

**3160**

VILLAGE RESIDENTIAL CONSERVATION DEVELOPMENT OVERLAY DISTRICT (VRCDOD)

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**3161 PURPOSE AND INTENT**

The Village Residential Conservation Development Overlay District (VRCDOD) is intended to encourage preservation of open space, farmland and farmland soils, and community character, encourage variation in the village residential developments that would not otherwise be possible; to encourage or require the use of flexible site design so that development will be constructed in harmony with natural resources and the natural capability of the land; and to permit residential developments that are sensitive to parcel configuration, topography, natural resources, historic resources, character resources, solar access, and the surrounding area.

**3162 APPLICABILITY**

1. The Village Residential Conservation Development Overlay District (VRCDOD) overlays the Village Residential (VR-1 & VR-2) District.
2. Unless the Commission finds that a Conventional Subdivision is the preferred approach due to neighborhood character, parcel configuration, topography, open space dedication, or other considerations, the provisions of this Section:
  - a. shall apply to any residential subdivision within the Village Residential Conservation Development Overlay District (VRCDOD) on a subdivision of five (5) lots or more or a parcel of land which is ten (10.0) acres or larger.
  - b. may be utilized for any residential subdivision proposed within the Village Residential Conservation Development Overlay District (VRCDOD).
3. An informal discussion with the Commission (also called a Pre-Application Review) is strongly encouraged in order to assist applicants in the preparation of applications.

**3163 DETERMINATION OF MAXIMUM NUMBER OF LOTS**

The maximum number of lots that may be approved in a Conservation Development in the Village Residential Conservation Development Overlay District (VRCDOD) shall be determined by one of the following methods:

1. Zoning-based approach:
  - a. The applicant shall divide the total area by the minimum lot size requirement for that Zone as specified in Section 3140 of these Regulations.
  - b. The resulting sum shall be multiplied by 0.85 to reflect the open space set-aside requirement in the subdivision regulations.
  - c. The result of this calculation shall be the maximum number of lots permitted in the Conservation Development.
2. Design-based approach - Alternatively, the developer may conduct on-site soil testing and prepare a sketch plan of a conventional subdivision design for review by the Commission.

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CONSERVATION DEVELOPMENT OVERLAY DISTRICT (CDD)

**3164 OVERALL DESIGN OF DEVELOPMENT**

1. Unless not required by the Commission, any application for a Conservation Development shall include a site inventory / analysis map prepared by a qualified professional (including, but not limited to, a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut) and such site inventory / analysis map shall identify:
  - a. Primary Conservation Areas – important environmental resources such as:
    - watercourses,
    - wetlands,
    - vernal pools,
    - steep slopes (25 percent or more), and
    - 100-year floodplain.
  - b. Secondary Conservation Areas - environmental, scenic, and cultural resources such as:
    - prime farmland soils and farmland soils of statewide significance,
    - existing farm fields and farm structures,
    - areas within 100 feet of existing streets or roads (including State highways),
    - areas within 50 feet of a wetland or within 100 feet of a watercourse or vernal pool,
    - 500-year floodplain,
    - ridgelines, scenic views and vistas,
    - areas identified as “town character areas” in the Kent Character Study (copy available at Town Hall),
    - Natural Diversity Database sites or wildlife corridors,
    - notable individual trees (>18” diameter measured four feet above ground level) and/or mature woodlands,
    - stone walls and /or farm hedgerows, and
    - possible open space and trail connections between conservation areas on the site and adjacent protected and unprotected open space.
2. The overall lot / roadway layout plan for the Conservation Development shall reflect the site inventory / analysis map:
  - a. Areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas shall be considered for permanent protection which may include preservation as open space deeded to the Town, a land trust or other conservation organization, or a homeowners association if acceptable to the Commission.
  - b. Unless modified by the Commission through granting of a Special Permit, a minimum of 40 percent of the Conservation Development area shall be preserved as open space, preferably in one continuous parcel. Priority for open space designation shall be given first to Primary Conservation Areas and secondarily to Secondary Conservation Areas.
3. If the Commission is not satisfied with the quality of the analysis submitted with the application, it may hire another landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to prepare such analysis and charge the applicant for the cost of such services.
4. To assist with its consideration of a Conservation Development, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

6.B.1

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VILLAGE RESIDENTIAL CONSERVATION DEVELOPMENT OVERLAY DISTRICT (VRCCOD)

**3165 DEVELOPMENT STANDARDS**

1. Subject to approval by the Commission and compliance with the Health Code, the number of units permitted in a Conservation Development may be laid out as:
  - a. a subdivision of lots,
  - b. as a common-interest-ownership community with detached units on common land or with multiple units in one or more structures, or
  - c. as a planned unit development.
2. Any lot created as part of a Conservation Development shall comply with the following requirements:

**Conservation Development In VRCCOD**

**Minimum Lot Area**

All lots created in a Conservation Development shall meet all the requirements of the Public Health Code.

5,000 square foot minimum if in the VR-1 Zone.  
15,000 square foot minimum if in the VR-2 Zone.

**Minimum Square**

Each lot created in a Conservation Development after July 1, 2018 shall be of such shape that a square with 100 feet on each side will fit on the lot.

	VR-1	VR-2
Minimum Front Yard Setback	20 Feet	20 Feet
Minimum Side Yard Setback	10 Feet	10 Feet
Minimum Rear Yard Setback	30 Feet	30 Feet
<b>Maximum Coverage</b>		
• Principal Building	20 %	15 %
• Principal Building and Accessory Buildings	25 %	20 %
<b>Maximum Building Height</b>		
• Principal Building	30 Feet	30 Feet
• Accessory Buildings (if guest house or detached accessory dwelling)	25 Feet	25 Feet
• Other Accessory Buildings	15 Feet	15 Feet

Commented [PS1]: Issue w garage

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**3166 ROAD AND DRAINAGE STANDARDS**

1. Roads within the Conservation Development may be public or private.
2. Roads shall be constructed to conform to Town specifications and requirements to the greatest extent practical and in accordance with, at a minimum, the 2001 AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400), 2001 or as amended.

**3167 COMMUNITY FACILITIES**

1. Subject to approval by the Commission, community facilities to be utilized by the owners within the associated development may be approved.

# AGENDA ITEM 6.B.1.

## SUBDIVISION REGULATIONS

### SECTION 5 - CONSERVATION DEVELOPMENT

#### **5.1. PURPOSE.**

To permit variation in residential developments which would not otherwise be possible; to permit flexible site design so that development may be constructed in harmony with, and preservation of, natural resources; and to permit residential developments which are sensitive to parcel configuration, topography, natural resources, solar access, and the surrounding area.

#### **5.2. LOCATION AND MINIMUM PARCEL SIZE.**

A Conservation Development may only be permitted by Special Permit in accordance with Section ~~5-95200~~ and 3160 of the Zoning Regulations for parcels containing more than ~~10-50~~ acres in any Rural District subject to the following conditions in addition to conforming to the requirements of the Subdivision Regulations.

#### **5.3. APPLICABILITY.**

An applicant may apply to the Commission for Conservation Development as an alternative to a conventional subdivision. In those cases where the subject site contains unique natural resources or significant sensitive environmental features, the Commission may require the proposed subdivision to be submitted under Conservation Development regulations.

**5.4. OPEN SPACE PRESERVATION.** A minimum of 40% of the Conservation Development area and all other open space containing more than one acre shall be preserved as open space, preferably in one continuous parcel. Only areas containing a minimum of one acre with a minimum dimension of 100 feet and free of any man-made impervious surfaces shall qualify for the open space requirement.

5.4.1. Such open space shall be readily accessible to all dwellings in the development by street or by pedestrian way. It shall have adequate vehicular access for service and maintenance.

5.4.2. If such open space were determined by the Commission not to be left in its natural state, it shall be suitably graded and landscaped and shall have adequate provisions for drainage.

5.4.3. The Commission may require that such open space be located so as to be used in conjunction with similar adjoining areas, either existing or potential.

5.4.4. The open space area shall be noted on the plan as "Reserved for Open Space Purposes".

5.4.5. Land marked "Reserved for Open Space Purposes" on the plan shall be donated to a non-profit conservation organization and the land shall be maintained as open space in perpetuity. The donation of open space land to said organization shall not require the consent of adjacent property owners.

5.4.6. If evidence acceptable to the Commission is not submitted confirming acceptance of the open space by a non-profit conservation organization, as a condition of approval of the Conservation Development by the Commission, a document acceptable to the Commission's legal counsel shall be filed by the applicant in the office of the Town Clerk which document:

- a. Shall establish an association of property owners to maintain the land reserved for open space purposes, with power to assess the members for all necessary costs;
- b. Shall be binding on all future owners;
- c. Shall be perpetual;
- d. Shall not be affected by any change in zoning or land use;

6.B.1

- e. Shall assure appropriate maintenance of the reserved land;
- f. May be enforced by adjoining property owners or the Town by appropriate court action;
- and;
- g. Shall provide that if maintenance, preservation or use of the open space no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.

**5.5. MAXIMUM DENSITY OF DEVELOPMENT:**

A sketch layout of a conventional Subdivision Plan shall be submitted by the applicant to the Commission for the sole purpose of establishing the maximum number of building lots that may be permitted. Said plan, in a generalized format, shall meet the requirements of the Town's Subdivision and Zoning Regulations as to the layout of lots and roads for single family dwellings in accordance with the provisions for Rural District regulations. The maximum number of building lots to be permitted shall not exceed the number of lots shown on the sketch plan and determined by the Commission to represent a reasonable subdivision of the land. The Commission's action in making such determination shall not be construed as approval under the General Statutes for said concept subdivision plan or any other subdivision plan, either in the present or future, which shall be a derivation of said concept subdivision plan.

**5.6. REDUCTION IN LOT SIZES AND YARDS:**

The maximum reduction in lot area, yards and setbacks for individual lots shall not exceed 50 percent of that normally required by Section 7.3 of the Zoning Regulations and shall comply with the following:

- 5.6.1. Lot area: minimum 20,000 square feet if served by septic systems; 10,000 square feet if served by sewer; maximum 40,000 square feet.
- 5.6.2. Side or rear yards: minimum 15 feet.
- 5.6.3. Front yard setback: minimum 20 feet.
- 5.6.4. Building coverage: maximum 15 percent.
- 5.6.5. Minimum square requirement: 100 feet each side, with one side along the required front yard setback.
- 5.6.6. Site perimeter setback: structures shall be setback a minimum of 150 feet from any property line on the perimeter of the site except where such property line shall abut another Conservation Development site or shall abut severe topography, water bodies, or other unique physical conditions, in which case the Commission may permit a lesser setback.

Commented [PS1]: With ROW would not be applicable.

**5.7. ALTERNATIVE DEVELOPMENT CONCEPT:**

The Commission may permit a Conservation Development wherein the land and common facilities shall be under single common ownership, in which case individual lots and yards shall not be required; however, no structure shall be within 30 feet of another structure nor closer than 20 feet to a road. The Commission shall determine which of the other requirements and conditions of this section shall be applicable. If a proposal under the Alternate Development Concept shall not constitute a subdivision under the provisions of the General Statutes, said proposal shall also comply with the provisions for a Special Permit in accordance with Section 5.9 of the Zoning Regulations.

6.B.1

**5.84. WATER SUPPLY/SEWAGE DISPOSAL.** All water supply and sewage disposal systems shall be designed and constructed in accordance with procedures set forth in these Regulations, applicable State laws and local ordinances. Documentation shall be submitted by the applicant regarding the quality and quantity of the proposed water supply. The design and construction of the proposed water supply and sewage disposal systems shall be subject to approval by the Town Sanitarian. Where individual on-site septic systems are not deemed feasible, a community sewerage system may be utilized.

**5.95. FIRE PONDS.**

Fire ponds shall be provided in accordance with Section ~~16.48800~~ of the Zoning Regulations.

~~**5.10. ROAD AND DRAINAGE STANDARDS.**~~

~~Roads and drainage shall be constructed to conform with the latest Town specifications and requirements.~~

Commented [PS2]: ROW eats up a lot of area.

**5.46. SITE LAYOUT/ARCHITECTURAL STYLE:**

All buildings shall be located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible. An overall architectural theme or style shall be established for all dwellings and accessory structures to assure an overall harmony of roof lines, sizes, facades, materials, and colors.

