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**Municipality:** Town of Ellington  
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**Title:** Town of Ellington Age-Restricted Cluster Housing Zone  
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### ***Abstract***

The Age-Restricted Cluster Housing Zone (ARCHZ) is a floating zone designed to increase availability of market rate privately developed, common interest communities for empty nesters and seniors, while maintaining the rural character of the town, preserving open space and protecting natural resources. ARCHZ zoned property shall only be used for single-family, attached or detached residential housing. Each unit must contain at least one individual 55 or over (or the survivor of such a person); and no more than one child, who must be at least 18 and residing with parents.

### ***Resource***

TOWN OF ELLINGTON CT AGE-RESTRICTED CLUSTER HOUSING ZONE  
CODE OF THE TOWN OF ELLINGTON CT  
Chapter 230: ZONING

#### **§ 230-19. Age-Restricted Cluster Housing Zone.**

The Age-Restricted Cluster Housing Zone (ARCHZ) is a floating zone for uses permitted in Subsection B of this section, to be designated on the Zoning Map after approval by the Commission of a conceptual site plan and a concurrent petition for a zone change to ARCHZ. After approval of a conceptual site plan and zone change, a special permit and final site plan must be approved prior to development of the site. Potential applicants for ARCHZ project approval are strongly encouraged to meet with Town staff for guidance prior to making a formal application.

#### **A. Purpose of ARCHZ:**

- (1) To increase the types of available housing, with emphasis on market rate, privately developed, common interest communities for empty nesters and seniors.
- (2) To provide landowners with a land use option on suitably located land with necessary utilities, access, and other important attributes.
- (3) To create high-quality developments capable of sustaining long-term value.
- (4) To promote project designs that enhance and protect open spaces, natural resources, natural features and other elements of the Town's rural character.
- (5) To achieve the goals and objectives of the Town's Plan of Conservation and Development.

B. Permitted uses in Zone ARCHZ. Property zoned ARCHZ shall only be used for single-family, attached or detached residential housing units and may include related accessory uses for the exclusive use of project residents and their guests. Permitted accessory uses shall be those customarily associated with common interest residential communities and shall clearly be subordinate and incidental to the principal residential uses; however, this limitation is not intended to expressly disallow other accessory uses if said uses are deemed appropriate, in the Commission's sole judgment, such that said uses will add to the long-term value of the community, provide special health, lifestyle or therapeutic benefits to the resident population, or otherwise help achieve the core objectives of the ARCHZ.

- (1) Each housing unit may be occupied by:
  - (a) At least one individual who is age 55 years or older.
  - (b) A spouse or other occupant who must be age 18 or older.
  - (c) An occupant pursuant to Subsection B(1)(b) above who has survived the individual in Subsection B(1)(a) above and who has an ownership interest in the dwelling.
  - (d) Any occupant pursuant to Subsection B(1)(b) above who has an ownership interest in the dwelling and where the individual in Subsection B(1)(a) above has entered into a long-term continuing care facility.
- (2) One child 18 years or older may reside with his or her parent(s).
- (3) The purchase of a dwelling unit for investment purposes by an entity or an individual not intending to occupy the dwelling is prohibited, except that a nonresident family member may purchase up to one unit for a family member who will reside in the dwelling unit and otherwise comply with the requirements of this section.

(4) The management shall verify annually to the Zoning Enforcement Officer that the active adult community development is in compliance with the occupancy requirements of this section.

(5) Dwelling units designated as active adult housing units shall have deed restrictions which shall be filed in the land records of the Town of Ellington limiting occupancy as required above.

(6) In accordance with Connecticut General Statutes § 8-12, the Town of Ellington, acting through its duly appointed officials, may enter onto the premises for the purpose of verifying compliance with federal, state and local laws, rules and regulations, including the approvals issued in connection with the development. As a condition of approval, each applicant, owner or residents' association shall provide legal documents which shall hold harmless and indemnify the Town of Ellington and its duly appointed officials from any claims or liability arising from the correction of violations cited. The form of such documents shall be acceptable to the Commission's counsel and the Commission. The provisions of this subsection shall survive the issuance of certificate of occupancy or certificate of zoning compliance.

(7) In the event such verification inspections determine that corrective action is necessary to bring the development into compliance with any laws, rules and regulations, the official of the Town of Ellington performing the inspection shall, in writing, cite the violations and require corrective action within a reasonable period of time. Failure to perform the required corrective action shall be considered a violation of the Zoning Regulations and be subject to such fines and penalties as prescribed by statute or regulation.

C. Site requirements. Land meeting the following minimum criteria may be permitted at the Commission's sole discretion to be zoned ARCHZ. Such designation may be made at the request of an applicant or upon the Commission's own initiative. Land may not be zoned ARCHZ unless the zoning request includes all of the submittal requirements listed in Subsection D herein and the submittals have been determined by the Commission to be acceptable.

(1) Minimum 10 acres of contiguous land.

(2) A minimum of 75 feet along and direct access to a public collector or arterial street.

(3) Public sewer service, including at least conceptual approval for such service by the Ellington WPCA.

(4) Public potable water supply.

D. Application for a zone change and conceptual site plan approval. The application for a zone change and conceptual site plan approval shall conform to the requirements of the Connecticut General Statutes and shall include the following materials:

- (1) Application form (Zoning Map amendment and conceptual site plan).
- (2) Application fee.
- (3) Owner consents (if not applicant).
- (4) Parcel deed(s).
- (5) Property owner's names, lot APNs and owner mailing addresses for all land within in 100 feet of the subject property or properties.
- (6) Class "D" boundary survey indicating the area to be zoned ARCHZ and showing at least the subject property and all properties within 500 feet of the subject parcel(s), including existing inland wetlands and watercourses, zoning, streets, public facilities, and existing and planned open spaces.
- (7) Existing conditions plan for the subject property showing any buildings, structures, above- or below-ground utility locations, easements, site topography at two-foot intervals, inland wetlands and watercourses, floodplains, and land cover.
- (8) Conceptual site plan: a schematic concept plan drawn to a scale of no less than one inch equals 100 feet. The plan shall show proposed roads, building locations, parking locations, common areas, landscaped areas, community facilities, utilities and any additional information that the Commission may deem pertinent in order to evaluate the rezoning request. In addition to the above, applicants shall provide general architectural renderings for all unit types. If approved, the conceptual plan, including approved architectural concepts, shall establish the general basis for evaluating the final site plan and special permit, in order to confirm that the proposed detailed site plans and special permit are consistent with the basis for the rezoning approval.
- (9) Use and compliance statement describing the proposed development and how the proposal complies with all ARCHZ objectives and applicable adopted plan of conservation and development recommendations.
- (10) Green space and ecological report, describing in general the rationale for the proposed green space concept in terms of ARCHZ goals, objectives, standards and requirements and the proposed design, location, functions, ownership and maintenance of the proposed green space areas.

E. Site plan and special permit approval. A final site plan application to be filed simultaneously with an application for a special permit to construct active adult housing in the ARCHZ shall be required and shall include the following information:

- (1) Draft homeowner's declaration and covenants limiting occupancy and addressing ownership, maintenance and other issues regarding project green spaces and common areas and other concerns affecting project compliance with ARCHZ requirements.

- (2) WPCA approval for sewer service.
- (3) Inland wetlands approval (if applicable).
- (4) Report from the Conservation Commission regarding proposed green space.
- (5) Evidence the applicants have all necessary rights and interests to accomplish the development as proposed (grading rights, easements, access rights, etc.).
- (6) Written documentation from the Tax Collector that all tax payments are current.
- (7) Site plans at 40 scale and meeting A-2 standards, to include proposed buildings, grading, parking, drives, landscape, lighting, utilities, green spaces, stormwater systems, dumpsters, community facilities, sidewalks, trails, off-site improvements, project entry, signs, and other improvements.
- (8) Architectural plans drawn to scale and including floor plans for all proposed models depicting the uses of all interior spaces and exterior elevations for all sides of all unit types indicating proposed materials, colors, finish, lighting, signs, and other building features.
- (9) Phasing plans, including a grading and erosion control plan and narrative sufficient to meet the requirements of Article IX of these regulations.
- (10) Details for all construction, including but not necessarily limited to utility installations, walkways, streets, storm drainage systems, lighting, hardscape features, curbs, catch basins, footing and foundation drains, and other proposed improvements.
- (11) Stormwater drainage calculations, mapping and related data.
- (12) Traffic report addressing existing conditions, average daily traffic (ADT), weekend and weekday a.m. and p.m. peak hour trips and LOS and V/C ratios for all affected travelways and intersections, the anticipated impact on these conditions from project trips at buildout, and measures proposed to mitigate project impacts. The report and any related plans shall also address available sight lines at any proposed access drive connections to public streets and measures proposed to correct any substandard conditions at the site drive(s), given posted and actual travel speeds at the location(s).

F. Approvals from other boards and commissions. Applicants for final site plan approval and special permit approval to develop property zoned ARCHZ shall receive approval (or advisory comments where noted) from the following applicable boards and commissions prior to a hearing on an application for a special permit and site plan approval before the Planning and Zoning Commission:

- (1) Conservation Commission. Applicants for ARCHZ approval shall, prior to making formal application to the Planning and Zoning Commission, submit the existing conditions plan, proposed detailed site plan and required green space and ecological report to the

Conservation Commission for review. Prospective applicants shall attend a meeting of the Conservation Commission to present these materials and seek guidance and general acceptance of the green space concept from the Conservation Commission. Following its review, the Commission will forward an advisory report to the Planning and Zoning Commission for the application file and hearing record.

(a) While the Conservation Commission's report shall be strictly advisory, the applicant shall make all reasonable attempts to comply with its suggestions or, where unable to comply, shall provide the Planning and Zoning Commission with statements in writing as to why such compliance was not possible.

(b) The provisions of this section shall not restrict prospective applicants from meeting with the Conservation Commission earlier in the process in order to receive guidance on green space concepts; however, that shall not obviate the need for compliance with the formal advisory review of the information and plans required herein.

(2) Inland Wetland Agency. If the proposed project includes activities subject to regulation by the Inland Wetland Agency, the applicant shall make application to the Inland Wetland Agency prior to making formal application to the Planning and Zoning Commission. Applicants are encouraged to withhold formal application to the Planning and Zoning Commission until they have received a final decision from the Inland Wetland Agency.

(3) WPCA. Prior to making formal application to the Planning and Zoning Commission, prospective applicants shall submit a request to the Water Pollution Control Authority for conceptual approval of public sewer service. Said conceptual approval shall be submitted with the ARCHZ application to the Planning and Zoning Commission.

G. Design requirements. The intent of the ARCHZ is to provide sufficient flexibility in design standards in order to achieve important public objectives. Therefore, in the event a provision of the ARCHZ requirements conflicts with other provisions of the Zoning Regulations, the ARCHZ requirements shall prevail. In the event a requirement of the Zoning Regulations is not addressed in the ARCHZ regulations, that requirement shall be in addition to the ARCHZ requirements. The Commission shall have the sole authority to evaluate and render a determination on any such matters.

(1) Green space. Green space shall be an integral and fundamental component of the project purpose and design. One of the main objectives of the ARCHZ is to achieve community character goals by maintaining rural character, preserving green space, and protecting natural resources. Therefore, the location, intent, design, quality, extent, and long-term treatment of green spaces within the project are essential considerations in evaluating the project's acceptability.

(a) A minimum of 20% of the project shall be dedicated to green space and protected as such in perpetuity through conservation easements, fee simple or any combination of interests deeded to the Town of Ellington or other approved party. The specific terms and

conditions of the required conservation easement or deeds shall be determined on a case-by-case basis for each project, including consideration of any advisory recommendations received from the Conservation Commission.

(b) No more than 50% of the required green space may consist of inland wetlands, watercourses, water bodies and one-hundred-year floodplain

(c) The intent and acceptability of the green space design will necessarily vary project to project, depending upon the unique constraints and opportunities presented by a given project location. However, in general, the final approved green space design will need to satisfy one or more of the following design criteria, in the Commission's sole judgment:

- [1] Protects unique natural features, habitat or natural resources.
- [2] Complements other adjacent or proximal natural areas.
- [3] Provides immediate or future opportunities for passive recreation.
- [4] Provides public access to natural areas on and/or adjacent to the project.
- [5] Protects unique historic and/or archaeological features.
- [6] Provides natural screening/buffers from adjacent streets.
- [7] Provides integral project features to enhance project design/value.
- [8] Protects important views and vistas to and/or from the property.
- [9] Protects landscape elements important to community character, such as stone walls, mature trees, rock outcrops, and other like features.

(d) In order to assure the project green space will accomplish the goals and objectives stated herein, the Commission may apply conditions to approval of an ARCHZ project, including but not necessarily limited to:

- [1] Conservation easements in favor of the Town of Ellington.
- [2] Land to be deeded in fee simple to the Town of Ellington.
- [3] Easements or deeded land in favor of a land trust.
- [4] Deed restrictions or other covenants.
- [5] Reclamation, planting or improvement to proposed green space areas.
- [6] Management of approved green space.

[7] Installation of trail systems for public access.

[8] Timing, phasing or schedule for green space disposition and/or improvements.

(2) Bulk standards. The project may consist of multiple legal parcels of record, as long as the project area in total is a minimum of 10 acres and sufficient binding covenants are placed on the land records to ensure the continued single operation, management and ownership of the project in accordance with all approval requirements.

(3) Net density. Permitted maximum allowable net density (maximum total allowable residential units within the project) shall not exceed four units per developable acre of project area. For purposes of calculating net density, areas defined as inland wetlands, water bodies, watercourses, one-hundred-year floodplain, and areas over thirty-percent slope shall not be included.

(a) In order to promote additional preservation of open space and active farmlands within the Town of Ellington, the allowable net project density may be increased to five units per developable acre of project area in exchange for a cash open space payment equal to \$5,000 per additional permitted housing unit. Said payment shall be paid in full prior to the issuance of the first zoning permit for a residential unit within the project. Any such funds provided to the Town of Ellington shall be deposited in the Town's open space fund account for the exclusive purpose of purchasing open space, development rights, or conservation easements or other means of funding the preservation of land within Town.

(b) The decision to increase allowable project density in accordance with this provision shall be at the applicant's option; however, the increase shall not be permitted, in the Commission's judgment, to violate or create conflicts with the intent, standards and objectives of the ARCHZ.

(4) Lot and impervious coverage. In order to promote the preservation of open areas around and throughout the project, no more than 20% of the net developable project acreage shall be covered by building footprints and no more than 50% of the net developable project acreage shall be covered by all impervious surfaces.

(5) Building height.

(a) Allowable building heights may vary by unit type, unit placement, the location and nature of abutting uses, site topography and land cover, views into and of the site from adjacent areas, and other unique attributes of a given site and project. No building shall exceed 32 feet in height.

(b) For purposes of measurement, height shall be calculated from average grade 15 feet from the foundation wall to the highest portion of the roof, excepting miscellaneous architectural features such as chimneys, cupolas, and like elements not exceeding 5% of the roof area.

(6) Building separation. All portions of project buildings shall be at least 20 feet apart, measured on a single horizontal plane. Unless otherwise required, the areas between residential units shall be landscaped, graded and otherwise designed to provide privacy for homeowners without sacrificing the ability to maintain the units or provide security, safety or for other purposes. Where appropriate, walls, fences, hedges or other elements may be provided or required to assure that each living unit has some exterior limited common area for the exclusive use and benefit of the unit owners.

(7) Building and use setbacks.

(a) To abutting parcels and streets. All accessory and principal buildings and uses shall be located at least 35 feet from any abutting property or public street. The Commission may require this minimum to be increased in specific locations based upon the unique attributes of the project parcel, current and anticipated trip volume on the adjacent street, type and scale of proposed buildings and uses, desire to protect existing site features, or for other similar reasons.

(b) To interior drives and parking. All accessory and principal buildings shall be located at least 25 feet from the pavement of any interior drive and at least 10 feet from any surface parking area. The Commission may allow porches, building entryways and other minor elements to extend no more than eight feet into the required street setback. The concept shall be to use building scale and placement to create and maintain a pedestrian-scale street environment. The area between drives, parking areas and buildings shall be graded, landscaped and otherwise improved in accordance with the landscape and streetscape requirements noted herein. Concrete sidewalks of at least four feet in width shall be provided along one side of all streets.

(8) Architecture and hardscape. The term "architecture" shall refer to the design of all buildings. The term "hardscape" shall include, but not necessarily be limited to, project signage, walkways, benches, fences, retaining and other walls, decorative elements and similar project features.

(a) General requirements. The applicant shall provide sufficient detail to demonstrate to the Commission's satisfaction that all project architecture and hardscape elements will meet the highest standards in terms of materials, finishes, durability and overall quality. The intent of these requirements is not to limit creativity by defining detailed prescriptive standards but to assure that the development will sustain its value over time, incorporate consistent design themes, take advantage of unique site attributes, and respect site constraints, all in an effort to accomplish the overall goals and objectives of the ARCHZ.

(b) Living unit types. Subject to compliance with other standards and objectives of the ARCHZ, there shall be no limitation on the type of residential units permitted. However, applicants shall be guided by the following general provisions. With the Commission's approval, a project may consist of one or more unit types, although in order to accomplish ARCHZ objectives, the Commission may limit the amount or number of any particular type of unit. Unit types may include any of the following. Applicants are also encouraged to

design units to be readily adaptable to meet ADA requirements, especially as to door widths, thresholds and other features necessary to accommodate wheelchair access.

[1] Single-family detached units (single and multiple story).

[2] Duplex attached single-family units (single and multiple story).

[3] Triplex and "quad" attached single-family units (single and multiple story).

[4] Structures containing over four living units (single and multiple story).

(9) Building arrangement. Optimal building arrangement will vary by unit type, project size, abutting uses and lands, and the unique opportunities and constraints presented by a given project parcel and setting.

(a) While there is no specific limit on the project size, larger project designs shall take into consideration the need to break up unit clusters and phases into components that support the basic pedestrian-scale orientation of the ARCHZ concept.

(b) Units will also be designed and arranged in proper relationship to interior streets. Units shall not dominate the interior streetscape in light of the fact the interior streetscape shall function as an integral pedestrian amenity within the development. Therefore, care should be taken to design buildings in scale and proportion to the interior streets.

(10) Building footprints.

(a) Building footprints, especially for larger, multiple-unit formats, shall be varied by avoiding long expanses of single-plane walls. Applicants are encouraged to use architectural features as integral design elements to satisfy the intent of this objective.

(b) In issuing zoning permits for units, the Zoning Enforcement Officer shall be permitted to approve minor deviations in building footprint locations in order to allow flexibility in unit types, address unique and unanticipated site conditions, and for like purposes. In general, units shall not deviate more than 20 feet from the location approved on the detailed site plan and shall comply with all applicable bulk requirements of the ARCHZ regulation.

(11) Building walls. Building elevations and related elements shall be well proportioned, with doors, windows and other features placed and scaled in appropriate rhythm. Applicants are encouraged to use natural materials, including masonry stone, wood clapboard, natural brick or other like materials. Main colors should avoid bright palettes, although selective use of bold accent colors may be encouraged for trim or other decorative elements. Period colors appropriate to a particular historic period are also encouraged, where appropriate. All units within a project should not be the same color,

but proposed colors should be well distributed through the project and be compatible overall.

(12) Roof design.

(a) Roof design shall be an important element of all proposed architecture. Roofs shall be pitched, and applicants are encouraged to include dormers, cupolas, multiple gables and varied gable orientation, and other treatments or decorative elements in order to create interest, break up extended rooflines, and avoid monotonous, single-plane roofs.

(b) Views of and to roofs from within the project and from adjacent lands shall be considered. HVAC, antennas and other like miscellaneous structures shall not be located on roofs. Roof surfacing shall be high-quality architectural shingles or similar equivalent materials.

(13) Community facilities. If to be provided, all community facilities shall reflect the same level of quality and consistency in design as other approved project elements.

(14) Landscape and buffers. Project landscaping shall be an integral component of the overall design. The proposed landscape plan shall be designed by a licensed landscape architect. Projects shall be extensively landscaped with a variety of shade trees, evergreens, flowering trees, shrubs, perennials and lawn areas. Where appropriate, landscape plans shall include planted berms, stone retaining walls, or other elements intended to achieve certain functional or aesthetic objectives.

(a) Existing landscape. Where the existing landscape provides opportunities to selectively preserve individual specimen trees or stands of trees, applicants are encouraged to do so. This concept not only includes land cover but topography as well. Where possible the project should be designed to take advantage of existing land topography or to mitigate for the lack of natural contours.

(b) Project entry. Each project shall include a well-designed entry feature, including but not limited to a project identification sign (monument sign), landscape materials and flowerbeds, decorative stone walls, low-intensity lighting, and other elements. The project entry shall be consistent with the overall project design theme. Project entry features shall be provided at all main access drives to public streets.

(c) Foundation plantings. Foundations plantings consisting generally of decorative flowering shrubs, perennials, ornamental grasses and like materials, located within landscaped beds surfaced with natural wood chips, shredded bark or other approved natural material, shall be provided for all residential units and community buildings.

(d) Streetscape (exterior). The approved design of the project's exterior streetscape will vary according to the unique attributes of the project parcel, the setting, current and anticipated abutting uses, nature and extent of existing suitable plant material, site topography, and other factors. In general, the exterior streetscape treatment shall be an

integral and important element of the overall project design. Design themes shall respect and, where appropriate, attempt to enhance the existing character of the streetscape, ranging from the preservation or enhancement of existing wooded areas to selective removal of existing wooded areas, planting of new trees and shrubs within cleared areas, and adding public sidewalks, lighting, benches, decorative fences, stone walls or other amenities.

(e) Streetscape (interior).

[1] In order to promote a healthy and active living environment, enhance opportunities for social interaction and sustain project value, the interior streetscape shall be an important design element throughout the project. All interior streets shall be privately owned and maintained as a condition of ARCHZ approval. In exchange, maximum design flexibility will be allowed, subject only to reasonable engineering standards for horizontal and vertical geometry, stormwater treatment, public safety and other typical considerations. Interior private project drives are not required to comply with the applicable subdivision regulation standards for public streets.

[2] All interior streets shall be provided with deciduous street trees, located no more than 50 feet on center and a minimum of eight feet high and 2 1/2 inches in caliper at planting. Where possible, existing trees shall also be retained and incorporated into the project design. Interior streets shall also be provided with a graded and grassed snow shelf along the edge of pavement or curblin a minimum of six feet wide.

(f) Abutting properties. Depending upon the existing and/or anticipated abutting uses, the Commission may require planted buffers to abutting property, including, where appropriate, the retention of existing mature natural vegetation or any combination of retention and new planting. If appropriate, in the Commission's sole discretion, decorative fences, screen walls or other methods may be selectively allowed, if they help achieve ARCHZ objectives.

(g) Screening. Where appropriate, landscape shall also be used to screen refuse collection areas, utility cabinets, recreational trails and other miscellaneous items. Use of generic screening shall be avoided, and screening designs shall reflect the same quality and variety provided in other areas of the project.

(15) Lighting.

(a) Ownership/maintenance. Unless otherwise approved by the Commission for good cause and in its sole discretion, all project lighting shall be owned and maintained by the common interest community.

(b) Low intensity. Project lighting for streets, parking areas, community facilities and other uses shall be the minimum necessary to provide safe and sufficient all-season lighting. In general, footcandle levels shall not exceed those for rural areas, as prescribed by standards adopted by the International Dark Sky Association (IDSA). The Commission

may require details of proposed lighting sufficient to assure compliance with these requirements.

(c) Decorative. In that all lighting will be private, applicants are encouraged to provide decorative lighting designs, as opposed to standard street and other lighting typically used in public street and commercial applications.

(d) Full cutoff or shoe box fixture. Full cutoff or shoe box fixtures are encouraged in order to reduce glare and to direct lighting to the subject area.

(e) Height. The maximum height of freestanding pole-mounted lights shall be 12 feet, unless greater heights are approved by the Commission upon a demonstration of good cause, and subject to a three-fourths modification per Subsection H of this section.

(f) Building mounted. Building-mounted lighting shall be limited to the minimum necessary and shall meet all applicable standards noted herein. No exposed floodlights shall be permitted. Decorative uplighting for aesthetic purposes may be permitted but should be limited to important focal points or features, such as project entry signage, project landscaping and similar accents.

(16) Parking and access drives. Detailed plans will be provided in plan view, cross section and profile for all interior streets and in plan view and cross-sectional views for all proposed surface parking areas. Depending upon the scale and complexity of the project, a hierarchy of interior street designs may be required; however, in general the concept for interior streets shall be to limit the extent of paved width, provide features that slow ("calm") traffic, provide a strong emphasis on pedestrian activity and amenities, use landscaped medians and curvilinear horizontal geometry and otherwise avoid conventional approaches that emphasize the efficient movement of large volumes of vehicles over all other design considerations.

(a) Unless otherwise specifically approved by the Commission, the paved width of interior access drives shall not exceed 24 feet. In order to permit these widths, sufficient surface parking shall be provided off street for all uses, in separate parking areas, unit garages, or in some combination of both. The Commission may limit on-street parking, based upon the recommendation of the Fire Marshal or other public safety personnel.

(b) Projects shall be accessed via a main interior project drive or drives, and unit access shall not be taken directly to an existing public street. In cases where more than 30 units have direct access to a single collector within the project, the paved width of that collector may be increased to a maximum of 28 feet. In addition, the Fire Marshal may require additional secured access points from abutting public streets into the project for the exclusive purposes of providing vehicular access for emergency vehicles.

(17) Community facilities. Each project may provide some form of community facility for the purposes of community association meetings, recreation, or for similar purposes. If proposed, the facility shall be designed and located as an amenity within the project and

shall be constructed and issued a certificate of occupancy before issuance of a certificate of occupancy for the units equaling 1/2 of the total approved project units.

(18) Signage. Each project shall be allowed one freestanding project entry sign where each access drive connects to a public street. Access drives to public streets shall be limited and shall be located in compliance with applicable sight line, grading and other standards of the Subdivision Regulations. **Editor's Note: See Ch. 225, Subdivision of Land.** Project entry signs and related features shall not interfere with necessary sight lines, in order to accommodate safe stopping distances, given posted speed limits.

(a) No monopole-mounted signs shall be permitted. Entry signs shall not exceed four feet high by 10 feet wide, exclusive of the approved sign base. The sign base shall be made of natural stone, masonry or like approved materials and shall not exceed three feet in height from the adjacent grade. At a minimum, a ten-foot area around the entire base shall be landscaped with ornamental plantings. Entry signs shall not be interior lit but shall be lit by means of exterior "wash" lighting via ground-mounted lights concealed from view.

(b) Where appropriate, applicants may be permitted to incorporate project entry signage into decorative natural stone or masonry walls to be located at main entry drives.

(19) Stormwater. Stormwater treatment and management shall reflect the current best management practices promulgated by the State Department of Environmental Protection. Each project shall be required to meet the draft Phase II NPDES stormwater requirements. In general and where approved by the Town Engineer, the use of curbless roads, swales, infiltration, and other like methods shall be preferred. Stormwater detention ponds shall not be designed solely to collect and hold water but shall be an integral design component of the project, graded, landscaped and located so as to provide an amenity wherever possible, or to meet other objectives of the ARCHZ regulation.

(a) Applicants shall provide sufficient details of all stormwater-related systems, plans, data and mapping with each application. Without limitation, the Commission, at the request of the Town Engineer, may require all details and information deemed necessary to determine the sufficiency of the proposed system.

(b) All such systems shall be privately owned and maintained, and such requirement shall be included in the project declaration.

(20) Refuse. Refuse collection shall be under private contract between the association and a licensed hauler. Refuse collection areas shall be located on the site plan, including any common areas for that purpose. All refuse containers shall be completely screened and located so as to provide sufficient access, as well as not to have negative affects on project units or uses located on adjacent lands.

(21) Utilities.

(a) All utilities shall be located underground, and sufficient easements or other rights shall be provided to applicable public utility companies as a condition of project approval. Where deemed necessary by the WPCA, interior sewer lines may be required to be publicly owned and maintained.

(b) Interior hydrants shall be provided in locations, amounts and design according to the Fire Marshal, including any conditions relating to the ownership and ongoing maintenance of said hydrants.

(22) Property maintenance. It shall be a condition of approval that all projects shall be maintained in accordance with the approved plans, and such maintenance obligation shall be noted in the approved declaration. This shall include a provision allowing the Zoning and Wetland Officer to access the site at all reasonable hours for the purposes of inspecting and noting any defects or failure to maintain the property as required.

H. Review criteria and required findings for approval. In acting to approve an ARCHZ, the Commission shall consider whether the application adheres to the above design standards. Failure to make explicit findings with regard to each of these criteria shall not be construed as a defect in the approval. In order to achieve the objectives of the ARCHZ, subject to the standards, procedures and requirements noted herein, the Commission may, in its sole discretion and subject to an affirmative vote of 3/4 of the voting members, approve, with or without conditions, modifications to the design standards listed above. This provision shall not apply to uses but only to design standards. Applicants shall request such modifications in writing at the time of the initial application, in the required use and compliance statement. Any such request shall include a detailed description of the modification, the justification for the proposed modification, and how the modification, if approved, will help achieve the objectives of the ARCHZ. In addition to the design standards the Commission will consider the following criteria:

(1) Project location. That the project location is appropriate in terms of access, existing and anticipated (by current zoning) abutting uses, neighborhood compatibility, and the ability to utilize the concept to achieve public objectives.

(2) Principal and accessory uses. That all proposed principal and accessory uses are permitted and that accessory uses as proposed will complement and support the overall project and are sufficient in terms of location, amount, type and design.

(3) Green space. That green space locations and designs have considered the recommendations of the Conservation Commission, are an integral component of the project, and are consistent with the Plan of Conservation and Development and the goals and objectives of the ARCHZ.

(4) Natural resources. That the project design, as well as its ongoing operations and maintenance, will provide sufficient protection for natural resources, and including any necessary mitigation, and that the project complies with any permit issued by the Inland Wetland Agency.

(5) Pedestrian facilities. That the design incorporates features that promote a pedestrian-scale community so as to assure that the living environment created will enhance the quality of life for unit owners, as well as long-term maintenance, safety and social well-being.

(6) Historical/archaeological/cultural resources. That the project protects and respects important affected resources by incorporating those resources into the project design or, where not feasible, by taking appropriate measures to document and memorialize such features for the benefit of future generations.

(7) Architecture and hardscape. That project architecture and hardscape are the highest quality, meet all applicable ARCHZ requirements, and will sustain the project's value over time, such that the project adds to the long-term welfare of the overall community.

(8) Exterior streetscape. That appropriate, context-sensitive measures have been incorporated into the project's external streetscape in order to minimize the project's impacts, where appropriate, to enhance the existing built environment, blend into or otherwise be consistent with the existing landscape and generally add value to the community's "public space."

(9) Interior streetscape. That the interior streetscape provides a distinctly pedestrian-scale environment, conducive to active and passive recreation, walking, biking, chance social encounters, sitting, and other typical activities; that the interior streetscape promotes and encourages use of the public realm for these purposes; and that the design does not inhibit such activities through creation of a sterile, barren streetscape, devoid of interest, with excessively deep front setbacks and lack of porches, benches, or other amenities.

(10) Landscape and lighting. That lighting and landscape are an important project component and not an afterthought. That project lighting and landscape have been designed in an intelligent and strategic manner, in order to add long-term value to the community, and consistent with the overall objectives of the ARCHZ concept.

(11) Traffic/access. That safe and efficient access will be provided, including sufficient parking, however not in a manner that contradicts the basic design goals of the ARCHZ, and that "standard" approaches to street and parking area design have been abandoned wherever possible in order to achieve the overall pedestrian scale of the project, especially with regard to interior spaces.

(12) Utilities. That adequate long-term provisions have been made to assure safe and sufficient utility services in accordance with the requirements of applicable authorities.

(13) Support for the ARCHZ concept .That the project will encourage greater use and acceptance of the ARCHZ concept in appropriate areas of Town.

#### I. Post approval.

(1) Following Planning and Zoning Commission approval of an ARCHZ site plan and special permit, and as conditions of said approval, applicants may be required to satisfy the following conditions prior to authorization to proceed with site work, prior to issuance of zoning permits, prior to issuance of certificates of occupancy, prior to release or reduction of project sureties, or in relationship to other administrative requirements:

(a) Mylars. All applicants shall provide two complete Mylar sets of required plans, as well as a complete set of approved project plans in a digital format compatible with the Town's GIS system, to the Town Planner prior to the issuance of the first zoning permit for any living unit within the development.

(b) Deeds and bonds. All applicants will be required to post bonds in a form satisfactory to the Commission to assure that all approved work on the project is completed and to provide all required executed deeds for easements and other conveyances as otherwise set out in the Zoning Regulations. Said deeds shall be provided for escrow, pending completion and approved installation of any required improvements. At the Commission's discretion, bonds may be required for all project components, with the exception of building construction, but may also include project erosion controls and overall site restoration. Bonds shall not be released or reduced except by the Commission in accordance with a written recommendation of the Town Planner and Town Engineer. At the Commission's discretion, bonds may be provided and reduced/released in accordance with an approved phasing plan for the project, but in no case shall more than 80% of the total project bond be released prior to issuance of a certificate of zoning compliance for the last unit. Final release of all project sureties shall be by the Commission, subject to review and approval of a certified as-built survey by the Town Planner and Town Engineer depicting the final completed project in compliance with all approved site plans.

(2) Amendments to approved projects.

(a) The Zoning Officer shall have the authority to approve minor changes to an approved site plan for an ARCHZ project through issuance of an administrative zoning permit approval. Said authority shall be strictly limited to minor changes in site grading necessary to adjust for field conditions, minor adjustments in building footprint locations or orientations, or minor changes in the location of incidental accessory features such as unit decks, stairs, or utility cabinets. However, if deemed necessary, the Commission may limit the extent to which the Zoning and Wetland Officer may approve such changes as a condition of the original approval. In all cases, and at his sole discretion, the Zoning and Wetland Officer may choose to forward requests for such changes to the Commission for review and/or possible approval as an amendment to the approved site plan.

(b) Other changes beyond the scope of these minor amendments shall only be approved by the Commission acting on a formal application for site plan and special permit approval. Applications seeking major amendments, such as an increase in the number of approved units, changes to the approved unit types and designs, changes to the approved utility systems, changes to the approved interior circulation layout, changes to the approved landscape concept and plan, changes to the approved stormwater plan, or other

similar changes that affect major elements of the project's original plan, shall only be approved after a complete revised resubmission to the Commission, as in the original application.

(3) Time limits. Site plan approvals shall be valid for five years, with extensions available upon written request and for good cause, up to 10 years. In the event all approved improvements are not constructed in accordance with the approved site plan within a maximum of 10 years from the original date of approval, no further work shall be permitted unless a complete application is submitted and approved. Administrative approval of minor changes as permitted herein shall not be construed to extend the maximum five- or ten-year approval periods.

(4) Failure to perform. If at any time, and in accordance with the terms of required and approved project sureties, the project developer or owner fails to meet his obligations under the terms of the surety, the Town may take all necessary and available steps to attach the surety or sureties and seek to remedy the failure to perform. This right shall be clearly stated in the approved declaration, and the Town's rights shall in no way be constrained by any terms or conditions of the common interest community declaration or any other means.

(5) Obligation of project developer and association.

(a) Until such time as the project ownership and maintenance converts to the association, the project developer shall have total responsibility for compliance. Written notification of the sale by the project owner to another party shall be provided to the Town Planner within 30 calendar days of such closing. The Planner shall have the right to meet with any subsequent owners and review project requirements. The association shall not be considered under any obligation for performance while the project remains under development, and such limitation shall be disclosed in the approved declaration.

(b) The declarant's rights shall in no way limit or encumber the Town from requiring specific performance under the terms of the approval or any related conditions, and the developer shall be obligated pursuant to the approvals to fully complete the project in accordance with said approvals.