



Date of Filing 11/16/20
Fee _____
Date Paid _____
Receipt # _____
Application # 20-978

**TOWN OF HAMDEN
APPLICATION TO AMEND THE ZONING REGULATIONS**

Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations

APPLICANT Hamden Planning and Zoning Commission TELEPHONE 203-287-7070
(Name)
ADDRESS 2750 Dixwell Ave Hamden, CT 06518
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: dkops@hamden.com

REGULATION TO BE: AMENDED ADDED or DELETED:
Article Number 6 Section 638.6a Group Use _____
638.1.e

CURRENT LANGUAGE See Attachment

PROPOSED LANGUAGE See Attachment

REASON FOR PETITION FOR CHANGE See Attachment

Have there been any previous petitions for same or similar amendments? YES NO

If YES, list name of applicant Planning and Zoning Commission

SIGNATURE OF
APPLICANT

Dennis W. King Town Planner
(Name)

TELEPHONE NO. 203-287-7070

MAILING ADDRESS

SAME AS ABOVE

(Street No. and Name)

(Town and State)

(Zip Code)

If you require additional space to complete any of your answers, please attach to this document.

ATTACHMENTS

CURRENT LANGUAGE

638.1 Outdoor Café

Outdoor cafes and eating areas, when accessory to a restaurant, are permitted subject to a Zoning Permit and the following conditions:

- a. COVID-19 Recovery Special Provisions: Based on the need to aid restaurants in their recovery from the impact of the COVID-19 as well as the need to protect public health through proper distancing between patrons, outdoor cafes may be expanded temporarily onto lawn and parking areas, provided that any dining area in parking lots is adequately protected from vehicles and that the site still has sufficient parking. This special provision for expanded outdoor dining will expire on November 30, 2020 unless otherwise extend by the Commission.
- b. The limitation on the size of the outdoor dining is eliminated.
- c. The outdoor eating area shall be largely open to the elements and shall not be permanently enclosed with a roof or walls;
- d. All food and beverages shall be served at the table;
- e. Outdoor eating areas shall be operated on a seasonal basis not to exceed six months in a calendar year and shall be exempt from providing parking spaces other than those required for the restaurant;
- f. The outdoor eating area shall be landscaped with planters, window boxes, planted pots and/or planted beds containing appropriate trees, shrubs and/or flowers to provide privacy and ambiance for diners;
- g. There shall be no live or recorded music played or projected outside the restaurant building without the prior issuance of a Zoning Permit.

PROPOSED LANGUAGE

638.1 Outdoor Café

Outdoor cafes and eating areas, when accessory to a restaurant, are permitted subject to a Zoning Permit and the following conditions:

- a. COVID-19 Recovery Special Provisions: Based on the need to aid restaurants in their recovery from the impact of the COVID-19 as well as the need to protect public health through proper distancing between patrons, outdoor cafes may be expanded temporarily onto lawn and parking areas, provided that any dining area in parking lots is adequately protected from vehicles and that the site still has sufficient parking. This special provision for expanded outdoor dining will expire on **December 31, 2021**.
- b. The limitation on the size of the outdoor dining is eliminated.
- c. The outdoor eating area shall be largely open to the elements and shall not be permanently enclosed with a roof or walls;
- d. All food and beverages shall be served at the table;
- e. **Outdoor eating areas shall be exempt from providing parking spaces other than those required for the restaurant;**
- f. The outdoor eating area shall be landscaped with planters, window boxes, planted pots and/or planted beds containing appropriate trees, shrubs and/or flowers to provide privacy and ambiance for diners;
- g. There shall be no live or recorded music played or projected outside the restaurant building without the prior issuance of a Zoning Permit.

REASON FOR PETITION FOR CHANGE

In response to the significant impact of the COVID-19 pandemic on the local business community and its employees, last June the Commission approved amendments to the zoning regulations governing outdoor cafes and temporary signage. Those changes appear to have been helpful to businesses and generated a total of only one complaint since they went into effect on July 1st.

Section 638.1, which applies to outdoor cafes, ends on November, 30, 2020, but indicates the Commission may extend the time period. The proposed amendment extends the expiration date to December 31, 2021 (Section 638.1.a). The second proposed change eliminates the clause limiting the operation of outdoor cafes to six month per calendar year (Section 638.1.e). Outdoor dining continues to be a major asset to the community – a welcome amenity -- and is currently critical to the survival of many restaurants during the pandemic. Our New England winter weather already limits operations to part of the year. It's time to eliminate the unnecessary restriction imposed by the regulations. It serves no useful purpose.

Public Water Supply Watershed/Aquifer
Project Notification Form
For The
South Central Connecticut Regional Water Authority

REQUIREMENT:

All applicants before a municipal Planning and Zoning Commission, Inland Wetlands Commission, or Zoning Board of Appeals for any project located within a public water supply watershed are required by Public Act 89-301 (Sections 8-3i and 22a-42f of the Connecticut General Statutes) to notify the affected public water utility by certified mail within 7 days of the application.

GENERAL INFORMATION:

Maps showing the location of Regional Water Authority (RWA) watershed boundaries are on file with municipal planning and zoning, and inland wetlands staff, and Town Clerks. The applicant's notification to the RWA should include the information requested on pages two and three. The RWA may request additional information if it is determined that a more detailed review is necessary. Any questions should be directed to (203) 401-2741, or (203) 401-2743.

Please mail this completed form and attachments to:

Environmental Analysts
Environmental Planning Department
Regional Water Authority
90 Sargent Drive
New Haven CT 06511

RWA Watershed/Aquifer Project Notification Form
Page 2

1. Applicants are requested to submit any information that was included in the application to the municipality including: site plan, project narrative, sediment and erosion control plan and drainage calculations if applicable.

2. Project address Townwide Town Hamden

3. Application for: Planning and Zoning Inland Wetlands Zoning Board of Appeals

4. Project Description: Regulations Amendment to extend expanded outdoor dining areas for outdoor cafes to 12/31/21. Also to eliminate restriction on outdoor dining to six months of the year in non-pandemic times

5. Waste Water Disposal: Septic System Public Sewer None N/A

6. Water Supply: Private Well Public Water N/A

7. Heating Fuel: Oil Gas Other N/A

Applications involving additions or modifications to single family residences or applications with no site disturbance and no storage or use of hazardous chemicals skip to item 18.

8. Total acreage of project site N/A

9. Total acreage of area to be disturbed including structures, additions, paving, and soil disturbance
N/A

10. Percent of existing impervious surfaces including buildings, roads and pavement _____

11. Proposed increase in impervious surfaces N/A

12. Number of **existing and proposed** floor drains or sump pumps and their point of discharge e.g. sanitary sewer, holding tank, or ground

N/A

13. Are there any wetlands or watercourses on the property? If so, describe

N/A

14. Brief description of **existing and proposed** stormwater management system, including roof drainage, paved areas etc., and discharge points e.g. municipal system, drywells, streams, vegetated areas, detention basins etc. Attach drainage plans and calculations if available _____

N/A

15. List of **existing and proposed** underground or above-ground storage tanks including age, capacity and contents

N/A

16. List of potentially harmful chemicals stored or used on property (**existing and proposed**) and typical on-site volumes, including but not limited to petroleum products, lubricants, solvents, detergents, and pesticides

N/A

17. Describe any wastes generated and their means of disposal

N/A

18. Contact Information:

Name: Daniel W. Kops Jr.

Company: Town of Hamden, Planning and Zoning

Address: 2750 Dixwell Ave

Hamden, CT 06518

Phone: 203-287-7070

Email: dkops@hamden.com

Dan Kops
Name of Person Completing Form

Daniel W. Kops Jr. 11/16/20
Signature Date

Watershed or Aquifer Area Project Notification Form

REQUIREMENT:

Within seven days of filing, all applicants before a municipal Zoning Commission, Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission for any project located within a public water supply aquifer or watershed area are required by Public Act No. 06-53 of the CT General Statutes to notify The Commissioner of Public Health and the project area Water Company of the proposed project by providing the following information.

To determine if your project falls within a public water supply aquifer or watershed area visit the appropriate town hall and look at their *Public Drinking Water Source Protection Areas* map. If your project falls completely within or contain any part of a public water supply aquifer or watershed you are required to complete the following information.

Note: You will need information obtained from the *Public Drinking Water Source Protection Areas* map located in the appropriate town hall to complete this form.

Step 1: Have you already notified the CT Department of Public Health (CTDPH) of this project?

- No, Go to Step 2
- Yes, I have notified DPH under a different project name - Complete steps 4-6
- Yes, same name different year - Notification Year Complete steps 4-6

Step 2:

- 1. Name of public water supply aquifer your project lies within:
- 2. Name of the public water supply watershed your project lies within:
- 3. Public Water Supply Identification number (PWSID) for the water utility:

Step 3: For 1-5 Check all that apply

1. My project is proposing:

- Industrial use; Commercial use; Agricultural use; Residential use;
- Recreational use; Transportation improvements; Institutional (school, hospital, nursing home, etc.);
- Quarry/Mining; Zone Change, Please Describe:
- Other, Please describe:

2. The total acreage of my project is:

- Less than or equal to 5 acres Greater than 5 acres

3. My project site contains, abuts or is within 50 feet of a:

- Wetland; Stream; River; Pond or Lake

4. Existing use of my project site is:

- Grassland/meadow; Forested; Agricultural; Transportation; Institutional (school, hospital, nursing home, etc.); Residential; Commercial; Industrial; Recreational; Quarry/Mining
- Other Please Describe: No project site

5. My project will utilize:

- septic system; existing public sewer; new public sewer; agricultural waste facility;
- existing private well; new private well; existing public water supply;
- new public water supply, if new have you applied for a certificate of public convenience and necessity from DPH? Yes No

6. My project will contain this percentage of built up area (buildings, parking, road/driveway, pool): Less than or equal to 20% Greater than 20% to 50% Greater than 50%

Step: 4 Applicants Contact Information:

Name: Daniel W. Kops, Jr.

E-mail address: dkops@hamden.com

Telephone: 203-287-7070

Fax number: 203-287-7075

Step 5: Please provide the following if available:

Project name: None

Project site address: N/A

Town: Hamden

Project site nearest intersection: N/A

Project site latitude and longitude: N/A

E-mail completed form to dph.swpmail@ct.gov