

Adopted Amendments to Branford Zoning Regulations effective April 11, 2025
Including modifications adopted by the Planning and Zoning Commission
(in red text and strikeout)
on March 20, 2025

Sections that are ~~stricken~~ shall be deleted.

Sections that are **bold & double underlined** shall be added

~~1.7 — Temporary & Limited Moratorium [Amended, EFFECTIVE AUGUST 16, 2016]~~

~~1.7.A — Temporary and limited moratorium on applications for Zoning Regulation Amendments, Zoning Map Amendments, Special Permits, Site Plans, and proposed to allow or facilitate for new "Two-family" and "Dwellings containing three (3) to four (4) dwelling units (R-1 and R-2 only)" developments as well as PDD/Master Plan approvals located in the Residence R-1 District.~~

~~1. — Statement of Purpose~~

~~This section has been adopted to provide the Commission with the time necessary to complete the process of revising and/or creating new Zoning Regulations to address these uses in the Residence R-1 district in accordance with the goals and recommendations of Chapters 7 & 8 of Branford's 2018 Plan of Conservation and Development.~~

~~This temporary and limited term moratorium is proposed for adoption so that no new applications that are contrary to or inconsistent with the goals and recommendations of the 2018 Plan of Conservation & Development are approved in the interim, to thereby protect and promote the health, safety and general welfare of the public, and to appropriately address the unique physical characteristics of the area subject to this moratorium. — This moratorium shall provide the Planning and Zoning Commission with time to study the issues concerning the effects of increased residential, and non-residential (business, commercial and industrial development) uses within the community and to possibly amend the Zoning Regulations relating to such issues as, but not limited to, setbacks, lot coverage ratios, building height, signage, traffic, access, types of permitted uses, appearance, lighting, landscaping, and application/approval process for permitted uses in order to revise and/or create regulations which are consistent with the Plan of Conservation and Development and the existing Zoning Regulations and Zoning Map.~~

~~2. — Applicability~~

~~During this temporary and limited term moratorium, no applications for Zoning Regulation Amendments, Zoning Map Amendments, PDD/Master Plan approvals, Special Permits, Zoning Permits and Site Plan Review for development projects located within the Residence R-1 District shall be received by the Commission for review and action.~~

~~3. — Effective Date/Term~~

~~This temporary and limited term moratorium shall become effective on August 15, 2016 [extended on February 2, 2017 (effective February 14, 2017) for an additional six months], and shall remain in effect for a period of six (6) months. Revisions to the term of the moratorium may be made for good cause after a review as a Zoning Regulations Amendment.~~

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Section 2.2 Defined Terms

Restaurant, Table Service. Any business establishment whose principal business is the sale of foods or non-alcoholic beverages, typically served by waiters/waitresses, to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customers consume these foods while seated at tables or counters located within the building. The sale of alcoholic beverages for on-site consumption may only occur as authorized by a Restaurant Liquor license issued by the State of Connecticut and shall not constitute the principal activity of the use.

Restaurant, Fast Food. Any business establishment whose principal business is the sale of foods or non-alcoholic beverages to the customer in a ready-to-consume state, typically served in paper, plastic or other disposable containers, for consumption within the restaurant building, elsewhere on the premises or for carryout/delivery for consumption off the premises.

Sight Triangle. A triangular-shaped area measured from the edge of pavement at the intersection of a public road, private road or private driveway within which nothing may be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the vision of motorists entering or leaving such road or driveway (i.e. be located or grow into an area within the site triangle at a height greater than 3.5 feet above the ground elevation or any alternative height that may be established by the American Association of State Highway and Transportation Officials (AASHTO) and low enough to impede the vision of motorists entering or leaving such road or driveway). The graphic below provided for illustrative purposes shows a sight triangle where "x" equals "y". For a 25' sight triangle, "x" and "y" would equal 25'. "x" is measured from the edge of pavement of the public road and "y" along the edge of pavement of the public road.

Sign. Includes every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag, or other device, however made, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, publicity or notice, when located out-of-doors (includes "Window Sign" as defined in Section 6.6C-below) and visible from any street or from any lot other than the lot on which the sign is located. The term "Sign" shall not include any flag of any governmental unit.

Through Lot. See "Lot, Through" @ "Lot" Related Terms

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Section 3.3 PERMITTED USES

Section 3.3.B.4 (4)

Accessory structures (Sheds, decks, garages, etc.) over 750 square feet or 15 feet high

Section 3.8.B ACCESSORY USES AND STRUCTURES.

3.8.A Purpose.

The purpose of this Section is to regulate accessory uses so that they will be compatible with principal uses and harmonious with uses similarly zoned.

3.8.B Applicability.

1. Accessory uses and structures shall be located on the same lot with the principal use to which it is accessory.
2. Except for farm structures, no accessory building shall be larger than the principal building.
3. No accessory structure shall be closer to the streetline than the principal structure on the property.
4. ~~Except for sheds of 200 square feet or smaller, all~~ All accessory structures must meet the side and rear setback requirements of the zone in which it is located except for the following:
 - (1) Sheds 200 square feet or smaller,
 - (2) Utility required service platforms including stairs required to access them within the 100-year floodplain.
- 4.5. Any accessory structure exceeding 15 feet in height or 750 square feet in coverage requires Special Exception approval by the Planning and Zoning Commission.
- 5.6. Properties determined to be through lots, shall be permitted to locate accessory structures between the principal structure and no more than one of the streetlines abutting the through lot.

Section 3.10.C

A "Major Home Occupation" is any home-based business (as defined in Section 2.2 above) that cannot or does not comply with the requirements of Subsection 3.10.B.

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Introduction

Definitions

SECTION
3
RESIDENCE DISTRICT

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Section 4.1 CENTER BUSINESS BC DISTRICT

Make the following typographic corrections to the title of this section:

CENTER BUSINESS BC (BC) DISTRICT

MINIMUM	1.	LOT AREA	No minimum		
	2.	LOT AREA PER UNIT *See Section 5.10.F – “Main Streets Overlay District” for exceptions to this density limit	(1) EFFICIENCY DWELLING UNIT <u>4,000</u> ±,000 *square feet	(2) ONE-BEDROOM DWELLING UNIT <u>4,000</u> ±,200 *square feet	(3) OTHER DWELLING UNITS <u>4,000</u> ±,400 *square feet
	3.	FRONTAGE	No minimum		
	4.	SQUARE	No minimum		
	5.	SETBACKS	RESIDENTIAL USES	BUSINESS USES	
		(1) Side	10 feet	No minimum	
		(2) Front	15 feet	No minimum	
		(3) Rear	20 feet	No minimum	
	6.	SETBACK FROM RESIDENCE DISTRICT BOUNDARY LINE	25 feet		
	MAXIMUM	7.	HEIGHT	40 feet	
8.		FLOOR AREA	2.00		
9.		LOT COVERAGE	1.00		
10.		IMPERVIOUS SURFACE AREA RATIO	n/a		

Section 4.5 GENERAL INDUSTRY 1 (IG-2) DISTRICT

Add new subsection 4.5.C as follows:

“For pre-existing industrially developed properties in this zone with above 0.60 limit on Impervious Surface Area Ratio, the Impervious Surface Area ratio may be further exceeded (by 200 sq. ft.) for additional impervious surfaces (e.g. concrete pads, etc.) per each installation necessary to support industrial facility equipment that must be located out of doors adjacent to a tenant space (e.g. HVAC, generators, etc.) regardless of status of the property as non-conforming with respect to the Impervious Surface Area Ratio limit.

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Section 5.10 Main Streets Overlay District

Section 5.10.F (NEW)

Minimum Lot Per Dwelling:

For the portion of this district that overlays the Center Business (BC) District, the minimum lot area per dwelling for this district is 31 *(existing BC density level)* dwelling units per acre.

Section 6.5 PARKING

Section 6.5.D.2

In the table under this section, change the text for the “Multi-family dwellings” Residential Uses entry as follows:

RESIDENTIAL USES	PARKING SPACES REQUIRED	LOADING SPACES ⁴
Accessory apartment	1 space per unit, plus spaces required for the principal unit	
Elderly housing	1 space per unit	
Home-based Business	1 space per visitor/client at peak + 1 space per employee at peak	
Multi-family dwellings	Efficiency and 1 bedroom unit: 1 space per unit 2+ bedrooms: 2.5 <u>2</u> spaces per unit	one (1) off-street loading space per 40,000 sq. ft. of building area
Rooms for rent (let)/Bed and Breakfast	1 additional space per guest bedroom or rooming unit	
Single-family dwelling	2 spaces per unit	
Two-family dwelling	2 spaces per unit	

Section 6.6 SIGNS

Section 6.6 B General Requirements

Add the following changes to subsection (6):

Internally lighted signs are prohibited within the Town Center and Stony Creek Village Districts (TCVD and SCVD)

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Section 6.6.C Signs Allowed in All Zones No Permit Required

SIGN TYPE	DESCRIPTION
PROPERTY IDENTIFICATION	A name sign providing only the name of the premises and of the occupant, or an announcement sign for a lawful activity located on the premises. On any lot only two (2) such signs, each not over three (3) square feet in area.
HOME IMPROVEMENT	A name sign or announcement sign for home improvement activity conducted on the premises may be installed for a limited duration. Shall not exceed 60 square feet in area per side and shall be removed within 30 days of project completion.
BULLETIN BOARD	Bulletin boards on the premises of churches, educational institutions and similar uses not over 16 square feet in sign area.
CONSTRUCTION	On a tract of land for which a site plan application, Special Exception Application or Subdivision Application has been approved by the Commission, one (1) sign not to exceed 60 square feet in sign area, for a period of one (1) year, subject to renewal annually, during the term of construction.
FARM	A sign identifying the name of a farm or agricultural activity, not to exceed 16 square feet in sign area, or be higher than eight (8) feet.
PUBLIC PURPOSE	Incidental signs, generally informational, that have a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," "loading" and other similar directives, on any lot provided no such sign shall be larger than two (2) square feet in sign area nor exceed a height of six (6) feet. In addition, any sign may be located within the right-of-way of any public street when authorized by the Board of Selectmen of the Town of Branford in accordance with the General Statutes of the State of Connecticut.
REAL ESTATE	One (1) freestanding real estate sign announcing the availability of a use or parcel provided such sign may not exceed five (5) square feet and an overall height of six (6) feet.
TRAFFIC CONTROL	Traffic control signs and devices.
<u>WINDOW</u>	<u>Provided they are not a prohibited sign type per Section 6.6.F below and/or that they do not violate a provision of Section 6.6.B</u>
<u>GATEWAY SIGNAGE</u>	<u>Government owned/leased directional or gateway signage for public purposes on public or leased private property to designate directions to neighborhoods/attractions and businesses, etc.</u>

Section 6.8 GRADING AND EARTH REMOVAL ACTIVITIES.

6.8.B Applicability.

The provisions of this Section shall apply to all subdivision applications and, except as excluded in Section 6.8.D below, to all grading, excavation, removal and depositing of earth materials and related activities within the Town of Branford which activities; again, except as excluded in Section 6.8.D below,; shall require Special Exception approval.

Within the Town of Branford, there shall be no excavation, grading, or other soil disturbance (including removal of trees or vegetative ground cover) except as herein provided. The occurrence of any off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance is prohibited and shall be grounds for enforcement action.

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6.8.C Exclusions.

Provided that no off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance occurs, the following activities are exempt from the requirements of this section unless they are associated with a subdivision application or take place within 100~~25~~ 100 feet of a critical coastal resource or 25 feet of an inland wetland:

1. Farming.
2. Soil disturbance (including removal of trees and vegetative ground cover) of 5,000 square feet in area or less.
3. On a parcel larger than five (5) acres, the movement of less than one thousand (1,000) cubic yards of earth material.
4. On a parcel between one-half (0.5) acre and five (5) acres, the movement of less than two hundred (200) cubic yards of earth material per acre of land (rounded to the nearest half-acre).
5. On a parcel smaller than one-half (0.5) acre, the movement of ~~more~~ less than one hundred (100) cubic yards of earth material.
6. The normal maintenance and repair of roads and driveways.
7. A sanitary landfill operation conducted by the Town of Branford.
8. Stockpiling of street maintenance and landscaping material by the Town of Branford.
9. Installation or repair of a septic system, approved by East Shore District Health Department.

6.8.F General Requirements.

All proposed activities covered by these Regulations shall comply with the following standards:

3. Rock Slopes. The Commission may approve finished rock slopes, at slopes no greater than five feet rise for one foot of horizontal distance, provided that the following conditions are met:
 - (1) Evidence provided to the satisfaction of a registered Professional Engineer licensed in the State of Connecticut specializing in geotechnical engineering, either employed by the Town or working as a consultant under contract with the Town, that the material to be exposed is solid rock.
 - (2) A registered Professional Engineer licensed in the State of Connecticut certifies the stability of the slope at completion.
 - (3) The top of any slope greater than four (4) feet in height is protected by a fence at least five (5) feet in height of a quality acceptable to the Commission, to prevent injury to the general public;
 - (4) No excavation or blasting of a rock slope shall be permitted within 50 feet of any side or rear property line. (The Commission may specify a greater distance if necessary).
 - (5) All blasting shall be conducted in a manner acceptable to the Branford Fire Marshall.
 - (6) Rock slopes shall not exceed eight (8) feet in height. Rock slopes may be used to create terraces but must be at least four feet apart.
10. Blasting. The amount of blasting and the location of blasting shall be included in the application.

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Section 6.9 DRAINAGE AND STORMWATER CONTROL.

6.9.B General Requirements.

When required, measures for the detention and controlled release of stormwater runoff shall meet the following standards, and shall be designed in accordance with the requirements set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (20242002), as amended:

6.9.H Maintenance.

1. All projects requiring plans per Section 6.9.C shall have a Stormwater Management/Best Management Practice (BMP) Plan ("Stormwater Maintenance Plan"). Such plan shall be required to follow manufacturer's recommendations regarding maintenance for elements of a stormwater management system including but not limited to infiltration units/cyclonic separators and/or plantings in stormwater detention/retention basins proposed for the purposes of water quality treatment as well as ~~and~~ establish the party responsible for implementing such plan.
2. All on-site facilities shall be properly maintained by the owner of such, so that they do not become nuisances in compliance with the approved Stormwater Maintenance Plan. The owner shall submit a yearly record to the Commission of all maintenance activities in compliance with the Stormwater Maintenance Plan.
3. All stormwater control structures located on private property, whether dedicated to the Town or not, shall be accessible at all times for Town inspection. An easement to that effect to allow, but do not require, the Town to access and inspect stormwater management system features on private property shall be provided in draft form as part of the application submission and as a final executable instrument of form and content approved by the Town Engineer and the Town Counsel/Attorney prior to the start of construction or issuance of a Zoning Permit or Zoning authorization for the issuance of a Building Permit. ~~Where runoff control structures have been accepted by the Town for maintenance, access easements shall be provided. Upon the recommendation of the Town Engineer, the Commission may also require such easement to allow, but not require, the Town to undertake any maintenance work or related work that is, in the opinion of the Town Engineer, required to comply with the Stormwater Maintenance Plan or to reestablish the functionality of the Stormwater Management System as approved; and provide for the recovery of the costs of such work from the entity responsible for the implementation of the Stormwater Maintenance Plan and/or lien the property upon which is the stormwater management system feature upon which the work was performed is located.~~

6.9.I Other Permit Requirements.

1. Permits for Stormwater Management Systems may also be required from the Town of Branford Inland Wetland and Watercourses Commission where such systems may have an impact on inland wetlands and watercourses, and from the Connecticut Department of Environmental Protection, where a dam is to be constructed or water diverted, see CGS 22a-365 and CGS 22a-409.
2. No private drain shall be connected to the Town storm water drainage system without prior approval by the Town Engineer

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Section 6.12 DRIVEWAYS

6.12.C. Minimum Design Standards for All Zoning Districts

8. Each driveway shall be connected to the street by a paved apron extending at least ~~ten~~two feet back from the edge of pavement of such street (or such alternative distance that shall be established in the Standard Town Details of the Branford Engineering Department). Each apron shall be designed, graded and paved to match the surface of the Town roadway, avoid obstruction of the flow of water in the gutter line of the town roadway, and prevent the flow of roadway drainage onto any adjacent lot and shall conform to the current version of the Standard Town Details of the Town Engineering Department.

Section 6.13 FENCES AND WALLS

Section 6.13.C Retaining Walls

2. No retaining wall shall exceed eight (8) feet in height as measured from the finished grade at the bottom of the wall ~~top of the footing~~ to the top of the wall ~~wall~~ unless modified by the Commission after consultation with the Town Engineer.
3. All retaining walls over three (3) feet in height requiring a zoning permit shall be set back a minimum of six (6) feet from any parking space and a distance at least equal to the height of the wall from all property lines except when a lesser setback is necessary to provide for adequate sight lines or for transitions in grade at intersections of roads and driveways.

Section 7.3 OPENSOURCE RESIDENTIAL DEVELOPMENT

7.3.E Final Action.

3. Once ~~Preliminary~~Final Plans are approved, the Final Plans must be submitted within 24 months of approval. The Preliminary Approval shall become null and void if the Final Plans are not filed within that timeframe.

Section 7.15 DRIVE-THROUGH WINDOWS

7.15.A Vehicle Queuing.

1. Minimum queuing spaces: 6 first window or station; 2 additional spaces for each additional window or station. The queuing spaces/lane shall start at the ordering window and not extend over any sidewalk or pedestrian crossing.
2. Queuing space dimensions: 10 feet wide by 18 feet long
3. Queuing lanes (stacking lanes) shall be separated from parking areas and other circulation lanes and shall be so identified by pavement striping.
4. Queuing lanes shall be designed so as to minimize conflict with pedestrian traffic. Where conflicts are unavoidable, improvements such as pavement markings, signing, internal walkways and speed bumps in queuing lanes should be used to improve safety.
5. The queuing lane must not be located between the building and the public street.

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Section 8.1 NONCONFORMITIES.

8.1.D Change.

4. ~~RESERVED~~ nonconforming use of land, buildings or other structures if once changed to conform or to more nearly conform to these Regulations, shall thereafter be changed so as to be less conforming again.

5. ~~RESERVED~~ No nonconforming building or structure, if once changed to conform or more nearly conform to these Regulations, shall thereafter be changed so as to be nonconforming or less conforming again.

7. ~~RESERVED~~ The intentional destruction or removal of any nonconforming portion of a building or other structure, regardless of whether the landowner wishes to replace or rebuild such structure in the same location, shall be deemed to be an abandonment of such nonconforming portion. Any rebuilding or replacement of such portion in the same or any other nonconforming location shall not be permitted.

8.1.E ~~RESERVED~~ Casualty.

1. ~~—— If any nonconforming building or other structure is destroyed by fire or other unintended casualty to an extent of more than 75 percent of its fair market value based upon the average of two (2) independent appraisals, such building or other structure shall not be reconstructed or repaired unless the building or structure is made to conform in all respects to these Regulations.~~

2. ~~—— Where such unintended destruction is 75 percent or less of the building's or structure's fair market value as above determined, the building or other structure may be reconstructed or repaired in its prior nonconforming location and to the same (but no greater) extent of nonconformity, provided that such reconstruction is started within a period of one (1) year from such casualty and is diligently prosecuted to completion. In the event of failure to start such reconstruction or repair within a period of one (1) year from such casualty and to complete the same within 18 months from such casualty, or within such additional period, not exceeding six (6) months, as the Commission may grant upon written application made to it, the right to reconstruct or repair such building or other structure shall be lost and terminated~~

Section 9.6 SITE PLAN APPLICATION. (COMMISSION)

Section 9.6.B Applicability.

5. The Town Planner may approve, in writing, written requests for minor changes to approved Site Plans including Site Plans approved as part of a Special Exception approval and architectural plans included with a Site Plan approval, within and outside of the Town Center Village District. The ~~Town~~City Planner shall notify the Commission (and the Town Center Revitalization and Review Board/Stony Creek Architectural Review Board for projects within the Town Center Village District/Stony Creek Village District) of any request for changes and the action taken. All other changes to the approved site plan shall be approved by the Commission.

Section 9.8.I Post Approval Actions.

2. ~~Following signature by the Chairman, the applicant shall file said plans in the office of the Town Clerk before any Certificate of Zoning Compliances are issued for the activities shown on the approved plan. A Special Exception granted by the Commission shall only become effective upon the filing of a certificate, certified by the Commission, in the land records of the Town in accordance with the provisions of CGS 8-3d.~~

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Section 9.11 MOTOR VEHICLE LOCATION APPROVAL. (COMMISSION) RESERVED

Section 9.11.A Application Requirements Dealing and Repairing Motor Vehicles.

In accordance with CGS Section 14-54, an application for a Certificate of Location Approval shall be submitted to the Commission by any person who desires to obtain a license for dealing in or repairing motor vehicles in Branford except that this requirement shall not apply to:

1. ~~_____ A transfer of ownership to a spouse, child, brother, sister or parent of a licensee;~~
2. ~~_____ A transfer of ownership to or from a corporation in which a spouse, child, brother, sister, or parent of a licensee has a controlling interest; or~~
3. ~~_____ A change in ownership involving the withdrawal of one (1) or more partners from a partnership.~~

Section 9.11.B Application Requirements Sale of Gasoline.

In accordance with CGS Section 14-321, an application for a Certificate of Location Approval shall be submitted to the Commission by any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of CGS Section 14-319, including the alteration or changing of adjoining physical properties for such purposes, except that this requirement shall not apply:

1. ~~_____ In the case of a renewal of a license by the holder of the license;~~
2. ~~_____ To the transfer of the last issued license from a licensee to another provided no more than one (1) year has elapsed since the expiration of such license; or~~
3. ~~_____ In the case of the addition or discontinuance of pumps.~~

Section 9.11.C Proceedings.

In reviewing a Certificate of Location Approval application, the Commission acts as an agent of the State of Connecticut, not in a zoning capacity, and the notice provisions and other provisions of CGS Chapter 124 shall not apply. As an agent of the State of Connecticut, the Commission serves solely to determine whether a Certificate of Location Approval should be issued.

Section 9.11.D Public Hearing May Be Held.

The Commission may hold a public hearing on the Certificate of Location Approval application and, if such hearing is to be held:

1. ~~_____ Shall cause a legal notice to be published in accordance with the requirements of Section 0 of these Regulations, and~~
2. ~~_____ May require that the applicant give notice to nearby property owners in accordance with the requirements of Section 0 of these Regulations.~~

Section 9.11.E Withdrawal of Application.

~~The applicant may withdraw such Certificate of Location Approval Application at any time prior to action by the Commission.~~

Section 9.14 PROCEDURAL REQUIREMENTS FOR ALL APPLICATIONS.

Section 9.14.B Application Submission Requirements.

1. Applications to the Commission or Zoning Board of Appeals (ZBA) shall be submitted to the Planning and Zoning Department.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Department for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.

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4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant and, if applicable, the owner of the property affected or the authorized agent or representative of the owner.

Section 9.14.B Date of Receipt.

For the purposes of calculating the timeframes for processing applications, the date of receipt of an application to the Commission or ZBA shall be determined in accordance with state law. At the time of adoption of this Section, the relevant statute was CGS Section 8-7d, which provided that the date of receipt shall be the earlier of:

1. The day of the next regularly scheduled meeting of the Commission or ZBA immediately following the day of submission of the application to the Planning and Zoning Department; or
2. Thirty-five days after submission.

Section 9.14.C Incomplete Applications.

1. Each application shall be reviewed by the Planning and Zoning Department to determine whether the application is substantially complete.
2. An application requiring approval from the Commission or ZBA shall not be considered actually complete until all of the information as required by these Regulations, ~~or the Commission,~~ or ZBA has been received by the Commission or ZBA at a regularly scheduled meeting.
3. The Commission or ZBA may deny an incomplete application or any application submitted without the requisite fee.

Section 9.14.D Sequence of Hearings.

Where a proposed development or activity requires multiple applications, the Commission may conduct any public hearings simultaneously or in the order it deems appropriate.

Section 9.14.E Consultations.

Section 9.14.E of the Regulations is repealed in its entirety and the following is substituted in lieu thereof:

1. ~~On any application, the Commission may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.~~
2. ~~On any application, the Commission may retain an architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations, and to the extent allowed by Town ordinance, require that the applicant:~~
 - (1) ~~Deposit funds with the Commission for the costs of any consulting review fees, or~~
 - (2) ~~Reimburse the Commission for the cost of such consulting review.~~

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9.14.E Consultations.

1. On any application, the Commission or Zoning Board of Appeals may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. In accordance with C.G.S. Section 8-1c, as may be amended from time to time, the Commission or Zoning Board of Appeals may also retain a civil engineer, a traffic engineer, an environmental professional, an architect, a landscape architect, a professional land use planner, and/or other consultant(s) to review, comment, and guide its deliberations on particular technical aspects of any application, and the reasonable fees associated therewith shall be paid by the applicant.
3. Prior to actually retaining such outside consultant(s), the Commission or the Zoning Board of Appeals shall make findings that the proposal is of such a technical nature as to require expertise not available from staff.
4. Upon a finding by the Commission or Zoning Board of Appeals under subsection (3) hereof that a consultant is required, town staff shall estimate the projected fees for such technical review based upon information received from the potential consultant(s) and shall notify the applicant of such additional fee estimate.
5. The applicant shall submit funds sufficient to cover fees associated with a technical review under this Section within fifteen (15) calendar days of being notified by the Town Planner and the application shall be deemed incomplete until the fee amount is submitted.
6. In the event that the additional fee estimate proves inadequate to cover the reasonable fees associated with a technical review required hereunder, the Commission and/or Zoning Board of Appeals shall have the authority to assess a supplemental fee to be paid by the applicant, provided however that the total fee to be paid by the applicant shall in no circumstance exceed the reasonable fees associated with such technical review. The applicant shall submit funds sufficient to cover the supplemental fee estimate within fifteen (15) calendar days of being notified by town staff.
7. Any portion of the fee for technical review required hereunder and not expended by the Town on the project shall be refunded to the applicant not later than forty-five (45) days after completion of the technical review required under this Section.

Section 9.14.F Notice by Newspaper.

Notices of public hearings shall be published in accordance with applicable state law. At the time of adoption of this Section, CGS Section 8-7d required publication of notices in the following circumstances and manner:

1. When a public hearing is required by these Regulations or scheduled by the Commission or ZBA, the Planning and Zoning Department shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Branford.
2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than 15 days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

Section 9.14.G Notification of Abutting Property Owners.

1. For all applications that will require the Commission or ZBA to hold a public hearing, except amendments to these Regulations, the applicant shall mail written notice to the following persons as required by this Section:
 - (1) The owners of all parcels of land that are the subject of the application.
 - (2) All persons owning property, any portion of which is within 100 feet of the land that is the subject of the application.

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2. Said notice shall include, at a minimum:
 - (1) The date, time and location (street address) of the public hearing;
 - (2) The street address of all parcels that are the subject of the application or, if such parcels do not have a street address, adequate geographical information to allow the recipient of the notice to determine the location of the parcels with respect to the nearest street intersection; and
 - (3) The nature of the application (e.g., site plan, special exception, zone change). The notice shall be sent by mail, at least seven (7) days prior to the date of the public hearing. A Certificate of Mailing from the US Post Office of said written notice shall be conclusive evidence of compliance with the provisions of the Section.
3. Property owners, for the purpose of this Section, shall be as they appear on the property street cards in the Town Assessor's office on the date of application, and distances shall be determined from the Assessor's tax maps on the date of said application.
4. Failure to mail such notice to any person or persons shall not in any way invalidate the public hearing, but the Commission or ZBA may deny an application if it finds that such failure has, or may have, caused prejudice to any intended recipient.

Section 9.14.H Notification of Abutting Municipalities.

1. In accordance with CGS Section 8-7d(f), the Commission shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
 - (1) Any portion of the property affected by a decision is within 500 feet of the boundary of the adjoining municipality;
 - (2) A significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site;
 - (3) A significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
 - (4) Water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certificate of mailing return receipt requested and shall be mailed within seven (7) days of the date of receipt ~~day of the submission to the Planning and Zoning Department~~ of the application, petition, request or plan.
3. No hearing shall be conducted on any application, petition, request or plan unless the adjoining municipality has received the notice required under this Section.

Section 9.14.I Notification of Water Companies.

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to the South Central Connecticut Regional Water Authority and the Commissioner of Public Health when an application, petition, request or plan is filed with the Commission or ZBA concerning any project on any site that is within:
 - (1) An aquifer protection area, provided such area has been delineated in accordance with CGS Section 22a-354c; or
 - (2) The watershed of the South Central Connecticut Regional Water Authority, provided said Authority or said Commissioner has filed a map with the Commission and on the Branford land records showing the boundaries of the watershed.
2. Such notice shall be made by certified mail; return receipt requested and shall be mailed not later than seven (7) days after the date of the day of the submission to the Planning and Zoning Department.

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3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Department or the application shall be considered incomplete:
 - (1) A copy of all notices and other documentation sent to the South Central Connecticut Regional Water Authority and/or the Commissioner of Environmental Protection in accordance with this Section; and
 - (2) Proof of mailing.

Section 9.14.J Notification of Regional Planning Agency.

In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of any land affected by a regulation change is located within 500 feet of the boundary of another municipality and:

1. Such notice shall be made by certified mail, return receipt requested.
2. Such notice shall be made not later than 30 days before the date of the public hearing.
3. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

Section 9.14.K Notification of the Connecticut Department of Environmental Protection.

~~Pursuant to CGS Section 22a-103, the~~ The ~~Commission shall give written notice to the Connecticut Department of~~ Energy and ~~Environmental Protection when any application relates to property within the Coastal Area Management boundary~~ requiring such notice per CGS Section 22a-103 and 22a-109 as they may be amended~~and for any regulation amendment that affects property located within said Boundary.~~

Section 9.14.L Notification of a Property subject to a Conservation or Preservation Restriction.

In accordance with CGS Section 47-42d, for property subject to a conservation or preservation restriction as defined in CGS Section 47-42a, and where activity is proposed within the restricted area, the applicant must submit either:

1. A notarized statement certifying that the applicant provided written notice of such application, by certified mail, return receipt requested, not later than 60 days prior to the filing of the application to the party holding the conservation restriction; or
2. A letter from the holder of such restriction or the holder's authorized agent verifying that the application is in compliance with the terms of the restriction.

This Section shall not apply to any proposed activity that involves only interior work in an existing building or exterior work that does not expand or alter the footprint of an existing building.

Section 9.14.M Beneficiaries of a Trust.

Any person who makes an application to the Commission or ZBA pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

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SECTION 10.2 BONDING REQUIREMENTS.

10.3.A Applicability.

1. The Commission may require the applicant to post a financial guarantee to assure the completion of: (1) all required public improvements; (2) all improvements required to serve any dwelling units or non-residential establishments sold, rented or occupied on the site; (3) all erosion and sedimentation controls approved or otherwise required during site construction and for site restoration should construction cease prior to attaining compliance with approved plans; and (4) any required site cleanups of debris, abandoned vehicles or any other material that would cause a deterioration of conditions in the area.
 - (1) Financial guarantees ~~equal to or less than \$5,000 in value may be established or released by the Zoning Enforcement Officer/Town Planner without the approval of the Commission.~~
2. Where authorized in these Regulations, the Zoning Enforcement Officer may require the applicant to post a financial guarantee. Unless changes to state statutes made subsequent to this amendment mandate their acceptance by the Commission, surety bonds are not considered an acceptable form of financial guarantee.

10.3.B Financial Guarantee Format.

Where a financial guarantee is required by any Section of these Regulations, it shall be in one (1) of the following forms, subject to the approval of the Commission or its designated agent or attorney:

1. Cash deposited with the Town.
2. ~~Surety bond~~ or certified check to the order of the Town when the amount of the check is fully insured by the FDIC.
3. Bank deposit assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
4. Irrevocable evergreen letter of credit naming the Town as sole beneficiary provided that:
 - (1) Such evergreen letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut and provided that such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
 - (2) The long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
 - (3) The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town and substantially in the form of the model letter of credit provided by the Planning and Zoning Department,
 - (4) If and when such letter of credit has less than thirty (30) days remaining until its expiration date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the financial guarantee.

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- (5) The period to expiration of a Letter of Credit shall be not less than one (1) year, with a provision for automatic renewal at increments of not less than one (1) year. The Town of Branford must be informed of the intention not to renew or the financial guarantee shall automatically be renewed.
5. Other form of financial guarantee mandated by CGS Section 8-3(g) as it may be amended.