

**Planning and Zoning
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**Town of Trumbull
CONNECTICUT**



Town Hall
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PLANNING & ZONING COMMISSION

To: Members of the Trumbull Planning & Zoning Commission

From: Rob Librandi, Town Land Use Planner
James A. Cordone, Town Attorney

Re: Text Amendment to Revise
Article 1: General, Section 5: Applicable to All Zones

Date: May 1, 2023

1. **Summary of Revisions:** Article 1, Section 5, addresses issues relevant to all zones.

The proposed text amendment:

- Modifies language in Section 5.2 to permit fence height to be 6 feet in more locations and modifies the diagram indicating where the 6 feet height locations are now permitted.
- Makes technical changes to Section 5.3 Storm Water Management provision to making reference to most current state guidelines.
- Adds language in Section 5.4 requiring street numbers to be visible from the street and recommends numbers be posted on both sides or the front of a mailbox.
- Deletes Section 5.6 Medical Marijuana provision. This section regarding medical marijuana is now obsolete due to changes in state law and in our regulations.

2. **Purpose of Revisions:**

- To allow the use of 6 feet fences in more areas to provide desired privacy for homeowners without having to get a variance.
- Per recommendation of Town Engineer and in keeping with best practices, to use the most current guidelines for storm water management.
- To promote public health and safety by requiring street numbers to be visible.

ARTICLE I

SECTION 5: APPLICABLE TO ALL ZONES

5.1 Corner Visibility

Within the area of a triangle formed by a distance of 50 feet along street lines from the street intersection of any corner lot, no fence, hedge, shrub or similar growth or structure shall be erected in excess of three feet in height above the elevation of center line of road; and, no hedge, shrub, tree or other growth shall be maintained so as to cause damage to traffic by obstructing the view or otherwise.

5.2 Fences and Walls

5.2.1 Fences and Walls Along the Front or Side of a Lot. Fences or walls shall not exceed four (4) feet in height within the minimum yard requirements as set forth in these Regulations when such fences or walls are located closer to the Street than that point of the Principal Building which is ~~closest~~ farthest from the Front Lot Line. ~~On corner lots, this requirement shall apply to those points of the Principal Building which are opposite both Streets. Therefore, for purposes of calculating the maximum permitted fence or wall height, Principal Buildings (homes) on corner lots with facades facing both streets shall be considered to have two fronts. The maximum height along a street front is four (4) feet.~~ These regulations are illustrated on a diagram that follows this section.

5.2.2 Fences and Walls to the Rear or Side of a Lot. Except as provided for in 5.2.1, all other ~~f~~Fences or walls shall not exceed six (6) feet in height within the minimum yard requirements as set forth in these Regulations, ~~when such fences or walls are located farther from the Front Lot Line than that point of the Principal Building which is farthest from any Front Lot Line. For the purpose of calculating the maximum permitted fence or wall height, Principal Buildings (homes) on corner lots with facades facing both streets shall be considered to have two (2) fronts. Six (6) foot fences may only extend from the interior rear corner (plane) of the Dwelling and continue at six (6) feet in height to the nearest opposite rear corner of the Dwelling closest to the street. The maximum height along any street front is four (4) feet.~~ These regulations are illustrated on a diagram that follows this section.

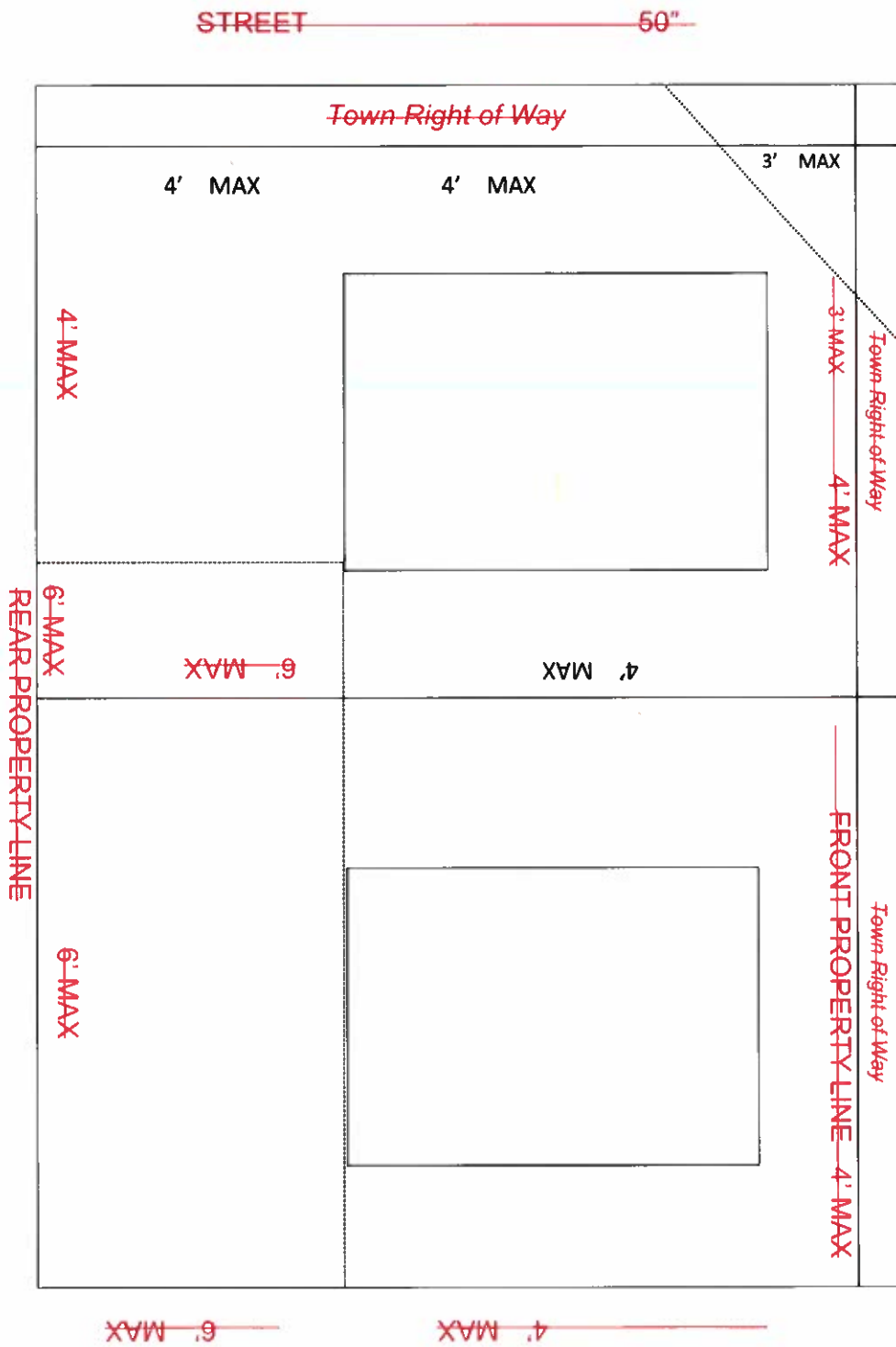
5.2.3 Fences or Walls Located on Top of Retaining Walls or Fill. The maximum height of fences or walls set forth in the preceding subsections shall be measured from the pre-existing grade, and may not be increased by fill or fill enclosed by retaining walls that have the cumulative effect of increasing the total height of the fence or wall to greater than the heights permitted by these Regulations within the minimum yard requirements.

Stone walls and retaining walls not exceeding three (3) feet in height shall be excluded from the provisions of this Section.

The total height of any fence and wall shall not exceed ~~6~~4' in height in any case. However, any uses which are subject to a special permit the Commission may increase this height in the interest of buffering one use from another as part of that special permit.

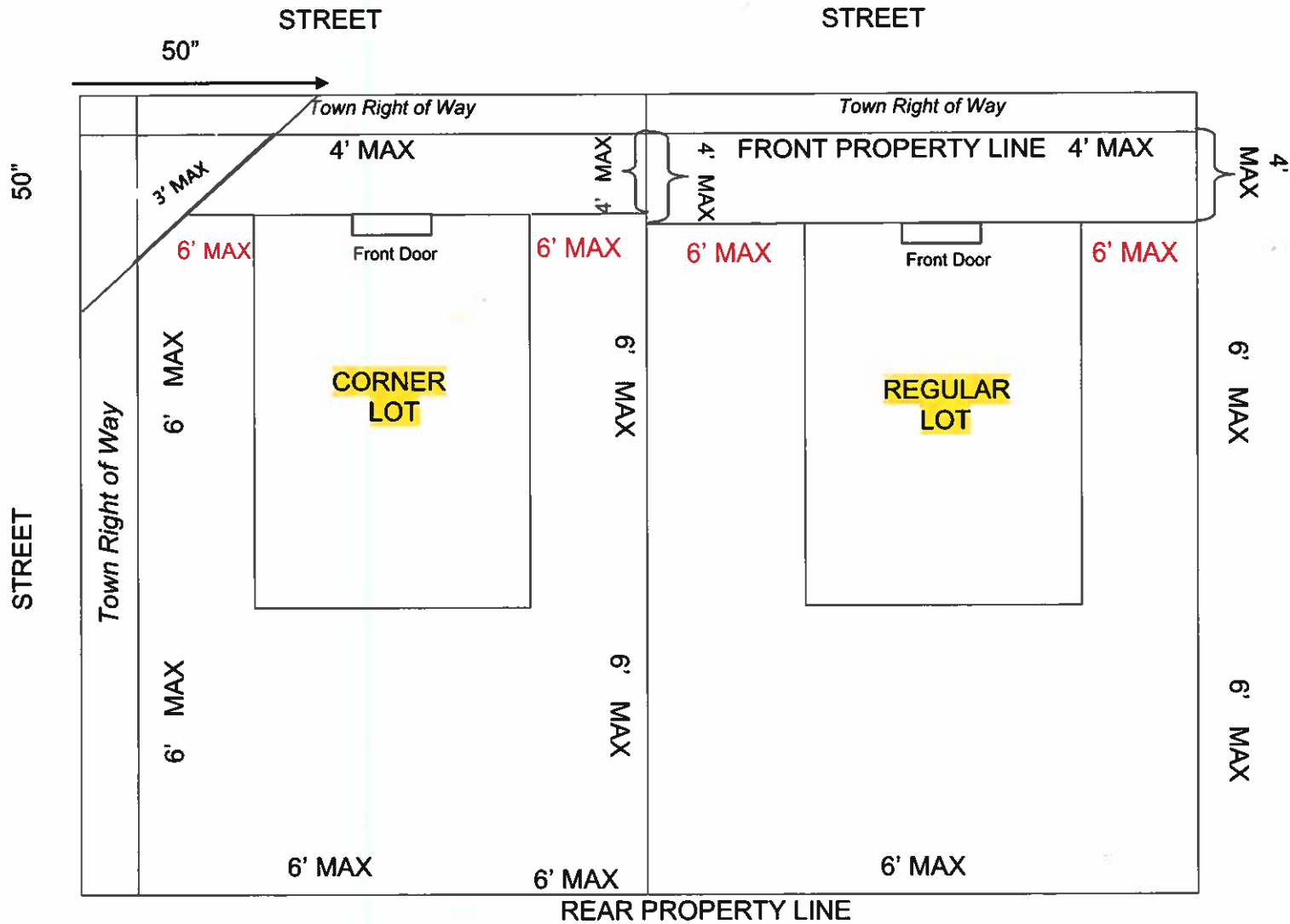
5.2.4 Barbed Wire and Electrical Fences. Barbed wire and electrical fences are prohibited with exception of fences erected in conjunction with a bona fide farm used for agricultural or dairy purposes.

MAXIMUM FENCE AND WALL HEIGHT DIAGRAM



MAXIMUM FENCE AND WALL HEIGHT DIAGRAM

**Proposed New Fence Height May 18, 2023*



ARTICLE I

5.3 Stormwater Management

5.3.1 Purpose

In an effort to comply with the Connecticut Department of Environmental Protection Guidelines for Soil Erosion and Sediment Control and Stormwater Quality Manual, the Town of Trumbull is requiring specific design standards to protect the waters of the Town and adjoining downstream municipalities from the adverse impacts of post construction stormwater runoff.

These Regulations attempt to incorporate reasonable goals for attenuating the impact of runoff, abate existing flooding problems and to address water quality issues at the same time. By implementing a standard, the Commission intends to create an environment in which a consistent methodology is used by all individuals submitting development proposals, and to clarify exactly what is expected.

5.3.2 Stormwater Management Plans for Single Family Residential Uses Requiring a Certificate of Zoning Compliance Only

For any application for a One-Family Dwelling or permitted Accessory Use for which a Certificate of Zoning Compliance is the only requirement of these Regulations, the Town Engineer may require that the applicant submit a Stormwater Management Plan at the time of such application for Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer unless the Town Engineer has approved the said Stormwater Management Plan if one is required. The Town Engineer shall, in general, apply the following criteria to applications under this Section.

If the proposed construction project increases the total impervious area on the lot, a stormwater management plan will be required, unless a waiver is granted by the Town Engineer. The guidelines for Stormwater Management Plans shall be as published by the Town Engineer. Maximum infiltration into the ground is encouraged in these stormwater management plans by utilizing infiltration practices. The regular inspection, maintenance and cleaning of these proposed structures shall be the responsibility of the owner.

For the case where additional impervious surface is proposed not in conjunction with an existing house, the maximum collection of runoff shall be by proposed

inlets and pipes to a stormwater management system following the guidelines as noted above.

The Town Engineer may modify, update, or adopt revised requirements to account for conditions on or around the subject site, new government regulations, changes in technology, or constructive criticism by the Engineering community at large.

5.3.3 Stormwater Management Plans for Uses Requiring a Special Permit or other Review by the Commission

Any application for a Use not within the scope of the preceding subsection shall submit a Stormwater Management Plan at the time of such application. No Special Permit or other approval shall be granted unless the Town Engineer has recommended approval of the said Stormwater Management Plan.

The following criteria to applications under this Section:

A. Minimum Submission Requirements for Stormwater Management Plan

The minimum necessary submission elements for any Stormwater Management Plan design, either computer generated or manually plotted, are:

1. The Plan shall be prepared by a Connecticut licensed Professional Engineer.
2. The proposed Development shall be planned so that there will be no increase in the post development peak flow rate from the site under conditions up to and including the 100-yr. frequency design storm.
3. Zero incremental runoff shall be accomplished by appropriate water retention or infiltration systems designed to achieve a gradual, controlled and dispersed storm water release, by such means as retention/detention basins, dry wells, diversion reservoirs, or permeable driveways or other systems designed in accordance with good engineering practices and sound environmental and conservation objectives.
4. Natural Resource Conservation Service (formerly SCS) TR-55 and TR-20 methodology shall be used. Rational Methodology will not be accepted. Design storms shall be Type III, 24-hour duration.
5. A brief narrative of the activity, a summary of the changes to impervious area, and a tabulation of design input values.
6. Graphical hydrographs and routing diagrams are required for all watershed subareas and all detention structures must be routed. Evaluations of curve number, (CN), and time of concentration for each watershed subarea are also required.
7. A description, detail, evaluation and summary for each storage device within the system.
8. A graphic display of all appropriate hydrographs.

9. A tabular summary of routing results.
10. The storm runoff calculations shall model existing conditions as development as of 1964 per Town aerial maps.
11. Percolation tests and test pits must be conducted at the location of subsurface drainage facilities, prior to the design submission, and be shown on the plans and incorporated into the design. These must be witnessed in the field by the Town Engineer.
12. The water quality of the proposed discharge must be addressed.

B. Design Standards and Criteria for Stormwater Management Plans.

Further design standards and considerations include:

1. For embankment retention ponds, the minimum top width of the embankment shall be ten feet (10'). The combined upstream and downstream side slopes of the embankment shall not be less than five horizontal to one vertical (5:1), with neither slope steeper than 2:1. Seepage collars shall be designed for pipelines passing through the embankments, with a minimum of two collars spaced 15' apart. The emergency spillway shall be designed to pass the entire peak discharge of the design storms plus an allowance of one-foot (1') of freeboard below the top of the embankment. The side slopes of the emergency spillway shall be no steeper than five horizontal to one vertical (5:1) to permit passage of maintenance vehicles along the top of the embankment. Where the embankment is formed on original ground, strip organic material and other unsuitable soils before placing fill. Embankment shall be compacted to 95% Proctor Density. Material shall be placed in lifts no greater than twelve inches (12") and shall be composed of nongranular clean fill free of organic material. No stones larger than nine inches (9") shall be permitted, and shall comprise no more than 5% of the embankment volume. The embankment shall be suitably protected against erosion. Town inspection is required during construction and when completed.
2. Maximum infiltration into the ground is encouraged. Design of the stormwater management system shall consider reducing run-off by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rock-lined channels in lieu of storm drainage pipes.
3. Design of detention basins, sediment ponds and other structures shall be in accordance with ~~the Chapter 9 of the~~ current version of the Connecticut Guidelines for Soil Erosion and Sediment Control ~~and (2002 as amended).~~ ~~d~~Design of infiltration practices shall be in accordance with the current version of the 2004 Stormwater Quality Manual.

4. When engineering, aesthetics, and economic factors make combined detention or other drainage facilities more practical for construction, the Town Engineer may permit several developers to construct joint facilities.
5. Run-off management system components shall be designed according to sound engineering principles and installed in a sequence that permits each to function as intended without causing a hazard. Single components shall not be installed until plans for the entire run-off management system are completed and approved. Final discharge points must be approved by the Town Engineer. An appropriate downstream drainage study may be required to demonstrate the feasibility of a drainage project.
6. All on-site facilities shall be properly maintained by the owners so that they do not become nuisances. A plan of operation and maintenance shall be prepared for use by the owner, or others responsible for the system, to ensure that each component functions properly. This plan shall provide requirements for periodic inspections, and itemized maintenance of individual components, including outlets. It shall specify who is responsible for maintenance. Adequate access must be provided for maintenance vehicles.
7. All run-off control structures located on private property, whether dedicated to the Town or not, shall be accessible at all times for Town inspection. Easements and appropriate grading shall provide access for maintenance vehicles to all parts of the detention, which may require maintenance. Access easements shall have a minimum width of twenty feet (20').
8. Appropriate safety features and devices shall be installed to protect humans and animals from such accidents as falling or drowning. Temporary or permanent fencing and guide rails may be deemed necessary to provide such protection.
9. Permits for stormwater management systems may also be required from the Inland Wetlands and Watercourses Commission where such systems may have an impact on inland wetlands or from any other regulatory agency or commission as applicable.

5.4 Street Numbers.

Assignment. In accordance with established practice in the Town of Trumbull, street numbers shall be assigned by the Department of Public Work. All properties shall display a street number that is visible and legible from the street. It is recommended that mailboxes have street number on both sides or on the front.

5.5 Keeping of Livestock.

5.5.1 Minimum Parcel Size. A parcel used as a farm shall contain no less than five (5) acres. Where Livestock, including a Pleasure Horse, is raised or kept, the Parcel so used shall contain no less than ten (10) acres.

5.5.2 Setbacks. Any Building, Structure, or enclosure Used in connection with the raising or keeping of Livestock, including a Pleasure Horse, shall be located no less than one hundred (100') feet from any Lot Line.

[Proceeding from Art. I, Section 2.M, Definition of "Farm," revised effective July 25, 2008.]

~~5.6 — Medical Marijuana Dispensaries and Producers.~~

~~Notwithstanding any provision contained herein to the contrary, for a period of four (4) months no application will be accepted, considered or approved to permit the establishment of Medical Marijuana Dispensaries and Producers, whether or not determined to be allowed under the list of Permitted Uses in any zoning districts of the Town of Trumbull. For the purpose of this Paragraph, a Dispensary or Licensed Dispensary is defined as a dispensary pursuant to Section 9 of Public Act #12-55 and a producer or Licensed producer as defined as a producer pursuant to section 10 of Public Act #12-55. The expiration date of said Moratorium will be March 1, 2014 unless extended by the Planning and Zoning Commission.~~