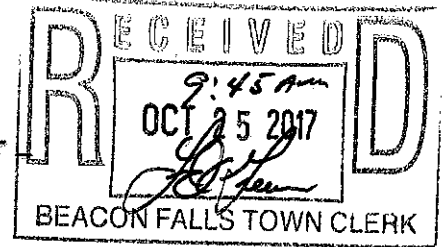


Section 24 – PLANNED RESIDENTIAL OPEN SPACE DISTRICT



A. Purpose

1. A Planned Residential Open-Space District [PROD] may be established by the Commission in accordance with the procedures hereinafter specified. The provisions of this Section are designed to permit modification of the strict application of the standards and provisions of these Regulations to accomplish the purposes set forth below. A Planned Residential Open Space District may be established by the Commission when found necessary and appropriate for the following purposes:

2. To permit the use of land, buildings and other structures for purposes that would be beneficial to and consistent with the character of the Town and to preserve open space areas consistent with the current comprehensive plan and current plan of conservation and development adopted by the Commission, when such uses are located on tracts of sufficient size to accommodate harmonious design of buildings, structures and facilities in connection with the use and when another zoning district could not be appropriately established to accomplish such purposes.

B. Establishment of District

1. The Commission may establish the PROD for a particular parcel(s) described in Schedule A which is within the R-1 residential district after an application is submitted and a hearing is held thereon. If adopted for a particular parcel, such adoption shall constitute a zoning map amendment.

2. The following characteristics are required for a site to be eligible for the PROD designation:

- i. The district shall be located upon a parcel of property described in Schedule 'A' which is attached hereto and made a part hereof this amendment.
- ii. The use of a PROD to allow greater flexibility in planning and design, free from the rigid constraints of the R-1 district standards, at densities of not more than 130 units.

3. Appropriateness: In determining the appropriateness of a proposed PROD zone, the Commission shall consider, amongst other factors, the following:

- i. Ability to preserve a large tract of open space.
- ii. Physical characteristics of the lot.
- iii. Whether other multi-family units are near parcel.

C. Development within District

1. The overall process for development within a PROD zone includes:
 - i. Establishment of the PROD zone by filing an application for change of zone including statement of use.
 - ii. Application fee for change of zone and map amendment in accordance with the Town's fee ordinance for processing land use applications.
 - iii. Approval of a special exception in accordance with Section 52 of these Regulations
 - iv. Application fee for special exception in accordance with the Town's fee ordinance for processing land use applications.
 - v. Pre-application meetings for any proposed development are recommended.

D. Standards for District

1. Building and other structures shall not exceed a height of 35 feet.
2. Architectural designs plans, including general floor plans, exterior elevations including the specific types of materials used on the exterior of the buildings must be approved by the Commission.
3. If reasonably prudent and feasible, the proposal shall make reasonable attempts to adapt to existing topography and natural site features.
4. Building setbacks shall be 50 feet from any property line abutting a preexisting PARD and 100 feet from any property line abutting a residential zone or town-line, 20 feet from interior roads and 20 feet between buildings with off-street parking for 2 vehicles per residence.
5. A written traffic report may be submitted by a qualified professional engineer if required by the Commission.
6. A landscape plan including the types of trees and bushes shall be designed among other purposes, to screen adjoining neighborhoods.
7. A written engineering report addressing storm drainage using best management practices and flooding for a 25 year storm as well as sediment and erosion control plan.
8. A statement from both the town fire marshal fire chief that the proposal meets fire safety standards and a statement from the town engineer as to the adequacy of the drainage and site line distances for ingress and egress.

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9. The roads shall be privately owned and regulations regarding public roads and public improvements will not apply to them.

10. Private or public water and sewer service shall be provided to any development proposed under this regulation. Furthermore, snow removal and trash removal shall be provided by private service.

E. Limitations

1. Adoption of a PROD by the Commission shall constitute authorization to establish the uses, buildings, structures and site development in accordance with the standards in this regulation and those contained in any approved Commission site plan and special exception as well as those standards found in Section 51 and 52 of the zoning regulations.

2. The development authorized by the Commission shall be completed within 5 years from the effective date of the PROD, except that the Commission may extend the time for completion for 5 year periods after public hearing for good cause demonstrated to the satisfaction of the Commission; otherwise the Commission may amend the zoning map, deleting the PROD and establishing for such land the provisions of the prior zoning district.

3. Prior to the issuance of any Certificate of Occupancy, the developer shall have one course of paving in front of the building and continuing to a public highway.

4. The development may be done in phases.

5. There shall be a homeowner's association to maintain the roads, private water and sewer and common areas.

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SCHEDULE A, PROPERTY DESCRIPTION

Bear Hill Road

(Assessor's Map 12, Block 2, Lot 27 & Assessor's Map 13, Block 1, Lot 13):

Said premises, taken together, are also described as follows in a Committee Deed dated June 12, 2012 and recorded in Volume 203 at Page 572 of the Beacon Falls Land Records:

All that certain piece or parcel of land, situated in the Town of Beacon Falls, County of New Haven, and State of Connecticut, being more particularly bounded and described as follows:

Beginning at a point on the westerly streetline of Bear Hill Road at the division line of land now or formerly of Blackberry Development, LLC and the parcel herein described;

thence running South $11^{\circ}-35'-35''$ West 221.88 feet to a point, thence turning and running South $15^{\circ}-50'-30''$ West 274.77 feet to a point; thence turning and running South $10^{\circ}-21'-41''$ West 424.51 feet to a point, thence turning and running South $22^{\circ}-08'-59''$ West 86.65 feet to a point, thence turning and running South $10^{\circ}-46'-39''$ West 293.41 feet to a point, thence turning and running South $09^{\circ}-24'-29''$ West 152.34 feet to a point, thence turning and running South $13^{\circ}-59'-30''$ West 284.00 feet to a point, thence turning and running South $13^{\circ}-51'-37''$ West 214.16 feet to a point, thence turning and running South $05^{\circ}-50'-16''$ West 99.20 feet to a point, thence turning and running South $13^{\circ}-44'-28''$ West 73.21 feet to a point, thence turning and running South $10^{\circ}-24'-20''$ West 290.79 feet to a point, thence turning and running South $07^{\circ}-30'-55''$ West 332.23 feet to a point, thence turning and running South $00^{\circ}-55'-38''$ West 94.77 feet to a point, thence turning and running South $05^{\circ}-48'-40''$ West 106.23 feet, all along the westerly streetline of Bear Hill Road, to a point;

thence running North $69^{\circ}-53'-07''$ West 941.90 feet along land now or formerly of Shirley Lavtz and David Lavtz to a point;

thence running North $70^{\circ}-5'-27''$ West 1,342.40 feet along land now or formerly of Shirley Lavtz and David Lavtz and Miller Road, each in part, to a point;

thence running North $06^{\circ}-15'-48''$ East 127.08 feet to a point, thence turning and running North $11^{\circ}-55'-14''$ East 120.10 feet to a point, thence turning and running North $02^{\circ}-17'-22''$ East 100.81 feet to a point, thence turning and running North $25^{\circ}-23'-34''$ East 69.60 feet to a point, thence turning and running North $08^{\circ}-46'-39''$ East 29.30 feet to a point, thence turning and running North $27^{\circ}-23'-59''$ East 194.75 feet to a point, thence turning and running North $16^{\circ}-32'-49''$ East 66.60 feet to a point, thence turning and running North $26^{\circ}-59'-24''$ East 145.15 feet to a point, thence turning and running North $28^{\circ}-05'-45''$ East 192.50 feet, all along land now or formerly of Wyndham At Chatfield Farms, LLC, to a point;

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thence running North 25°-56'-41" East 484.69 feet to a point, thence turning and running North 25°-58'-51" East 280.72 feet to a point, thence turning and running North 27°-32'-01" East 280.58 feet to a point, thence turning and running North 24°-56'-31" East 583.61 feet to a point, thence turning and running North 18°-51'-11" East 225.10 feet to a point, thence turning and running North 27°-28'-21" East 112.37 feet to a point, thence turning and running North 31°-46'-51" East 87.85 feet to a point, thence turning and running South 82°-03'-50" East 24.35 feet, all along land now or formerly of Beacon Heights, Inc., to a point;

thence running South 66°-25'-23" East 174.21 feet to a point, thence turning and running South 60°-32'-19" East 70.19 feet to a point, thence turning and running South 67°-57'-32" East 56.27 feet to a point, thence turning and running South 84°-52'-16" East 91.20 feet, all along land now or formerly of Blackberry Development, LLC, to a point;

thence running South 50°-32'-55" East 207.37 feet along land now or formerly of Blackberry Development, LLC and Blackberry Development, LLC (Lot 8), each in part, to a point;

thence running South 64°-13'-36" East 482.09 feet along land now or formerly of Blackberry Development, LLC (Lot 8), Oakwood Drive and land now or formerly of Blackberry Development, LLC, each in part, to a point;

thence running South 66°-04'-40" East 167.60 feet to a point, thence turning and running South 60°-05'-09" East 181.23 feet to a point, thence turning and running South 67°-29'-40" East 127.89 feet to a point, thence turning and running South 67°-09'-41" East 81.26 feet, all along land now or formerly of Blackberry Development, LLC, to the point of beginning.

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