, or both, and the acreage assigned to each.
  3. Proposed dwelling unit densities pursuant to Section 4.12.3c above, including the number of dwelling units and rooms within the units.
  4. Building intensities pursuant to Section 4.12.3g above, including use, dimensions and locations of present and proposed structures.
  5. Proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets and common drives.
  6. Location of proposed off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, parking barriers and walkways.
  7. Proposed pedestrian walks, malls and other paths, public and private.
  8. Proposed open space such as parks, lawn areas, and recreational facilities, and such proposed covenants, easements and other provisions relating to dimensions, location and density of such building units and public facilities as are necessary for the welfare and maintenance of the development and are not inconsistent with the best interests of the Town.

9. Landscaping, present and proposed, including major tree and shrub area, present and proposed water elements, and related treatment of open space, screening, present and proposed topography.
10. Proposed utilities, including water supply, sewage disposal, electrical service, exterior lighting and drainage, including capacity and additional flow produced for water courses utilized. If within area not presently served but within a master utility plan, a utility system which will be adaptable to municipal services when provided.
11. Preliminary building plans, including schematic floor plans, exterior elevations and perspective drawings.
12. Description of types of building materials and facing, including fire retardant characteristics for all proposed buildings.
13. Relation to existing and future land uses in the surrounding area.
14. Priority schedule of construction of the various units, buildings, landscaping, and other elements of the plan.
15. Future division of property among landowners either by building or other reasonable separations.
16. Any other information which the Commission may reasonably require or the applicant may wish to submit.
17. If non-residential land uses are proposed, or if the residential density shall exceed the amount shown in the residential density table set forth in Section 4.12.3c above, a traffic survey 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 interchanges, intersections and entrances serving the development shall be done by a professional engineer licensed to practice in the State of Connecticut. In addition, a report on these items and other security-related items shall be submitted from the Chief of Police.
18. A report from the Fire Marshal on firefighting feasibility of the proposed development.
19. A statement from the Town Sanitarian of the adequacy of solid wastes, disposal, and if no public sanitary sewers are available, private sewage disposal system.
20. A statement from the Town Engineer in reference to adequacy of drainage, public street design, the design of elements to be served by the Department of Public Works, and the engineering validity, as the design relates to the roads and utilities of the Town.
21. A statement from the Sewer Commission on the adequacy of the public sanitary sewers and treatment facilities if public sanitary sewers are available.

22. A statement from the Architectural and Site Design Review Committee on the adequacy and design of proposed site layout, architecture and planting and landscaping plans and implementations program thereof. EFFECTIVE March 28, 2022
23. A statement from the Conservation Commission on the environmental impact of the proposed development.
24. A statement from any other advisory committee whose opinion is deemed appropriate by the Town Plan and Zoning Commission and Town Council.
25. The proposed declaration of covenants and restrictions to enforce the Affordability Program included in the application.

A determination shall be made that a complete Final Development Plan has been filed. The Commission's determination on completeness of the application shall be made on the specific objective criteria contained in this regulation only. The Commission shall then consider such plan in relation to the findings required in Section 4.12.5 and make an appropriate recommendation thereon to the Town Council at a public meeting. Regardless of the recommendations of the Commission, the applicant shall have the right to apply to the Town Council for a change of zone.

The Commission's recommendation for such Final Development Plan may be for a stage or stages of not less than the minimum size permitted by Section 4.12.2a above. Such a stage shall include, to substantially the same proportion as included in the Final Development Plan, all the public amenities and elements used as public protection of the surrounding area, and shall be to substantially the same dwelling and building density as the Final Development Plan. Such a stage shall be capable of complete and self-sufficient existence without the completion of the final stages. Such plan shall conform to and include the information required by the Final Development Plan.

The applicant may thereafter submit the Final Development Plan and the Commission's recommendations thereon as a request for a change in zone to the Town Council.

Such an application for a change in zone to the Town Council with the Final Development Plan shall include four (4) copies of each of the following documents:

1. Site plan containing information developed in Section 4.12.4b-1, 2, 4, 5, 6, 7, 13, 14, 15 and 16.
2. Building plan, containing information developed in Section 4.12.4b-3, 4, 11, 12 and 16.
3. Open space plan, containing information developed in Section 4.12.4b-8, 9 and 16.
4. Engineering plan, including information developed in Section 4.12.4b-5, 10, 16 and 17.

The Council may require additional documents to be submitted and explanatory statements or descriptive material to be appended. The Council shall approve or disapprove the Final Development Plan after a public hearing in the manner as required by law for a change of zone.

Approval of the Final Development Plan may include such changes, limitations, restrictions or conditions, as the Town Council shall consider appropriate.

A certified ~~linen~~Mylar, black and white copy of the approved Final Development Plan, shall be filed in the Office of the Town Clerk by the owner at his expense within ninety (90) days following approval by the Council, and any Final Development Plan not so filed within ninety (90) days shall be void. Reproducible ~~linen or Mylar~~, black and white copies of the approved Final Development Plan shall also be filed with the Building Inspector and Town Planner.

#### 4.12.5 Findings Required

Because the intent of his ordinance is to approve PADs only where specified development proposals are approved simultaneously, the zone change to PAD and the Final Development Plan will be approved or denied as one motion. The Commission may recommend and the Council may approve the creation of a Planned Area Development Zone provided that a finding is made that the facts submitted with the application establish that:

- a. The standards and conditions of Section 12 of these Regulations have been met.
- b. The developer has provided, where appropriate, for the sustained maintenance of the development in general, and also for the open space in accordance with Section 4.12.3j above.
- c. Utilities, drainage and recreational facilities have been so laid out as not to duly burden the capacity of such facilities, such other facilities presently connected therewith, and such facilities proposed by the adopted Town Plan of Development and officially adopted master utility plans.
- d. The streets and drives will be suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network in the area.
- e. The existing or proposed utility services are adequate for the population densities and building intensities.
- f. The development will be in keeping with the general interest and spirit of the Glastonbury Building-Zone Regulations and comprehensive plan.

#### 4.12.6 Phasing

- a. The Town Council may establish as a condition of its approval reasonable time limits for any development or phases thereof, such time limits apply to the start and completion of construction of the development or phases thereof. Such time limits may be revised by resolution of the Town Council, upon application, provided the Town Council shall find the revision to be in the public interest.
- b. In addition to any time limits imposed above, all work on an approved PAD development (including all phases thereof) must be completed within no more than ten years of the effective date of approval; provided the Town Council may, upon application prior to the expiration date, approve extensions of one year for up to a maximum of four additional years. The Town Council, when considering an application for extension, may refer the matter to the Town Plan and Zoning Commission for a report and recommendation. Failure to complete all of the work

required under a PAD approval prior to the expiration date shall result in automatic expiration of the approval with respect to the remaining unfinished work and forfeiture of the bond provided under Section 4.12.7. In addition, the Town Council as the zoning authority may file a notice of expiration on the land records but is not required to do so. Any future improvements after the expiration date shall require a new application and will not be considered a minor change.

- c. The Town Council's resolution of initial approval shall state (1) the ten-year deadline and (2) any other phasing time limits controlling the completion of the development or phases within such development, (collectively the "deadlines"). All deadlines shall start to run from the effective date of approval by the Town Council unless otherwise specified in the resolution of approval. The deadlines in the resolution of approval shall be included on the Final Development Plan.  
EFFECTIVE – APRIL 25, 2017

#### 4.12.7 Bonding

- a. Prior to the issuance of any building permit, the developer shall provide the Town with a performance bond in a form satisfactory to the Town Manager covering the costs of public improvements unless said public improvements are bonded under the provisions of the Glastonbury Subdivision Regulations. Said bond shall be in a sum satisfactory to the Town Manager and shall be conditioned on completion of said public improvements within two (2) years of the date of issuance of the first such building permit, except that such time limit may be extended by resolution of the Town Council, upon application, provided the Town Council shall find the extension to be in the public interest.
- b. Prior to the issuance of any building permit, the Council shall request the developer to provide the Town with a performance bond covering the cost of facilities common to the entire development, including but not limited to recreational facilities, club houses, private road, buffer areas, and walkways as specified. Said bond shall be in a sum satisfactory to the Town Manager and shall be conditioned on the completion of said common facilities within one (1) year of the date of issuance of the first such certification of occupancy, except that such time limit may be extended by resolution of the Town Council, upon application, provide the Town Council shall find the extension to be in the public interest.
- c. If a Planned Area Development is to be developed in stages and the Council finds that the common facilities are divided so that they are approximately evenly distributed over the total number of proposed stages and that each stage, together with its common facilities, shall be capable of complete and self-sufficient existence without the completion of the final stages, the Council may allow the developer to provide the Town with a performance bond covering the cost of facilities common to and contained within each stage, on a stage-by-stage basis prior to the issuance of a building permit for each stage. Said bond shall be in a sum satisfactory to the Town Manager and shall be conditioned on the completion of said common facilities for each stage within one (1) year of the date of issuance of the first certificate of occupancy for each stage, except that such time limit may be extended by resolution of the Town Council, upon application, provided the Town Council shall find the extension to be in the public interest.

#### 4.12.8 Changes in Approved Plan

- a. Minor changes in an approved Final Development Plan may, with the written approval of the Town Manager, be made, provided such changes shall not substantially affect the overall



architectural and site design of the Planned Area Development. Such changes shall in no way affect overall density, impact or nature of the development. Such minor changes may include but are not limited to, the location of catch basins, manholes, and other technical aspects of drainage, slight alterations of the of the location of roads, sidewalks, structures or buildings due to unforeseen topographic or geologic features; slight alterations of finished contours, minor rearrangement of lighting standards, benches, and other incidental street furniture. If the Town Manager shall have any question as to whether such a proposed change is minor to not, such change shall require the review and written approval of the Town Council, after receiving a report of its recommendations from the Town Plan and Zoning Commission.

- b. Since the PAD Zone is approved by the Town Council as permitting only that use of those uses as proposed by the application, a change in an Approved Final Development Plan which is not considered to be a minor change as permitted in Section 4.12.8a above, shall be considered and processed as a completely new application for change of zone to PAD.

#### 4.12.9 Site Plan Compliance

- a. Prior to the commencement of any site work, the developer shall schedule a job meeting with the Public Works Department in order to establish construction schedules and procedures. The developer shall be responsible for notifying all contractors and utility companies involved in the project of this meeting. A job meeting will not be held unless all affected contractor and utility companies are represented.
- b. To ensure strict compliance with the approved Final Development Plan, certified record drawings shall be reviewed by the Public Works and Community Development Departments. If either of those town agencies or their designated representatives determine that said improvements do not comply with the Final Development Plan, the Public Works Department shall notify the developer of such non-compliance and give the developer a period of Thirty (30) days to remedy the non-compliance. Failure to remedy the non-compliance to the satisfaction of the Public Works Department and the Office of Community Development within said thirty-day period shall be sufficient case for revocation of the approval of the Final Development Plan by the final zoning authority.
- c. Certified Record Drawings: The developer's engineer shall furnish the developer a complete set of prints upon which the developer shall incorporate and update the as-built record of all the approved Final Development Plan work on a continual basis as construction progresses. All surveys, measurements, and such other data required for the determination of the as-built records of the construction of all work shall be obtained under the direction of a Connecticut registered land surveyor or professional engineer. These drawings shall be signed and sealed by the registered land surveyor and/or professional engineer, as to materials, construction methods and location.

The complete set of prints shall be maintained at the job site at all times, and the developer shall be responsible for having clearly, neatly, accurately, and promptly recorded thereon, as the work is performed, the as-built record of the work. Principal dimensions, elevations and such other data as required shall be recorded for all work. Should there be a question as to the type and amount of data to be recorded, Town Staff shall be responsible for determining the type of data necessary.

The marked-up prints shall be available for inspection by Town Staff during regular business hours and shall be corrected immediately if found either inaccurate or incomplete.

At the completion of the project, and before any performance bond held by the Town is released, an entire set of as-built plans shall be submitted on Mylar to Town Staff for acceptance. The plans shall be signed and sealed by a Connecticut registered engineer and/or land surveyor.