

**CHAPTER 117**  
**MAJOR PLANNED RESIDENTIAL DEVELOPMENT DISTRICT**  
**NUMBER 1**  
**(MPRDD#1)**

**Section 117-010 Purpose**

It is the intent of this Chapter of the Zoning Regulations to provide an opportunity for flexibility of development for large parcels of land, consisting of no fewer than 150 acres, through the option of a Major Planned Residential Development District (MPRDD).

This zone may only be allowed on property currently zoned R-60 or R-80 and located within the following area of New Milford, described/bounded as follows:

North	By Route 37
East	By Route 7
South	By the highway to Greenpond and Jerusalem Hill Road
West	In part by the Town of New Fairfield, and in part by the Town of Sherman

No MPRDD shall be located within one (1) linear mile of another MPRDD. The separation distance of 5,280 feet is to be measured in a direct line from the closest point of the lot on which an MPRDD is located to the closest point of the lot on which a new MPRDD is proposed to be located.

The residential dwellings in the MPRDD shall be in the form of a cluster development with open space requirements as indicated under this Chapter.

The MPRDD shall consist of a variety of dwelling unit types to accommodate active adults who have different desires and requirements.

**Section 117-020 Procedures for Establishment of a MPRDD**

Request for the establishment of a Major Planned Residential Development District constitutes an application to amend the Zoning Regulations and the Zoning Map, and the approval of a general development plan, and shall be signed by the owner or owners of all lots within the proposed zone provided, however, that the zone may also include existing street, highway and utility rights-of-way not owned by the petitioner. Simultaneously with the filing of said application, the applicant shall file a general development plan, which plan may, but need not necessarily, show the degree of detail required by the provisions of Chapter 175 of these regulations, but which shall include at a minimum the following maps, plans and data:

1. A Boundary Survey meeting the A-2 accuracy standards;

2. A Topographic Survey having not less than 10-foot contour intervals based on a 40-scale two-foot intervals meeting the T-2 or T-3 accuracy standards, such survey showing the location of such features as stone walls, identification of areas of significant vegetation, and sufficient other information demonstrating the character of the property;
3. A map showing the boundaries of the inland wetlands identified by a certified soil scientist and field surveyed by a licensed surveyor;
4. A map showing slopes over 25%;
5. A traffic impact report prepared by a professional engineer experienced in traffic engineering;
6. An open space plan;
7. A recreational facilities plan;
8. A preliminary plan showing location of buildings, streets including the graphic delineation of the relocated Rocky River Road, sidewalks and other pedestrian routes and other similar information;
9. Conceptual plans showing the design and general character of the proposed buildings and structures;
10. A zoning data table showing the proposed number of units; number of bedrooms for each unit; height, area and yard requirements; coverage and floor area ratio; and other similar data;
11. Information and reports showing the methods for supplying water and the general location of water mains, the method for disposing of sanitary wastes including the general location of the proposed on-site subsurface sewage system or sewer mains, as applicable; and the method for managing the stormwater quantity and quality.
12. Other maps, plans and data the Zoning Commission may request in order to determine the appropriateness of the proposed development.

Upon receipt of an application, the Zoning Commission shall refer a copy of the application and accompanying documents to the New Milford Planning Commission for a report pursuant to Section 8-3a of the Connecticut General Statutes and shall hold a public hearing and act thereon in the same manner as required for an amendment of these Regulations.

If the application and general development plan are approved, or are approved with modifications, the applicant shall place on file with the Commission prior to the effective

date of the MPRDD revised general development plans incorporating all standards and conditions that have been approved by the Commission.

Within one (1) year from the effective date of the MPRDD or at such other time period that the Commission may establish, the applicant shall submit an application for a final site plan to the Commission for approval pursuant to the provisions of Chapter 175 of these Regulations, along with whatever other information may be requested by the Commission, including but not limited, a report from the DEP indicating whether there are known existing populations of Federal or State Endangered, Threatened or Special Concern Species on the property and a wildlife habitat survey.

The final site plan shall be consistent with the approved general development plan. In the event the Commission, in its sole discretion, determines that the final site plan is inconsistent with general development plan, the applicant shall either revise the final site plan to be consistent with the general development plan or shall reapply to amend the Zoning Map and seek approval of a revised general development plan in the same manner as described in this section.

### **Section 117-030 Permitted Uses**

The following uses shall be permitted in the MPRDD:

1. Single-family detached dwellings.
2. Townhouse dwellings not to exceed 30% of the total number of residential units for the MPRDD.
3. Multi-family dwellings not to exceed 24 residential units per building and not to exceed 40% of the total number of residential units for the MPRDD.
4. Accessory uses as referred to in section 117-040-10.
5. Each dwelling unit in the MPRDD shall be occupied by:
  - a. Persons who are 55 years of age or older.
  - b. A spouse of an occupant who is 55 years of age or older.
  - c. An occupant pursuant to b. above who is survived by his or her spouse.
  - d. An occupant pursuant to b. above whose spouse has entered into a long-term continuing care facility.
  - e. In c. and d. above, remaining spouses who remarry or cohabit are shall meet all occupancy requirements.
  - f. One child 21 years of age or older may reside with his or her parent(s).
  - g. In no event may a dwelling unit be occupied by more than three (3) residents.

Nothing in this section may excuse compliance with the "Housing for Older Person" requirements of 42. U.S.C. State Statute 3607 (including any amendments thereto after

the effective date of this Chapter) and the regulation adopted thereunder. The burden of complying with said regulations shall be on the owner or user of the property affected by this Chapter.

**Section 117-040 Design and Development Standards**

1. Lot Area: The minimum lot area shall be 150 acres.
2. Dwelling Units: The maximum number of dwelling units shall be no greater than four (4) per acre.
3. Building Coverage: The aggregate ground cover for all buildings and structures, including accessory buildings and structures, shall not exceed 25% of the area of the MPRDD.
4. Height of Buildings: The following maximum building height requirements, computed pursuant to the provisions of Section 015-010 of the Zoning Regulations, as amended, shall apply to the MPRDD. In the event that the Commission permits buildings to be greater in height than 35 feet, the setbacks of such buildings from the property lines shall be increased by five (5) feet for each one (1)-foot of height above 35 feet.
  - a. Single-family Detached Dwellings 35'
  - b. Townhouse Dwellings 40'
  - c. Multi-family Dwellings 50'

All buildings shall be constructed of materials and suitably landscaped so as to blend in with the surrounding landscape. Buildings in excess of the 35 feet in height shall be adequately screened by landscape materials or existing vegetation. Multi-family dwellings shall be serviced by elevators.

5. Parking: There shall be at least two (2) parking spaces provided for each dwelling unit. All driveways shall be a minimum of 20 feet in length measured from the interior edge of the sidewalk, if any, or from the edge of the travelway of the street. An attached garage serving a unit shall count as one (1) parking space. A driveway serving a unit shall count as one (1) parking space.
6. Site Lighting: All site lighting fixtures shall be full cutoff, downward aimed and fixed in a downward facing position where the fixture is nonadjustable. Light fixtures shall not be located at a height of more than 16 feet from the ground. All developers of parcels for a MPRDD shall retain a lighting consultant to be approved by the Commission to review the site lighting plan and shall follow the recommendations of this lighting consultant with regard to the site lighting.
7. Buffer Area: The Commission may require along the perimeter of the development a front, side and rear buffer yard having a minimum width of 60 feet, provided that no buffer shall be required for a front, side or rear yard if the

Commission determines that the existing topography or landscaping provide natural screening. The buffer area shall conform to the standards for buffer areas as set forth in Section 130-040 of these Regulations.

8. Conditions: The Commission may impose conditions to require the applicant to take such actions as it deems necessary to ensure that the housing meets and will continue to meet the age restriction requirements of this Chapter. Such conditions may include, without limitation, deed restrictions, periodic reporting, affidavits of purchasers, renters, authorized representatives of any homeowners' or unit owners' association, stipulated ownership and management policies and procedures, and appropriate association governance. The Commission may require the applicant to submit any or all of this documentation either as part of the application to establish the MPRDD or as part of the final site plan.
  
9. Village Green: The following Accessory Uses are permitted within the MPRDD in order to create a Village Green designed to complement active adult residential uses and to exist primarily for the benefit of the residents of said community. The accessory uses in total shall not exceed 22,000 square feet. These uses may include the following:
  - a. Postal area (post office)
  - b. Coffee shop
  - c. Meeting hall/clubhouse
  - d. Nondenominational chapel
  - e. Library
  - f. Barbershop/hairdresser
  - g. Caning and potting sheds
  - h. General store
  - i. Amphitheater
  - j. Arts and crafts gallery
  
10. Community Areas for Recreation: The developer shall provide an area or areas for passive and/or active recreation for the residents of the MPRDD. Such areas may include the following:
  - a. Sitting areas (covered or uncovered)
  - b. Walking paths and trails
  - c. Croquet lawn
  - d. Other dedicated public lawns and green space
  - e. Tennis courts
  - f. Exercise room and equipment
  - g. Swimming pool
  - h. Billiards room
  - i. Bicycle racks
  
11. Passive Recreation Areas: The passive recreation areas shall consist of no less than 1/3 of the total site.

12. **Water Supply:** The MPRDD shall be served by a water supply system that shall be designed and installed at the applicant's expense and shall be approved by the New Milford Director of Health and, if required, the Connecticut Department of Public Health. Fire hydrants or other fire suppression devices shall be installed in locations approved by the New Milford Fire Marshal.
13. **Sewage Disposal:** The MPRDD shall be served by a municipal sanitary sewer system or by an on-site subsurface sewage disposal system(s) that is designed and installed at the applicant's expense and approved by the Connecticut Department of Environmental Protection and the New Milford Water Pollution Control Authority. If the MPRDD is to be served by an on-site subsurface sewage disposal system, it shall be for the exclusive use of the subject MPRDD and no other uses shall be connected to the system.
14. **Road Access:** The principal access to the MPRDD shall be from Route 7 via Rocky River Road. Rocky River Road shall be reconstructed to conform to the construction methods and requirements, material specifications, administration process, requirements for as-built road plans, and any other applicable standards or procedures outlined in Chapter 18, Article II of the Code of the Town of New Milford in effect at the time of approval of the final site plans. During the Rocky River Road construction, a water main, a gravity sewer line and a force main sewer line for possible future use, and all other public utilities shall be installed to serve the proposed Dunham Farm MPRDD.
15. **Zoning Permits Prior to Construction:** No zoning permits will be issued until such time as either a permit for an on-site sewage disposal system has been issued by the Department of Environmental Protection or the New Milford Water Pollution Control Authority has issued a permit to connect to the municipal sewer system. In addition, the reconstruction of Rocky River Road shall be completed to a level that will permit safe passage to the MPRDD as determined by the Director of Public Works and the Zoning Commission.
16. **Progress Reports:** Reports shall be submitted to the Zoning Enforcement Officer beginning within one (1) month following the approval of the MPRDD and each subsequent month thereafter providing an update as to the progress made toward the submission of the final site plan application. In addition, interim design plans shall be submitted for review and comment by the Commission's staff and consultants.
17. **Submission of Final Site Plan:** The final site plan application shall be submitted to the Zoning Commission within six (6) months of either (a) the date of Department of Environmental Protection approval for the on-site subsurface sewerage disposal system or (b) the date of the issuance of a permit from the New Milford Water Pollution Control Authority to connect to the municipal sewer system. The Commission, in its sole discretion, may grant an extension of the

time for the submission of the final site plan for an additional six (6) months or other reasonable period of time.

18. Submission of Legal Documents: Simultaneous with the submission of a final site plan application, the applicant shall submit documentation satisfactory to the Commission's attorney, demonstrating compliance with the requirements for establishing an age-restricted development; the preservation, maintenance and control of open space; and the creation of the common interest ownership community.
19. Reimbursement of Town Expenses: The applicant shall reimburse the Town of New Milford for any expenses incurred for unusual costs by Town staff for the administration of the MPRDD and reasonable expenses of consultants and attorneys retained by the Town to review the application, general development plans, final site plans, and to undertake site inspections related to the MPRDD.
20. Phasing Plan: A phasing plan shall be included with the final site plan application.
21. Operations Plan: An operations plan shall be included with the final site plan application and that said operations plan shall specifically address the management of construction traffic associated with the development with the goal of limiting traffic on Candlewood Mountain Road.
22. Bonding: The Commission may require the applicant to post bonds for the completion of public improvements and other site improvements prior to the sale or offering for sale of any residential unit in the MPRDD. If the development is to occur in phases, only the improvements within a phase shall be subject to a bond.

### **Section 117-050      Open Space Ownership and Preservation**

Not less than 60 percent of the total site shall be preserved as open space. The open space shall consist of "Conservation Open Space" and "Other Open Space".

1. Conservation Open Space Areas: Fifty percent (50%) of the total area of the MPRDD shall be maintained in its natural state as Conservation and Open Space Areas subject to sound forest management, agricultural and wildlife management practices and shall be used only for the following purposes:
  - a. Protection of areas with unique or environmentally sensitive features.
  - b. Protection of the quality and quantity of underground and surface waters.
  - c. Conservation of soils, wetlands or marshes.
  - d. Protection of natural drainage systems for assurance of safety from flooding.
  - e. Conservation of forest, wildlife, agricultural and other natural resources.
  - f. Pedestrian paths and horseback riding trails.

- g. Preservation of sites or areas of scenic beauty or historic interest.
2. Other Open Space Areas: Other Open Space Areas may be used for the following purposes:
    - a. Leaching fields for on-site subsurface sewage disposal systems
    - b. Storm water management
    - c. Active recreation facilities
  3. Open Space Connections: Small areas of open space scattered throughout the development shall be avoided. To the extent possible, a contiguous system of open space areas shall be achieved by linking open space areas with pedestrian pathways. When open space exists in a development that adjoins the MPRDD, the open space in the MPRDD shall be connected to the open space in the adjoining development when such connection is deemed by the Commission to be feasible.
  4. Open Space Ownership and Maintenance: Land in the MPRDD not allocated to building and streets shall be permanently reserved as open space and shall be transferred to a common interest association of the homeowners. Membership in said association shall be mandatory. The association shall be liable for all maintenance costs of the open space. In the event that the association fails to maintain the open space in accordance with the provisions of the final site plan, the Town may elect to undertake such maintenance. Any costs incurred by the Town because of default on the part of the association shall become a lien on the property of the homeowner and/or the association and said lien may be foreclosed by the Town in exactly the same manner in which unpaid real estate taxes due the Town are encumbered and foreclosed. Open space transferred to an association of homeowners shall be made in accordance with the standards established by the Commission to include, but not be limited to, the following:
    - a. Creation of the homeowners association under the Common Interest Ownership Act (CIOA).
    - b. Mandatory membership by the original homeowner and any subsequent buyer.
    - c. Powers to assess and collect from each homeowner a fair share of the associated costs.
    - d. Permanent restrictions of the use and development of such open space ensuring that the use of open space shall continue in perpetuity for the specified purpose.
    - e. Responsibility for liability insurance, local taxes and the adequate maintenance of recreational and other facilities.
    - f. Approval of Articles of Incorporation and deed restrictions by the Commission's attorney.



5. Deed Restrictions: Any land dedicated for open space purposes shall contain appropriate covenants and deed restrictions (approved by the Town Attorney for Town dedicated property) ensuring that:
  - a. The use of open space will continue in perpetuity for the purpose specified.
  - b. Appropriate provisions will be made for the maintenance of the open space.
  - c. Rights of public access to the open space are provided when appropriate.
  - d. All open space shall be restricted by a conservation restriction pursuant to Section 47-42a of the Connecticut General Statutes which shall be duly recorded with the Town Clerk.

**Section 117-060 Contribution In Lieu of Affordable Housing**

In lieu of ten percent (10%) of the proposed dwelling units in the MPRDD qualifying for affordable housing under Connecticut General Statutes, the developer shall gift to New Milford Affordable Housing, Inc., the sum of \$10,000.00 per dwelling unit for the first ten percent (10%) of said dwelling units, to be paid prior to the issuance of a certificate of zoning compliance for each dwelling unit.

**Section 117-070 Zoning Map**

After a public hearing, the Commission may approve or deny the request for establishing an MPRDD zone. If a MPRDD zone is established, the official zoning map shall be amended accordingly following the effective date of such change.

**Section 117-080 Time for Completion and Reversion to Prior Zone**

The Zoning Commission, in connection with the establishment of a Major Planned Residential Development District, may specify a time period within which a final site plan must be submitted for the development of the MPRDD. If not so specified, such final site plan shall be submitted within two (2) years from the effective date of establishment of the zone. The Zoning Commission may extend such time period for good cause shown. In the event of failure to meet such time period, as may be extended, the Zoning Commission is deemed authorized by the owner of the land in the zone to amend these Regulations and the Zoning Map, deleting the MPRDD and establishing in its place the previous or another zoning district in its sole discretion the Commission deems appropriate.

*(Regulation Approved: January 27, 2005; Effective: March 1, 2005)*