

Land Use Regulation Update Status Report June 2011

Town land use agencies continue their efforts to accomplish comprehensive amendments to the Town's land use regulations. This now includes successful adoption of significant changes to the Inland Wetland Regulations and the Zoning Regulations.

Inland Wetland and Watercourse Regulations

At their regular meeting of June 6/8/11, the Wetland Agency adopted amendments to their regulations which will establish a more rational and consistent framework for evaluating and acting on proposed regulated activities within "upland review areas" ("URA"). These URA's are areas adjacent to wetlands and watercourses, where there is a potential for development activity to impact the resource in some manner. Connecticut law allows municipal wetland agencies to regulate certain activities proposed within a URA, however any such regulation must be done in accordance with specific provisions in the wetland regulations, and be based on the potential impacts of the activity on the resource itself.

Working with OPDS staff, the Town's wetland agency developed and adopted a framework of "tiered" URAs, ranging from 100 to 200 feet, based upon the attributes of watercourses located within the Town. These regulations are based upon official State DEP guidance for URA regulation. This more rational and legally defensible approach establishes more substantial URAs for certain resources, giving the agency expanded regulatory jurisdiction where a rational justification exists. This will help the agency avoid claims that their actions are based on arbitrary considerations.

The details of the new regulation can be accessed at OPDS (File "REGA 11-01") and will be incorporated into the digital and hard copy versions of the regulations by the effective date of 7/1/11. A copy of the new amended regulation will be available on the Town's website, as well as in the Town Clerk's office and of course, at OPDS.

In addition to these newer URA provisions, the wetland agency formally codified requirements for stormwater management plans and better erosion control plans for "major" regulated activities. That action was taken in collaboration with concurrent actions taken by the Zoning Commission to incorporate similar requirements into the Zoning Regulations (made effective 4/1/11.)

Questions regarding these changes should be directed to Deb Jones, Environmental Planner at djones@town.groton.ct.us, or 860-446-5972.

Zoning Regulations

At their special meeting of 6/9/11, the Commission adopted comprehensive amendments to the Town's Flood Area Regulations. These changes will be effective 7/1/11 and are necessary for the Town to continue its participation in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP). In general, in exchange for agreeing to abide by certain design and construction standards, persons with property in flood hazard areas are permitted by the NFIP to acquire flood insurance policies at rates that are in affect, subsidized by the Federal Government.

It is important to note that in the case of Groton, which has separate independent zoning in the Town, Groton Long Point, Noank and the City, each of those jurisdictions will implement these changes separately through updates to their own zoning codes. This program limitation has the potential to create different flood regulations within one Town, which may unfortunately result in some confusion. OPDS will attempt to coordinate to a degree with the subordinate independent political subdivisions in this regard, in particular where the zoning regulations of the political subdivision affect the broader, shared interests of the entire community.

Staff will now proceed with other LURU project elements, including drafting additional amendments to certain site plan and special permit regulations, updating the use tables and finalizing a draft of significant changes to the Town's "open space" subdivision provisions.

Subdivision Regulations

The Planning Commission is presently considering staff's identification of various policy issues associated with design, bonding and procedural requirements. In addition, OPDS staff is working in collaboration with the Town's engineering department to review and revise various technical standards for streets and drainage primarily, with the general intent of allowing greater flexibility through which (for instance) newer more innovative stormwater practices could be implemented within a subdivision.

Design Manual

OPDS staff is working with the project consultants to develop a content outline, scope, budget and schedule for a design manual that will provide guidance for certain types of special projects, including multifamily developments, cluster subdivisions and mixed use projects.