

Town of Colchester, CT

127 Norwich Avenue, Colchester, Connecticut 06415
PLANNING & ZONING COMMISSION
WEDNESDAY, August 18, 2021
MEETING AT 7:00 P.M.

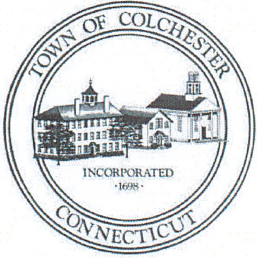
Virtual Meeting to be held via ZOOM. For a link to the ZOOM meeting please visit the Town of Colchester Public Meetings Calendar at www.colchesterct.gov

AGENDA

1. Call to Order
2. Additions to the Agenda
3. Minutes of Previous Meeting
 - a. July 21, 2021
4. Public Hearing
5. Five Minute Session for the Public
6. Pending Applications
7. New Applications
 - a. Town of Colchester Planning and Zoning Department – Regulation Text Amendment (2021-009) Moratorium on Marijuana Establishments
 - b. Sharr Realty – 139 S. Main Street - Site Plan Modification Administrative Review (2021-010)
 - c. 120 South Main, LLC – 139 South Main Street – Regulation Text Amendment (2021-011) Drive-Through Windows in Town Center
8. Preliminary Reviews
9. Old Business
10. New Business
11. Planning Issues and Discussions
 - a. Section 8.2 – Affordable Housing for Two-Family Residential Structures
12. Correspondence
 - a. Public Hearing Notice from Town of East Haddam
 - b. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter
13. Adjournment

Gayle Firman
GAYLE FIRMAN
TOWN CLERK

2021 AUG 13 PM 3:35
RECEIVED
COLCHESTER, CT



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Website: www.colchesterct.gov

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COLCHESTER, CT
2021 AUG -4 PM 2:40
Gayle Furman
TOWN CLERK

PLANNING AND ZONING COMMISSION

Wednesday, July 21, 2021

7:00 p.m.

Virtual Meeting

MEETING MINUTES

Members Present: Vice Chair, John Novak, Bruce Hayn, Jason Tinelle, Stephanie Smith, Ian Lily, Meaghan Kehogreen

Members Absent: Chair Joe Mathieu, Mark Noniewicz

Others Present Planner, Matthew Bordeaux, Asst. Planner/ZEO Daphne Schaub, Clerk, Kamey Cavanaugh

1. **Call To Order** – Vice Chairman Novak called the meeting to order at 7:00 p.m.

2. Changes or Additions to Agenda

Mr. Bordeaux requested that items 4b and 10b be removed from the Agenda as the subject application is not ready to be accepted for review.

Mr. Hayn moved to remove items 4b and 10b. Mr. Tinelle Seconded the motion and all members voted in favor.

3. Minutes of Previous Meeting

a. June 16, 2021

Mr. Tinelle moved to approve the minutes dated June 16, 2021. Mr. Lilly seconded the motion. The motion carried; Mr. Hayn abstained.

4. Public Hearing

a. Regulation Text Amendment – Section Nos. 14.5 (Administrative Review Application) & 15.3 (Site Plan Class I) (2021-008)

Mr. Bordeaux provided a brief explanation of the proposed amendment to authorize staff to review and approve certain minor site improvements on previously approved sites subject to a simplified site plan application process and staff review. Mr. Bordeaux stated that the proposal was an effort to reduce the time and cost burden of the Class II application process for activity that is considered minor in nature and meets all the zoning requirements and technical standards for the district in which it is proposed.

MINUTES

Wednesday, July 21, 2021

Planning & Zoning Commission

Mr. Sharr, 139 S. Main St., business owner and CBA member, spoke in favor of the text amendment proposal.

Mr. Hayn moved to close the public hearing. Ms. Kehoegreen seconded the motion and all members voted in favor.

5. Five Minute Session for the Public – None

6. Pending Application – None

7. New Applications

a. Niantic Bay Group LLC – 347 Cabin Road – Resubdivision (2021-007)

Mr. Bordeaux stated that the application for six (6) lot resubdivision of the previously of Lot #5 (Jordan Alley subdivision) remains under review by Town staff.

8. Preliminary Reviews

a. Drive-through Windows in Town Center

Mr. Bordeaux noted the letter from Mr. Sharr included in the Agenda Packet and invited Mr. Sharr to share his thoughts on the reintroduction of drive-through windows to the list of permitted uses in the Town Center zone. Mr. Sharr described the impact of the pandemic on the success of businesses with drive-through windows and expects this to be a lasting impact.

Mr. Novak noted that when the regulations were rewritten in 2015, drive-through windows were removed from the list of permitted uses because they were perceived to have a detrimental impact on the character of the Town Center.

9. Old Business – None

10. New Business

a. Regulation Text Amendment – Section Nos. 14.5 (Administrative Review Application) & 15.3 (Site Plan Class I) (2021-008)

Mr. Tinelle moved to approve the Regulation Amendment (2021-008) to amend Section 14.5 (Administrative Review Application) & 15.3 (Site Plan Class 1) to allow administrative approval of minor site modifications to previously approved plans. The amendment is consistent with the 2015 Colchester Plan of Conservation and Development Section 4.5 as it facilitates and supports economic growth by easing the burden associated with permitting minor site improvements. The regulation amendment will have an effective date of August 9, 2021. Ms. Kehoegreen seconded the motion and all members voted in favor.

11. Planning Issues and Discussions

a. Moratorium on Retail Sales of Marijuana

Mr. Bordeaux described the recent Senate Bill and the Commission's role according to the new law. Mr. Bordeaux suggested adopting a moratorium to allow a public process to play out and

provide input to the Commission as to how to regulate the location of marijuana establishments. Mr. Bordeaux briefly described a draft regulation amendment that mimics the one the Commission adopted for use related to the regulation of medical marijuana production and dispensary facilities. The Commission expressed their thoughts regarding the dates and length of time the moratorium would be held in place. Mr. Bordeaux stated that he would prepare the draft to be accepted as a new application at the next regular meeting of the Commission, at which time the Commission could determine an appropriate date to hold a public hearing.

12. Old Business – None

13. New Business - None

14. Correspondence – None

15. Adjournment –

Mr. Hayn moved to adjourn. Ms. Kehogreen seconded the motion and all members voted in favor. The meeting of July 21, 2021 adjourned at 8:16 p.m.

Respectfully Submitted, *Kamey Cavanaugh*, Clerk

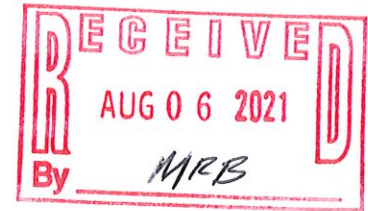


East Haddam Planning & Zoning Commission

Town Office Building
1 Plains Road
Moodus, CT 06469
Office: 860-873-5031
Fax: 860-873-1565
Email: landuse@easthaddam.org

August 2, 2021

Colchester Town Hall
Planning and Zoning Commission
Mr. Mathew Bordeaux, Town Planner
127 Norwich Avenue
Colchester, CT 06415



Dear Mr. Bordeaux,

The East Haddam Planning & Zoning Commission has set a public hearing for August 24, 2021, at 7:15 pm in the Municipal Office Complex on 1 Plains Road to discuss proposed changes to the Planning and Zoning Regulations. The proposed changes are as follows:

1. Agricultural Regulations – Proposed New Section 29 of the East Haddam Zoning Regulations
2. Revisions to Seasonal to Year-Round Conversion - Section 24 of the East Haddam Zoning Regulations
3. Revisions of the Customary Home Occupations – Section 27 of the East Haddam Zoning Regulations
4. Building Height Regulation Revision – Section 10.1.4 of the East Haddam Zoning Regulations
5. Drive-Through Regulations – New Section 30 of the East Haddam Zoning Regulations

Please find a full text of proposed regulation changes attached.

Sincerely,

Cary H. Brownell; Chairman
East Haddam Planning and Zoning Commission

CB/sm

REQUEST FOR LEGAL NOTICE

DATE: July 28, 2021

FROM: James Ventres (james.ventres@easthaddam.org)

DEPARTMENT: Planning & Zoning Commission

RUN DATE(S): August 12, 2021 & August 19, 2021

AFFIDAVIT OF PUBLICATION: Yes

TO READ AS FOLLOWS:

TOWN OF EAST HADDAM
PLANNING AND ZONING COMMISSION
LEGAL NOTICE OF PUBLIC HEARING

The East Haddam Planning and Zoning Commission will hold a Public Hearing on Tuesday, August 24, 2021, at 8:00 pm at the Municipal Office Complex, Meeting Room #1-2, 1 Plains Road, Moodus to hear the following:

1. **#21-12 Subdivision Review - 25 Falls Road, Garrett Homes (Applicant), Goodspeed Realty (Owner), 2 Lot Sub-Division. Assessor's Map 65, Lot 47.**
First Date: August 24, 2021, Last Date: September 27, 2021
2. **Agricultural Regulations – Proposed New Section 29 of the East Haddam Zoning Regulations**
3. **Revisions to Seasonal to Year-Round Conversion - Section 24 of the East Haddam Zoning Regulations**
4. **Revisions of the Customary Home Occupations – Section 27 of the East Haddam Zoning Regulations**
5. **Revisions to the C/B/IG / - Moodus Center Regulations and Mapping of the East Haddam Zoning Regulations**

6. Building Height Regulation Revision – Section 10.1.4 of the East Haddam Zoning Regulations

7. Drive-Through Regulations – New Section 30 of the East Haddam Zoning Regulations

You may access the YouTube Live link from the Town's website: www.easthaddam.org

The application is posted on the official East Haddam web page, go to the calendar on the bottom right corner, click the meeting date and open the application.

At this hearing interested persons shall be heard and correspondence received.

Questions or comments about this application may be emailed to jventres@easthaddam.org during the hearing.

Crary H. Brownell, Chairman

Dated at East Haddam, CT this 27th day of July, 2021

East Haddam Planning & Zoning Regulations

Inclusion of Hobby Farms & Intensive Commercial Farm Operations Revised Draft 7/27/2021

EXISTING REGULATIONS

Residential Districts R ½, R 1, R 2, R 4

9.2.9 – Agriculture and farming provided that all buildings designed for those uses shall be built not less than one-hundred (100) feet from the street line and seventy-five (75) feet from the nearest line of a lot under separate ownership.

9.2.10 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not more than two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

Proposed See Section 29 for specific details for agricultural uses

Resort District - R

9.3.11 – Agriculture and farming provided that all buildings designed for those uses shall be built not less than one-hundred (100) feet from the street line and seventy-five (75) feet from the nearest line of a lot under separate ownership.

9.3.12 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not more than two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

Lake Districts - L

9.4.9 – Agriculture and farming provided that all buildings designed for those uses shall be built not less than one-hundred (100) feet from the street line and seventy-five (75) feet from the nearest line of a lot under separate ownership.

Amendment 9.4.10 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not more than two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

IG 2 - Farm (Permitted use), Greenhouse, Nursery, Wholesale Associated with a Farm, Farm Stand

IG 3 – Accessory to Residential Uses

Proposed Regulations

Uses Permitted in Residential Districts R ½, R 1, R 2, R 4

9.2.9 – Agriculture and farming provided it meets the requirements of Section 29 – Agriculture and Agricultural Uses. See Section 29 for specific details for agricultural uses.

9.2.10 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

Uses Permitted in Residential / Resort District - R

9.3.11 – Agriculture and farming provided it meets the requirements of Section 29 – Agriculture and Agricultural Uses. See Section 29 for specific details for agricultural uses.

9.3.12 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

Uses Permitted in Residential Lake Districts - L

9.4.9 – Agriculture and farming provided it meets the requirements of Section 29 – Agriculture and Agricultural Uses. See Section 29 for specific details for agricultural uses.

Amendment 9.4.10 – Farm and garden product: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not more than twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

IG 2 - Farm (Permitted use), Greenhouse, Nursery, Wholesale Associated with a Farm, Farm Stand

IG 3 – Accessory to Residential Uses See Section 29 for specific details for agricultural uses.

C-3 – Accessory to Residential Uses See Section 29 for specific details for agricultural uses.

C/B/IG – Accessory to Residential Uses See Section 29 for specific details for agricultural uses.

Section 29 – Agriculture and Agricultural Uses

29.1 Purpose - Proposed

It is the purpose of these Regulations to permit and support agricultural activities within the Town of East Haddam in a way that is compatible with the overall character of existing residential and commercial areas, not to degrade the natural environment, or negatively impact the public health, safety, and property values. These regulations also set the minimum standards for keeping of animals that are consistent with best management practices.

29.2 Definitions Existing and Proposed New Definitions

Existing 2014 - Agriculture: Means “agriculture” as defined in Section 1-1(q) of the Connecticut General Statutes as amended: Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or clearing land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operation, or the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses, and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels, and other molluscan shellfish, on leased, franchised, and public underwater farmlands. Nothing herein shall restrict the power of a local zoning authority under chapter 124 of the Connecticut General Statutes.

Proposed - Commercial Slaughtering Facility: The slaughtering of animals for other than home use by the owner. The slaughtering of livestock and poultry, as an accessory use to a Farm, is permitted, provided that all stock slaughtered are raised on the Farm. The facility is also subject to review and approval of the United States Department of Agriculture (USDA), Connecticut Department of Agriculture, and the Connecticut Department of Health. The facility used to slaughter animals shall be 100 feet from any property line.

Existing 2014 - Farm: see Agriculture

Existing 2014 - Farm Stand: see Accessory Uses to Agriculture

Existing - Feed and Grain - Food for livestock, mixtures prepared for livestock

Proposed – Hobby Farm – A parcel of property that does not contain enough property to set buildings that house agricultural animals one hundred (100) feet from the front property line and seventy-five (75) feet from the side or rear property line. A Hobby Farm is permitted to raise only two large bodied livestock; four small bodied livestock; poultry; and rabbits as a hobby and not for commercial purposes. See Section.29.3.A

Proposed - Intensive Commercial Farm Operation: includes raising at one time for commercial purposes on the property of more than two hundred (200) poultry, or twenty (20) large bodied livestock, thirty (30) adult small bodied livestock, one hundred adult rabbits, ten or more adult swine, any Fur-Bearing Animal Farms such as mink and fox, or the requirement to construct a building exceeding a 5,000 square foot footprint.

Proposed - Large Bodied Livestock: Includes, but is not limited to, bovine animals, horses, reindeer, mules, and other larger hoofed animals.

Existing - Nursery: Land or greenhouses used to raise flowers, shrubs, and plants for sale. See Greenhouse.

Proposed - Pigs, Swine, Pigsty – Per Connecticut Health Code 19-13-B23(a) “No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within three hundred feet of any inhabited house or public meeting house upon the property other than that of the proprietor of the pigsty.” Properties with ten or more adult swine shall be subject to the Agricultural Buffers required for Intensive Commercial Farming operations.

Proposed - Poultry: Includes but is not limited to domestic fowl such as chickens, turkeys, guinea fowl, pheasant or game birds, ducks, and geese, raised for flesh, eggs, or show.

Proposed - Small bodied livestock: Sheep, goats, alpacas, llamas, miniature horses and other similar small hoofed animals along with poultry and rabbits.

Existing - Signage Non-Residential Uses: On lots containing a farm, church, place of worship, parish hall, cemetery, museum, school, college, university, membership club, philanthropic institution, hospital, recreation facility, nature preserve, wildlife sanctuary, convalescent home, sanitarium, public utility facility, or building, use or facility of the Town of East Haddam, or other non-residential use permitted in residential zones by these Regulations, one (1) sign not exceeding twenty (20) square feet

Existing - Wholesale Associated with a Farm: An Accessory Use on a Farm for the wholesaling of agricultural products produced on a Farm, including, but not limited to, dairy products, vegetables, fiber, poultry, beef, and other customary agricultural products; but excluding the sale of agricultural equipment, rendering of fat or lard, or other industrial processing of agricultural products not customarily carried on a Farm. **Proposed** The slaughtering of livestock

and poultry, as an accessory use to a Farm, is permitted, provided that all stock slaughtered are raised on the Farm. The facility used to slaughter animals shall be 100 feet from any property line.

29.3 Permitted Uses -- Proposed

- A. **Hobby Farms** – A parcel of property that does not contain enough property to set buildings that house agricultural animals one hundred (100) feet from the front property line and seventy-five (75) feet from the side or rear property line. *Small bodied livestock, poultry, rabbits - permitted in all Zones and Districts - Structures that house said animals are to be seventy-five (75) feet from the street line and forty (40) feet from the side and rear property line. Hobby farms are permitted to have up to four (4) small bodied livestock and no more than a total of twenty-five poultry and / or rabbits in aggregate. Hobby farms may have up to two large bodied farm animals if the structure houses them is seventy-five (75) feet from the street line, forty (40) feet from the side and rear property line, and at least one hundred (100) feet from any existing neighboring residence.*
- B. **Farms with large bodied animals that don't exceed nineteen (19) adult animals** – permitted in all Zones and Districts except the East Haddam Village District and the C-3 District. Structures that house said animals shall be built not less than one-hundred (100) feet from the street line and seventy-five (75) feet from the side and rear property line.
- C. **Intensive Commercial Farm Operations** – permitted in all Zones and Districts by Special Exception Review (See Section 14a and 14b) except in the East Haddam Village District, the C-3 District, and the C/B/IG District.

Agricultural Buffer for Proposed (new) Intensive Commercial Farming Operation For Proposed Intensive Commercial Farm Operations no building or any animal waste storage or treatment area shall be located closer than 225 feet from the street line or 300 feet from any other property line, except that the distance may be reduced to 100 feet when the adjoining property is deeded open space or land physically unsuitable for building purposes, as determined by the Commission. The Commission may also require a 100 foot buffer planted with trees and shrubs from any property line.

- D. **Existing 2014 - Accessory Uses to Agriculture:** The following activities are recognized as a normal part of agriculture uses and are therefore allowed as a Permitted Use: 1) retail sale of agricultural products produced on a Farm, including dairy products, vegetable, fiber, poultry, beef, and other customary, agricultural products. No less than twenty-five (25) percent of the products (both by volume and by product type) shall be raised or produced on the Farm. The maximum square footage of a Farm Stand, including both enclosed and outdoor display areas, shall be seventy-five (75) square feet for each acre of land on the same lot with the Farm which is under cultivation. Residential property farm stands are not to be more than two-hundred (200) square feet

in area and not have more than two signs aggregating not more than twelve (12) square feet in area advertising the farm products raise on site. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line. (From existing Regulations)

Other activities that may have greater public participation such as corn mazes, horse shows, seminars/meetings, a tasting or sampling room, on site tours for the public to see the operation or production of the product, training and lessons for individuals, public events (such as rentals for weddings, showers, etc.), and artist exhibitions shall require a Special Exception Review and approval as an accessory use by the Planning and Zoning Commission. Such activities are to be complementary and subordinate to the principal agricultural use. The Commission will be reviewing the proposed frequency of events, event traffic, parking, lighting, noise levels, and the sanitation facilities needed. The accessory activities may be permitted as a Special Exception provided the activity is in harmony with the surrounding properties with respect to scale and density of development, shall not depreciate surrounding property values, and shall blend with the historical character of surrounding buildings and landscape. (From existing Regulations)

- E. Proposed Best Management Practices: All farms shall utilize Best Management Practices (BMPs) as recommended by the University of Connecticut Extension Service, the Natural Resources Conservation Service (NRCS), the United States Department of Agriculture (USDA), or other agencies associated with proper agricultural practices. Best Management Practices are needed for animal welfare, animal density, manure management, stormwater management, pasture rotation, soil erosion and nutrient runoff. Several publication in Best Management Practices are available through the agencies listed above. Farms that do not follow best management practices can be hazardous to the welfare of the animals, can degrade the natural environment, and negatively impact the public health and property values. Such properties can be reported to the Connecticut Department of Agriculture, the local health district, the local wetlands agent for remediation, and the Zoning Enforcement Officer.**
- F. Proposed Deed restrictions, restrictive covenants, and association by-laws. When it comes to livestock, East Haddam Zoning regulations does not supersede or override deed restrictions, restrictive covenants, and association by-laws.**

EAST HADDAM SUBDIVISION REGULATION

Existing - 4.18.03 - Agriculture Buffer Areas

Buffers adjacent to actively farmed land shall be established around residential subdivisions. Said buffer areas shall be one hundred feet (100) in width but may be reduced to no less than fifty (50) feet in width as directed by the Commission, depending on the type of agricultural or farm use, the topography, existing vegetation and the proposed design and plantings of such areas. It shall be the responsibility of the developer, subject to approval by the Commission, to

provide an effective barrier that will reasonably protect adjacent farming area. It shall be the responsibility of the individual lot owners where such buffers are established on their lots, to maintain the buffer in accordance with the designed intent, such responsibility to be implemented and enforced by a declaration of covenants and restrictions in a form to be approved by the Commission and approved in a final version by its legal counsel. In addition, the following statement shall be noted on the subdivision plan: "This property abuts or is in proximity to an active agricultural or farming operation which is a permitted zoning use. The policy of the Town is to encourage agricultural uses which are an integral component of the existing community character. Agricultural operations sometimes emit such things as noise, odor, or dust which are unavoidable byproducts of such operations." If the abutting actively farmed land changes use to residential, commercial, or industrial development, then these requirements shall be voided, and the implementing declaration and covenant shall so provide.

Connecticut General Statutes - Sec. 19a-341. Agricultural or farming operation not deemed a nuisance; exceptions. Spring or well water collection operation not deemed a nuisance. (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Energy and Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Energy and Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

(b) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances, no operation to collect spring water or well water, as defined in section 21a-150, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable noise from equipment used in such operation provided the operation (1) conforms to generally accepted practices for the collection of spring water or well water, (2) has received all approvals or permits required by law, and (3) complies with the local zoning authority's time, place and manner restrictions on operations to collect spring water or well water.

(c) The provisions of this section shall not apply whenever a nuisance results from negligence or wilful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

**EAST HADDAM - SEASONAL USE REGULATIONS Draft Revised 7/15/21
Proposed Additions in Bold and Italics and deletions in [BRACKETS]**

7.28. Seasonal Cottage: Seasonal cottages or other seasonal dwelling or seasonal uses shall be occupied exclusively during the 200-day period extending from April 15th through October 31st

Section 5 – Definitions

Seasonal: Any use of land, buildings, or structures which was originally designed or intended to be used exclusively during the 200-day period extending from April 15th through October 31st, and for which no approval required by these Regulations has been granted to permit year-round use.

Seasonal Cottage: A dwelling which was originally designed or intended to be used for residential purposes only during the 200-day period extending from April 15th through October 31st, and for which no approval required by these Regulations has been granted to permit year-round use.

SECTION 24 CONVERSION SEASONAL/YEAR-ROUND OCCUPANCY

24.0. Intent: The purpose of this section is to promote and assure the health, safety and welfare of the Town of East Haddam for the Town and persons who wish to convert existing seasonal dwellings into year-round dwellings.

24.1. The Planning & Zoning Commission may permit in all zoning districts, upon application by the owner, conversion of existing property used as seasonal to year-round occupancy *with the following information provided. The submission of insufficient information shall be considered to be grounds for modification or denial.*

[24.1.1. The lot must contain a minimum of 21,780 square feet of area. (1/2 acre)]

[24.1.2. **Living space:** Any dwelling in existence and used seasonally with a maximum of 15% building coverage when these Regulations take effect may apply.]

24.1.1 Site Plan: A complete site plans shall contain the information required under Section 14A of these Regulations. *To scale floor plans of the existing structure and any proposed additions or renovations at the time of application shall be provided.*

24.1.2 A report or reports shall be filed by an architect, electrician, and / or an Engineer which shall include a description of the existing structural, electrical, heating, plumbing, insulation, and egress components of the seasonal building and a finding of what improvements are required to make the dwelling safe to be occupied year-round. If a seasonal conversion application is approved by the East Haddam Planning and Zoning Commission, all required upgrades noted in the report(s) are to be permitted, completed, and signed off by the East Haddam Building Official prior to a Certificate of Zoning Compliance is issued by the East Haddam Land Use Office for year-round use.

24.1.3 The property shall have a code complying septic system in place prior to converting to year-round occupancy. Sanitary waste disposal plans shall conform to the State of Connecticut Public Health Code. No requirements of the State of Connecticut Public Health Code shall be waived. No sewage disposal system shall be located within 75 feet of a lake, pond, river, perennial stream or other body of water unless a nutrient analysis by a Connecticut licensed engineer can demonstrate the nitrogen dilution rate of the septic effluent can be infiltrated to 10 mg/liter or less at the water's edge.

24.1.4 The water supply for the dwelling must meet the requirements of the Public Health Code. Any property that is serviced by a seasonal water company will be required to hook up to the water company system if the water system is upgraded for year-round use.

24.1.5 Underground oil tanks are prohibited.

24.1.6 Compliance with Zoning Regulations of the Town of East Haddam including

all requirement of Section 18 – Special Flood Hazard Area Regulations. All pre-existing non-conforming aspects of the property and structures shall be noted on the plan.

24.1.7 Adequate access for fire and emergency vehicles and police protection shall be demonstrated on the plans.

24.1.8 The request shall be compatible with the Plan of Conservation and Development of the Town of East Haddam.

[24.3. Criteria For Decision] Delete all

[In reviewing the site plan 24.2 conversion, the Commission shall consider the following criteria. All decisions must be made relative to these criteria.]

[1. Compatibility with the Plan of Development of the Town of East Haddam.]

[2. Compliance with Zoning Regulations of the Town of East Haddam.]

[3. Adequate access for fire and emergency vehicles and police protection.]

[5. The submission of insufficient information shall be considered to be grounds for modification or denial.]

[6. No sewage disposal system shall be located within 75 feet of a lake, pond, river, perennial stream or other body of water.]

SECTION 27 HOME OCCUPATION EAST HADDAM

Draft July 15 *Proposed Additions in italics and bold*

27.0. Intent and Purpose. The Town of East Haddam recognizes the need for some of its citizens to use their place of residence for limited non-residential activities. It is the intent and purpose of this Section 27 to permit limited non-residential activity within the Town's residential districts through the home occupation approval process set forth in this Section 27, while at the same time protecting the integrity of the underlying residential district. *The intent is to ensure the home occupation is clearly secondary to the use of the building for dwelling purposes and to ensure the size, architecture, and compatibility with other residential uses.*

27.1. Permitted Home Occupations. Home occupations shall be limited to the following:

- a. Offices for practitioners of recognized professions, the practice of which requires a license or certification from the State of Connecticut, such as medicine, law, dentistry, engineering, architecture, accounting, land surveying, interior design and the like, and commercial activities which require a license or certification from the State of Connecticut such as real estate, insurance, and the like.
- b. Building and other trade occupations such as carpentry, plumbing, electric, masonry, painting, and the like.
- c. Commercial salesrooms and shops such as antiques, gun shops, art galleries, tack shops and the like.
- d. Home industries whose products are produced through handcrafting, personal skill, and artistry such as catering, furniture repair and the like.
- e. Instructional classes and lessons customarily associated with home occupations such as music, arts and crafts and the like.

27.2. Application.

27.3.1. The application shall be submitted on a form provided by the Town with signature of the property owner and the applicant, who shall be a resident of the dwelling in which the home occupation is proposed to be conducted.

27.3.2. The application shall be accompanied by the applicable fee for the home occupation approval and, *if required by determination of the Commission*, by the applicable fee for the Special Exception Review.

27.3.3. The application shall be accompanied by:

- a. a detailed description of the proposed home occupation, including any required machinery, equipment, materials, etc.
- b. a floor plan of the dwelling or accessory building in which the proposed home occupation will be conducted indicating the area to be occupied by the proposed home occupation.
- c. *A detailed site plan showing the residential dwelling, any accessory structure(s), designated parking, and potential outside storage.*
- d. a description of the frequency and type of commercial vehicles and customer vehicles which will be associated with the home occupation.
- e. such other information as may be reasonably required by the Planning and Zoning Commission to assist in the review of the application.
- f. return receipts from letters sent via certified mail, return receipt requested, notifying abutting property owners of the application and the nature of the proposed home occupation. A notification form will be provided by the Land Use Office.
- g. *Deed restrictions, restrictive covenants, and association by-laws. When it comes to home occupations, the East Haddam Zoning Regulations do not supersede or override deed restrictions, restrictive covenants, and association by-laws.*

27.3. Approval Procedure. The home occupation shall require the approval of the Planning and Zoning Commission as a Special Exception in accordance with Section 14B of these Regulations; provided, *however, applications which meets the following criteria of a Minor Impact Home Occupation and otherwise comply with the requirements of this Section 27 may be approved by the Zoning Enforcement Officer upon the issuance of a Certificate of Zoning Compliance in accordance with Section 2.3 of these Regulations.*

27.4.1 – Minor Impact Home Occupations – Standards

A Minor Impact Home Occupation has minimal on-site interaction with the public or neighborhood. The business is located within the principal residential dwelling or an accessory building. A Minor Impact Home Occupation shall meet the following requirements:

- a. No business activity other than the use of a home office, workshop, business phone and mailing address is conducted on the premises.
- b. The home occupation is conducted solely by residents of the dwelling.
- c. There will be no increase in traffic beyond that normally and customarily expected from a single-family residence. *An additional eight (8) customer vehicle visits per day may be permitted with a Minor Impact Home Occupation. Persons who offer professional or personal services on site shall conduct business on an appointment only basis in order to manage parking requirements and minimize traffic conflicts. The roadway is not to be used for parking.*
- d. There shall be no external evidence of the operation of the home occupation so as to change the residential character of the dwelling or adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare. The dwelling has existing parking sufficient to meet the requirements of Section 11 of these Regulations. *Not more than one (1) commercial vehicle shall be parked on the site at a given time. Any business-related equipment excluding the one commercial vehicle on the premises shall be stored in an enclosed structure.*

- e. A home occupation sign shall not exceed three (3) square feet and shall not be illuminated.
- f. The home occupation shall be contained wholly within the dwelling or a permitted accessory building. The total floor area used for the home occupation, whether conducted in the dwelling or a permitted accessory building, shall not exceed 25% of the total living area of the dwelling or 750 square feet, whichever is less.
- g. The home occupation shall not create offensive odors, noise, vibrations, light, electrical interference or other objectionable conditions which might adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare. There shall be no discharges of a hazardous or toxic substance to the air, surface water, groundwater or ground.
- h. Return receipts from letters sent via certified mail, return receipt requested, notifying abutting property owners of the application and the nature of the proposed home occupation. A notification form will be provided by the Land Use Office. Such notices shall be sent after the Land Use Office reviews the application and notification letter for completeness.

27.4.2 – Moderate Impact Home Occupations – Special Exception Review Required - *A Moderate Impact Home Occupation may have some on-site interaction with the public or the neighborhood. The business is located within the principal residential dwelling or an accessory building and may have some outside storage of materials or equipment. A Moderate Impact Home Occupation shall meet the following requirements:*

- a. The home occupation is conducted by residents of the dwelling and no more than two (2) non-resident employees.
- b. The home occupation shall not generate traffic which is substantially greater in volume than the traffic which would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met by off the street parking which does not encroach upon a required front yard and otherwise conforms to the applicable requirements of Section 11 of these Regulations. *Moderate Impact Home Occupation are to be*

generally directed to State Highways and Minor Collector Roads as defined by the Connecticut Department of Transportation. The Commission, in reviewing the application will consider the existing traffic volumes in considering the appropriateness of the application. The Commission may require buffering or screening or designate the location of parking spaces or storage area associated with the home occupation. In no event shall a home occupation be approved if the traffic generated therewith or the parking required therefore shall adversely affect the residential character of the surrounding neighborhood as to property value or health, safety or welfare.

- c. There shall be no external evidence of the operation of the home occupation so as to change the residential character of the dwelling or adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare. The storage of goods, materials or products connected with a home occupation are prohibited outside of the dwelling or a permitted accessory building *unless* specifically approved by the Planning and Zoning Commission. *The Commission may consider the use of screening when needed to shield outside storage.*
- d. A home occupation sign shall not exceed three (3) square feet and shall not be illuminated.
- e. The home occupation shall be contained wholly within the dwelling or a permitted accessory building *unless specifically approved otherwise by the Commission.* The total floor area used for the home occupation, whether conducted in the dwelling or a permitted accessory building, shall not *exceed 40%* of the total living area of the dwelling or *1000 square feet*, whichever is less *unless specifically approved otherwise by the Commission.*

Additional considerations:

- 1. The size and architectural style of new accessory structures shall enhance the residential nature of surroundings.*
- 2. If specifically approved, any permitted outside storage of materials or equipment shall be screened from the street and neighboring properties.*

3. Not more than two vehicles which cannot exceed 20,000 lbs. gross vehicle weight and four pieces of equipment / trailers shall be stored on site if appropriately screened.

4. No permitted outside storage or parking shall be permitted in the setback area.

- f. The home occupation shall not create offensive odors, noise, vibrations, light, electrical interference or other objectionable conditions which might adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare. There shall be no discharges of a hazardous or toxic substance to the air, surface water, groundwater or ground.
- g. Return receipts from letters sent via certified mail, return receipt requested, notifying abutting property owners of the application and the nature of the proposed home occupation. A notification form will be provided by the Land Use Office. Such notices shall be sent after the Land Use Office reviews the application and notification letter.

27.5. Filing and Transfer. Any home occupation for which a Special Exception or Certificate of Zoning Compliance has been issued pursuant to this Section 27 shall not commence operation until a copy thereof, with all conditions, time of expiration, plans, and materials describing the nature and scope of the home occupation, have been filed in the Land Records of the Town of East Haddam.

Any purchaser of such property shall be bound by the home occupation as previously approved, regardless of whether any particular restriction or description shall be on file in the Land Records, it being the duty of the purchaser to research the files of the Commission and the Zoning Enforcement Officer relative to the home occupation being purchased.

It is also required by the purchaser to refile with the Land Use Office the intent to continue said approved home occupation prior to commencing such activity.

27.6. Expansion or Alteration. Any expansion or alteration of an approved home occupation shall require a new application for the approval of the expanded or altered home occupation in accordance with the requirements of this Section 27; provided, however, that the Planning and

Zoning Commission may waive the requirement for a new application if it can be shown that the proposed expansion or alteration is in keeping with the original application and will not adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare.

Any expansion or alteration approved under this subsection shall not become effective until such approval is filed in the Land Records of the Town of East Haddam in accordance with Section 27.5.

Proposed Change – Additions in *Bold and Italics*, deletions in brackets

10.1.4.1. Building Structures- Height and Occupancy.

The maximum height of any building structure shall be thirty feet, measured from the grade plane to the mean roof height (see new building height definition). In no case shall any peak or other building feature exceed forty feet when measured from the grade plane to that roof peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time. On any structure a cupula or cupolas maybe constructed as long as the base(s) do not exceed two (2) inches per foot of ridgeline. The height shall not exceed three times the length of the base at the ridge line and measured to the peak of the cupola. This is not intended to include weather vanes and decorative features.

There shall be no habitable space (see new definition) on the third story above grade; provided, however that in connection with the issuance of a Certificate of Zoning Compliance, the Zoning [Officer] ***Commission*** may permit the occupancy of the third story above grade of a residential building where in the review of the building plan and site plan, it is demonstrated that the health, safety, and welfare of the potential habitants is not put to risk. This shall be determined by demonstrating, in the sole discretion of the East Haddam Fire [Chief] ***Marshal*** that access from an East Haddam Fire Department ground ladder can be provided to at least 50% of the egress openings (windows of adequate size or doors) for the habitable space located on the third story above grade. No Certificate Zoning Compliance for third story above grade occupancy shall be issued without a written report from the ***East Haddam*** Fire [Chief] ***Marshal*** indicating compliance with the standards with of this Section. The site plan submitted shall contain final grading plans to allow proper review. The building plans shall contain views from all sides and floor plans of all stories. In addition, the Zoning [Enforcement Officer] ***Commission*** may require a lesser building height, or the provision of special site or building improvements, after consideration of written reports from the Building Official and/or the Fire [Chief] ***Marshall*** concerning the adequacy of fire protection measures, emergency access, and the Town's capacity to deal with anticipated public safety challenges. See Appendix VIII

For those stories of a building that have been determined incapable of providing a Fire Department ground ladder access in accordance with this Section, a permanent stairway to such story shall be prohibited, and such story shall not be used for habitable space.

Exception in Lake Districts (L)

In consideration of the residential character and architectural style of the existing houses and cottages, the confined spacing between structures, the general steepness of slopes around the lakes, and narrow street access, structures in the L Districts shall have a maximum building height of twenty-four feet measured from the grade plane to the mean roof height. In no case shall any peak exceed thirty-two feet when measured from the grade plane to that peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time. See Appendix VII

Exceptions in the Conservation Zone

In consideration of the residential character and architectural style of the existing houses and cottages, the confined spacing between structures, the general steepness of slopes around the lakes, and narrow street access, structures in the Conservation Zone shall have a maximum building height of twenty-four feet measured from the grade plane to the mean roof height. In no case shall any peak exceed thirty-five feet when measured from the lowest point of the building which is visible above existing natural grade to that peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time. In the East Haddam Village District these exceptions and height limits do not apply. See Appendix VIII

Add

Exceptions in the Commercial Districts. See Section 9.5 East Haddam Village District and Section 9.10 Moodus Center District for height limitations. Written reports from the Building Official and/or the Fire Chief concerning the adequacy of fire protection measures, emergency access, and the Town's capacity to deal with anticipated public safety challenges will be needed with each application proposing third floor occupancy.

10.1.4.2. Exceptions to Height Limits. A greater height may be authorized by the Commission as a Special Exception and may be of such reasonable height as may be necessary to accomplish the purpose to be served by the structure. Where the structure is the principal structure on the lot, the height limits for the subject zone shall apply, except as provided for Wireless Telecommunications Facilities. See Section 22 of these Regulations.

Proposed New Section 30

DRIVE-THROUGH SERVICE FOR FOOD ESTABLISHMENTS, PHARMACIES, & BANKS

Standards Drive-through service may be permitted in locations pursuant to these regulations provided the location is designed to minimize impact on the walkable nature of the area.

30.1. Traffic and Circulation. Drive-through facilities shall meet the following standards and requirements:

- a. Any food-related use proposing a drive-through facility shall have the primary access onto a state road.
- b. A traffic study shall be required describing peak hours of operations, volume of customers per hour, stacking lane length needed for anticipated volume of drive-through vehicles, turning movements, roadway capacity and level of service of nearby streets. The traffic study must be based on the specific identified use of the property.
- c. The size of stacking lanes shall be adequate to allow for safe movement of vehicles with a minimum length of 20 feet and width of 10 feet in straight areas and 12 feet along curved segments of the stacking lane.
- d. Drive-through lanes shall be clearly defined by pavement markings and directional signage.
- e. Queue space shall not interfere with:
 - 1) The safe use of the required parking spaces and their required drives.
 - 2) Interior pedestrian and other circulation.
 - 3) The accessway from any public street.

30.2. Building and Site Design. Drive-through facilities shall meet the following standards and requirements:

- a. To the extent required by the Commission, the drive-through window(s) and stacking lanes shall be buffered from view from public streets using landscaping, decorative fencing or other attractive screening.

- b. The stacking lanes shall be effectively separated from the parking and pedestrian areas through the use of pavement markings, curbing, raised islands or landscape improvements.
- c. Drive-through facilities, including windows and other related facilities shall be architecturally compatible with the building and the existing or planned streetscape.
- d. Outdoor loudspeakers for any drive-through window shall not produce noise level greater than 50 dB at the closest property line, nearest building of a separate use or a public sidewalk off-site.
- e. To limit damage to buildings in the vicinity of drive-through facilities, at least 10 feet of clear height shall be provided for the drive-through lane and bollards shall be located adjacent to drive-through windows to prevent damage to the building from vehicles.
- f. A program for policing and eliminating outdoor litter food-related establishments must be submitted.

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2021

Volume XXV, Issue 3

HISTORICALLY BUSY STATE LEGISLATURE PASSES NUMEROUS BILLS AFFECTING ZONING

Taking advantage of the pandemic and its associated lock-down protocols, the State Legislature passed more laws applicable to zoning than have been done in its prior 25 years. While many more bills were considered, only those discussed in this newsletter actually became law. The Federation finds it troubling that the legislature, during a pandemic, would seek to fundamentally change zoning when the ability of the public to participate in the process was severely compromised. Below is a summary of the new laws.

I. ACCESSORY APARTMENTS

State imposed zoning regulations in regard to accessory apartments was part of an omnibus piece of legislation known as Public Act 21-29. This lengthy new law amended Sec. 8-2 of the Connecticut General Statutes by adding definitions for certain types of multi-family housing and by greatly changing how accessory apartments are regulated.

As of January 1, 2022, zoning regulations must designate locations or zoning districts where accessory apartments are allowed. Zoning regulations must also permit, as of right, at least one accessory apartment on any single-family lot and the apartment

cannot be required to be affordable housing. In addition, zoning regulations cannot impose setbacks, lot size, lot frontage or lot coverage requirements greater than that required for a single-family home. These limitations on local control also include landscaping, height and architectural standards, none of which can exceed those required for a single-family home.

It appears that the only limits placed on accessory apartments from germinating in every single-family home is if the home is serviced by a well or private sewage system. Where there is a public sewer system available, the municipal sewer district or WPCA cannot consider an accessory apartment to be a new residential use unless the accessory apartment is part of a newly constructed single-family dwelling.

Commissions have until January 1, 2023 to amend their zoning regulations to comply with this new law. Failure to do so renders their existing accessory apartment regulations void and the content of Public Act 21-29 as their applicable regulation.

Fortunately, an opt-out provision was included in this legislation. In order to opt-out of these accessory apartment state mandates, a Commission and its town's legislative body must act before January 1, 2023. First, by a 2/3 vote of the Commission, a motion to opt-out must be approved. The public hearing process set forth in Connecticut General Statutes Sec. 8-7d must be followed.

1

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CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2021

Volume XXV, Issue 3

Once a Commission has made its decision to opt-out of the accessory apartment provisions of PA 21-29, its municipal legislative body must act, by a 2/3 vote, to opt-out.

II. RECREATIONAL CANNABIS

The 2021 Special Session of the State Legislative Assembly saw the passage of a law which decriminalizes the sale and use of marijuana. It should be noted that under Federal Law, these activities are still illegal. This new law, known as Public Act 21-1, allows for the operation of 'Cannabis Establishments' which are defined as: "a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager".

Under this new state law, a municipality may, by amending its zoning regulations or by adopting a local ordinance, do the following: prohibit cannabis establishments, regulate such establishments by adopting reasonable restrictions regarding the hours of operation, signage and/or establish restrictions on the proximity of cannabis establishments to a church, school or charitable institution. The regulation can require that a special exception is needed for a retailer or micro-cultivator of cannabis. If a municipality fails to adopt a regulation or ordinance, then cannabis establishments are to be treated the same as any similar use.

In a similar fashion as for liquor stores, only a certain number of cannabis establishments can be approved for any given municipality. At present, only one cannabis retailer and one cannabis micro-cultivator can be approved for every 25,000 residents. On or after July 1, 2024, the State's Department of Consumer Protection may change this residency number.

III. SPECIAL PERMITS

Public Act 21-29's amendment to Sec. 8-2 of the General Statutes eroded a commission's authority to deny an application for a special exception. Long standing law held that such an application could be denied solely on the basis that the proposed use would not be in character with the surrounding neighborhood. The term 'character' has now been stricken from zoning law and been replaced with 'physical site characteristics of the district'. These characteristics must be set forth in the regulations by 'clear and explicit physical standards for site work and structures.' One suspects that this is a push to adopt what is known as a form-based code. Thus, such codes may provide a guide as to the level of detail needed to satisfy this new standard.

IV. PARKING SPACES

Parking regulations must now comply with the new standards found in PA 21-

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2021

Volume XXV, Issue 3

29. Only one parking space can be required for a one-bedroom dwelling unit and no more than two parking spaces for a dwelling with two or more bedrooms. However, a municipality can choose to opt out of this state mandated parking regulation by following this process: First, by a 2/3 vote of the Commission, a motion to opt-out must be approved. The public hearing process set forth in Connecticut General Statutes Sec. 8-7d must be followed. Once a Commission has made its decision to opt-out of the accessory apartment provisions of PA 21-29, its municipal legislative body must act, by a 2/3 vote, to opt-out.

V. AFFORDABLE HOUSING

Pursuant to Connecticut General Statutes Sec. 8-3j as amended by PA 21-29, municipalities are required to adopt, if they had not already done so, or amend an affordable housing plan. The plan is to be submitted to the Secretary of the Office of Policy and Management no later than June 1, 2022. This state law has been amended to allow the affordable housing plan to be incorporated into the municipality's plan of conservation and development if such plan is due on or before June 1, 2022.

Once adopted, the plan is to be amended at least every 5 years and the amended plan submitted to the Secretary of the Office of Policy and Management. Public meetings can be held on the

adoption and amendment of the plan. In addition to public meetings, public hearings can be held as well. Notice of any hearing must be posted at least 35 days prior thereto. The amendment to Sec. 8-3j states only that notice be posted on the municipality's website. However, it is recommended that the procedure set forth for public hearings in Sec. 8-7d be followed as well.

VI. OUTDOOR DINING

A recently enacted State Law, which was part of the 790-page budget bill, mandates that all municipalities allow outdoor dining as an accessory use to a restaurant. Outdoor dining is to be permitted as-of-right subject only to site plan review in order to determine compliance with zoning requirements as well as the requirements in this new law. This state law does provide that an application for outdoor dining can be denied if it would result in the expansion of a nonconforming use.

Outdoor dining must be permitted to take place on sidewalks which abut the principal restaurant use. However, a pathway not less than 4' wide must be maintained that extends the length of the lot upon which the use is located and the pathway must comply with any requirements of the Americans with Disabilities Act [42 U.S.C. 12101]. The use of sidewalks is subject to any reasonable conditions that can be imposed by the municipal official

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2021

Volume XXV, Issue 3

charged with issuing right-of-way or obstruction permits.

In addition, outdoor dining is to be permitted on off-street parking spaces associated with the restaurant use even if these spaces are required by the zoning regulations. Lots, yards and open spaces that abut the principal use can also be used for outdoor dining as long as the zoning district in which the outdoor dining will occur permits restaurant uses. It should be noted that outdoor dining must be allowed to take place until 9:00 p.m. Zoning regulations may permit a later closing time.

VII. EXPIRATION OF PERMITS

Approvals for various land use applications have been extended in order to take account of the COVID-19 pandemic. For certain site plans, subdivisions and wetlands permits, the time their approvals remain valid has been greatly extended. These extensions apply only to those approvals made on or after July 1, 2011 but prior to July 1, 2021 and that the approvals have not expired prior to March 20, 2020.

For a site plan that is for fewer than 400 units, the deadline for expiration has been extended to 14 years from the date of approval. An extension of an additional 5 years can be granted by the Commission.

For a subdivision, a similar time period has been imposed. An approval is valid for 14 years from the date of

approval with a possible extension of 5 more years. If the subdivision is for 400 or more units, the approval period is 19 years.

For inland wetlands permits, the approval period has also been extended to 14 years from the date of approval with another 5 years possible.

VIII. LAND USE TRAINING

Connecticut General Statutes Sec. 8-3(e) authorizes a zoning commission or combined planning and zoning commission to appoint any person as its enforcement official. Starting on January 1, 2023, a commission can only appoint a person who has been certified by the Connecticut Association of Zoning Enforcement Officials.

Zoning enforcement officials are not the only ones who have to go back to school for training. Again, starting January 1, 2023, every member of planning commission, zoning commission, combined commission and zoning board of appeals, must complete 4 hours of training by January 1, 2024. After that date, the 4 hours of training must be completed every two years.

The Office of Policy and Management will be providing guidelines for training by January 1, 2022. Beginning March 1, 2024, each commission must report annually to its municipal legislative body whether this required training has taken place. This

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2021

Volume XXV, Issue 3

new law does not provide a penalty for noncompliance.

IX. APPLICATION FEE LIMITS

Connecticut General Statutes Sec. 8-1c provides the authority for land use commissions to impose application fees. In addition to an established fee, an applicant could also be required to “pay the cost of reasonable fees associated with any necessary review by consultants with expertise in land use of any other technical aspects of the application.”

This law has now been amended to require that any such application fee be “accounted for separately” and not be used to pay salaried employees of the town. In addition, any unspent portion of the application fee must be returned to the applicant not later than 45 days after the completion of the technical review.

The schedule of application fees cannot be greater for affordable housing projects or multi-family buildings of 4 or more units than for other residential dwellings, for example on a per unit basis or square footage basis.

X. REMOTE MEETINGS

The Freedom of Information Act, codified as Connecticut General Statutes Sec. 1-200 et seq., has been amended to allow public meetings and hearings of municipal agencies to be held fully or partially by remote electronic means as

well as in person as long as certain requirements are met. These changes to the FOIA remain in effect until April 30, 2022.

Before a public meeting can be held through electronic means, proper notice must be given. This is done by providing direct notice that the meeting will be held fully or partially by electronic means to each member of the municipal agency at least 48 hours before the meeting is to take place. This same notice must also be posted either in the town clerk’s office or the agency’s regular office and also on the town’s website. These notices are in addition to the usual requirements for posting a meeting agenda. The agenda must include directions so that the public can attend the meeting and provide comment via electronic means.

If a municipal agency decides to hold a meeting solely or partially by electronic means, it must provide certain accommodations to the public. If a member of the public makes a written request to attend by electronic means, the agency must provide a physical location and the necessary electronic means for doing so. Said request must be provided at least 24 hours before the meeting is to take place. Any member of the municipal agency must be allowed to participate by electronic means. However, the meeting does not need to be continued due solely to an interruption of the electronic connection to the remote member unless the loss of

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2021

Volume XXV, Issue 3

this member results in the loss of a quorum.

When a meeting being held fully or partially by electronic means is interrupted by a failure, degradation or disconnection of electronic communication and the Chairman determines that this has made the electronic means unacceptable to the conduct of the meeting or the electronic connection to a member needed to constitute a quorum has similarly been degraded or disconnected, the Chairman can resume the meeting not less than 30 minutes nor more than 2 hours from the chairman's determination. The resumed meeting can be done solely in person if a quorum exists or solely or partially by electronic means. If the meeting is resumed, notice of the resumption should be posted on the agency's website. Similarly, if the meeting is to be continued to a later date, this information should be posted in a similar fashion. The state law recommends that at the start of any meeting held partially or fully by electronic means, the agency should announce its procedures for when the degradation or failure of electronic communications cause the interruption of a meeting.

Any meeting held fully or partially by electronic means must be transcribed or recorded and such recording or transcription posted on the agency's website and made available in the agency's office or regular place of business not more than 7 days after the

meeting and maintain them in place for 45 days thereafter. Any vote taken at a meeting during which any member participates by electronic means shall be taken by roll call, unless the vote is unanimous. The minutes of the meeting shall record a list of members that attended such meeting in person and a list of members that attended such meeting by means of electronic equipment.

MEMBERSHIP IN THE FEDERATION IMPORTANT NOW MORE THAN EVER

During this past legislative session, the Federation stood practically alone in defending local zoning authority from increased State controls and mandates. This drive to consolidate zoning authority under state and regional authorities appears likely to continue. That is why your continued membership is vital. If you have let your membership lapse, please contact us at cfpza.live.com and we can send you a membership form.

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6

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CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2021

Volume XXV, Issue 3

SUMMER WEBINAR 2021

This past legislative session witnessed the greatest changes to zoning law in a generation. While many bills did not become law, many others did. Accessory apartments, affordable housing, mandated education, marijuana and remote public meetings are all part of this avalanche of new laws.

The Federation is presently planning to host a webinar this August that will discuss the latest legislation enacted by the State which effects zoning and what you need to do to comply with them.

So, please join us this August for what will be an informative webinar. The date and time of the webinar will be posted on our website [www.cfpza.org]. An invitation to this webinar will be emailed to all members on our email list.

Included in the notice will be the webinar program as well as who will be presenting.

Get on Our Email List

And

Make the Most of Your Membership

Send an email to cfpza@live.com and we will add you to our email list. This will ensure that you receive timely notices of any future webinars as well as other events and newsletters.

MEMBERSHIP DUES

Notices for this year's annual membership dues were mailed March 1, 2021. The Federation is a nonprofit organization which operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly. It is important now, more than ever, for the Federation to have the resources to participate in the legislative process and protect your interests.

Increased State oversight of zoning as well as the encroachment of regionalization efforts threaten local control over land use issues. This legislative trend is likely to only increase. Your continued membership is vital if the Federation is to have any success against these continued efforts to take away local authority.

7

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BOOK ORDER FORM

Name of Agency: _____

Person Making Order: _____

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