

**TOWN OF HADDAM  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
TOWN HALL  
21 FIELD PARK DRIVE, HADDAM, CT 06438  
THURSDAY, 1 FEBRUARY 2024  
UNAPPROVED MINUTES  
*Subject to Approval by the Commission***

**ATTENDANCE**

X	Gina Block
X	Scott Brookes, Chairman
X	Michael Farina, Secretary
X	Mike Karam
X	Wayne LePard
X	Tim Teran
A	Edward Wallor, Vice Chairman
X	Alan Chadwick, Alternate
X	Dorothy Gillespie, Alternate – Seated
A	Larry Maggi, Alternate
X	Bill Warner, AICP, Town Planner
X	Leon Mularski, Zoning Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

**1. Chairman Calls to Order**

Mr. Brookes, Chairman, called the meeting to order at 7:01 p.m.

**2. Pledge of Allegiance**

The pledge was recited.

**3. Attendance/Seating of the Alternates**

Attendance was taken and all regular members as well as alternate member, Mrs. Gillespie, were seated.

**4. Additions/Corrections to the Agenda**

**MOTION:** Mike Karam motioned to add to the 1 February 2024 agenda – Discussion regarding an approved motion, dated 6 October 2022, for PB Projects 8, adaptive re-use of a historic building, formally known as State DOT garage/Scovil Hoe factory, 11 Candlewood Hill Road, Map 15/Lot 90. Gina Block second. **WITHDRAWN.**

Mr. Warner stated the applicant would be coming before the Commission in March for a site plan review. Mr. Brookes asked Mr. Warner if it would be appropriate to discuss the matter. Mr. Warner did not recommend it due to the matter not being on the agenda, the applicant not being present, and the matter to be discussed in March. Mr. Farina stated he understood Mr. Karam's point, but agreed with Mr. Warner's recommendation.

Mr. Karam stated he only wanted to discuss/review what's in the motion (clarity of how it's phrased and what actually is happening). Mr. Warner stated that will take place in March. Mr. Teran stated perhaps the motion and what is currently transpiring do not align. Mr. Teran asked if there could be a conversation/discussion as to what is in the October motion vs. what is planned in order to divert a potential confrontation.

Mr. Warner stated as he understands the situation, there is disagreement as to what is in the motion and what the applicant is proposing; and does not know how it can't come to head when the applicant is not present to explain their situation. Mr. Teran stated he would like to avoid a situation of Us vs. Them.

Mr. Teran asked should the Commission be aligned as a group within the regulations of what a commission can do in order to understand what the permit was for prior to having it potentially coming to a head. Mr. Warner stated he did not think so; because if the Commission were to come to an agreement of what was approved, the Commission would have already prejudiced itself prior to the applicant coming before the Commission to explain their case. Mr. Warner stated the Commission is basically having discussion without the applicant being present to respond/explain. Mr. Brookes stated he would be inclined to let the matter go until March.

Mr. Teran asked if a package of the particulars could be made available with sufficient time (at least a week prior) to review before the March meeting. Mr. Warner stated yes. Mr. Warner stated he has explained to the applicant that there are concerns and should be prepared to explain the use, not only the engineering, parking, etc.; and they understand that. Mr. Warner noted that the tenant, Connecticut Wedding Group, will be present as well. Mrs. Gillespie stated there will be questions because there are already questions.

Mr. Warner warned the Commission that there should not be public discussion regarding this matter.

Joe Markim and an unnamed woman asked to have a better understanding of what the Commission was talking about. Mr. Warner stated there should not be public discussion. Mr. Brookes agreed. Mr. Warner stated it is a major use, a major user, and a tenant has a signed lease.

Mr. Brookes asked Mr. Warner if he could make up a package for the Commission. Mr. Warner stated the minutes cover it all.

Mr. Karam stated it is preparation for the site plan review because the motion has language that is obviously different from what the applicant has intended for the use. Mr. Karam had a question regarding a change of use application. Mr. Warner stated the question should be asked in front of the applicant so they can respond. Mr. Karam was agreeable.

Mr. LePard stated it sounds as if the Commission would be more comfortable by having everything in front of them and then discussing it openly. Mr. LePard was in favor of discussing the matter in March.

Mr. Teran stated based on the last few meetings the topic of the village has become a cause of concern and/or a lack of understanding. Mr. Teran stated recognizing that the Commission will be revisiting the commercial zoning regulations perhaps reviewing the Village District regulations would be advisable. Mr. Teran stated he believes these two should not be the same, but should have complimentary items; and requested the two be placed on the agenda to be discussed together as opposed to separately. Mr. Teran asked that the Commission not come to closure on one without closure on the other.

## **5. Public Comments**

Ed Schwing congratulated the new members and thanked everyone, even former members present, for volunteering and serving on P&Z.

**FOI Complaint – Temporary Lights at Great Hill Athletic Fields** – Mr. Schwing stated at the 19 October 2023 meeting an item that had not been publicized on or added to the agenda was discussed during Public Comment and acted upon by the Commission in violation of the Freedom of Information Act (FOIA).



For the new members, Mr. Schwing noted that the 19 October 2023 minutes are not on the town's website nor is the commission members list updated. Mr. Schwing stated this is not a minor procedural error. Agendas are there to let affected residents know what is going to be discussed, and if allowed, to give them a chance to comment before a vote is taken. Mr. Schwing stated he is currently working with the FOIA ombudsman to try to resolve the matter.

Mr. Schwing spoke in regard to the fundamental tenet of zoning in a town, it is when someone moves in and buys a house in an area zoned residential he or she is assured of what is permissible and what is not. The same is true of special permits or hardship exceptions that may affect neighborhoods. The added conditions to the permit to protect those neighborhoods should also be considered promises made by the board at the time. Mr. Schwing stated those prior P&Z motions were carefully made in conjunction with neighbors and should be respected.

Mr. Schwing provided copies of his letter which were distributed to all Commissioners present. A copy of Mr. Schwing's letter to the Commission, dated 02/01/2024, is on file with the minutes in the Town Clerk's Office and the Land Use Office, Exhibit A.

**Land Use Training** - Mr. Schwing stated a law was passed in October 2022 that requires at least four hours of land use training per year for each commission member. Mr. Schwing recommended the new members take at least the basic classes, which are very informative, and can be taken at the UConn Extension Center, Haddam, or online. Mr. Schwing provided a copy of Land Use Training Guidelines, dated October 20, 2023 (copy on file with the minutes in the Town Clerk's Office and the Land Use Office, Exhibit B – 6 pages).

Mrs. Gillespie stated she contacted the UConn Extension Center regarding classes and the woman in charge of the program is very excited, has a couple of classes coming up this spring, and is designing new ones for the fall.

Mr. Warner stated he believes everyone has looked at the videos which satisfies the training requirements.

Mrs. Block asked if it was four hours annually. Mr. Warner stated he thought every two years. Mr. Brookes asked that the time frame be confirmed.

## **6. Public Hearing/Public Meeting**

There was no public hearing scheduled.

## **7. Approval /Correction of Minutes**

**MOTION:** Mike Karam motioned to approve the 18 January 2024 regular meeting minutes as submitted. Dorothy Gillespie second. Motion carried unanimously.

## **8. New Business**

### **Review of C-1 Commercial Zones and Uses**

Mr. Warner began his presentation by stating that 97.4 percent of the town is zoned residential; therefore, there is not a lot of land to work with in terms of commercial or industrial. The stars on the zoning map indicate commercial zones – north of Higganum Center starting at Dunkin Donuts there's a commercial strip all the way to the Middletown line; Higganum Center; Hall's Power Equipment; former Connecticut Yankee property (industrial zone); Mid-Way Marina; Tylerville Village District - large purple zone (industrial) is owned by the State of Connecticut (DOT Garage); Clark Creek Preserve (not developable); strip south of the 82 Connector on the left side (Frosti Water and Adorable Pets Veterinary Clinic); and on Route 81- GCI, Three Oaks Plaza, Dino's, and the new Dollar General.

Mr. LePard asked if on the west side of Route 81, near Dino's, was that not also commercial. Mr. Warner stated yes. Mr. Warner enlarged the map for closer review by the Commission.

Mr. Warner stated the first thing the Commission needs to look at - are the zones appropriate. Noted that the Commission needs to remember that the zones were probably all created when zoning was started in 1950 and the town was a very different place (no Route 9). Mr. Warner stated Connecticut Yankee owns all of their property and there's no room for industrial development. GCI and Three Oaks are on their own property and the parcel in the middle (house; Commission was not interested in changing the zone of this one lot). Eagle Landing and the State Park are all zoned commercial and owned by the State of Connecticut (nothing will happen here). The Goodspeed Station is in a commercial zone.

Mr. Warner reviewed the remaining commercial zones: Route 154 from Dunkin Donuts to Middletown - commercial, a series of small residential lots, and then Larry's Garage (has environmental issues, but it has development potential as it is relatively close to Route 9). Mr. Karam asked how many acres (Larry's). Mr. Warner stated 5.89 plus .68 and 3.3 and the property appears to have very good soils. On the other side of Saybrook Road there is a large wet area, pointed out the gas station, Higganum Vet, the Union Hall (former Rossi building), and a parcel (concrete staging area).

Mr. Brookes asked how big the tract was behind Rossi's. Mr. Warner stated the entire area is 2.8 acres and the parcel separate from the building possibly 1.5 acres. Mr. Warner also stated that behind this parcel is state forest (zoned commercial, but all state forest land associated with Seven Falls).

From the original presentation, the zoning has changed in reaction to Dollar General. Mr. Warner reviewed coverage percentages of Larry's Garage (a small Big Y could fit on the site) and noted that due to the changes it makes it more difficult to have large strip commercial development which was the goal.

Mr. Warner stated there is not a lot of potential with the other zones. Island Dock - noted that there are small commercial properties behind the barns. Not a lot of development potential.

Mid-Way Marina is for sale (no visibility for commercial), pointed out a boat storage area. Will not see traditional commercial development on this site.

Saybrook Road south of the 82 Connector - The biggest issue is topography. Frosti and Adorable Pets are the only commercial; otherwise, the rest of the area is residential.

Looked at Route 154 and Island Dock Road - Hall's Power Equipment - reviewed acreage, building coverage, and parking. Site cannot fit a 40,000 square foot building with 134 parking spaces, but a 30,000 square foot building would fit if everything on the site were taken down. The new zoning makes things much more complicated. Mr. Farina noted that this falls within the Gateway Zone.

Mr. Markim asked why the Commission was looking at this. Mr. Warner stated the Commission was reviewing what was available in their commercial zone.

Killingworth Road/Route 81 - Dollar General - Mr. Warner pointed out the Dollar General parcel and reported right after the Commission had previously conducted a review of commercial property (retail allowed) an application was received to construct Dollar General. Mr. Warner stated there is one smaller parcel available. Also pointed out were Dino's, HK Dairy Barn, and Blue Highway all with a large wetlands behind them.

Mr. Warner stated what is interesting about Route 81 is there is a whole strip zoned commercial, but with residential houses on it. Mr. Warner noted if someone were to purchase several of the lots, they could fit something similar in size to Dollar General. Mr. Warner stated the Commission should be thinking about this and be prepared.



Mr. Warner stated there is less than four percent commercial land left in Haddam. Mr. Warner discussed how the previous Commission looked at the commercial zone and put in a requirement that made it more difficult to build commercial. A retail building that requires new construct is not allowed in the commercial zone; therefore, an applicant would need to come before the Commission for a zone change giving the Commission complete control. Retail can move into an existing building. Commission reduced building coverage to 25 percent and total lot coverage to 40 percent (building and parking lot and 60 percent of the lot has to be landscaping and green).

Mr. Karam asked Mr. Warner if there was any commercial on Bridge Road. Mr. Warner stated Good-speed Station is commercial and the rest of Bridge Road is within the Village District. Mr. Karam asked about the small house next to Dollar General. Mr. Warner stated yes, someone could purchase the house, tear it down, and construct a new commercial building.

Mr. Warner stated in terms of signage, neon, LED, and internally illuminated signs were allowed; however, the Commission changed the regulations and prohibited these types of signs as well as the maximum height of a sign pole to 10 feet, free standing signs shall be of monument style, and light poles a maximum height of 15 feet.

Regarding Site Plan reviews, Mr. Warner stated if the plans meet the requirements, the Commission cannot deny it (the Commission will lose in court). Mr. Warner reviewed the list and suggested that the Commission may want to consider changing restaurants, bars, brew pubs and taverns with an indoor seating capacity of less than 50 to Special Permit; unless the Commission wants to encourage it. Mr. Warner stated if there is anything within this list that the Commission is uncomfortable with, or would like a better more detailed review process, they may want to require a Special Permit.

Mr. Chadwick asked if a contractor proposing affordable housing could by-pass the Commission. Mr. Warner stated in pure commercial/industrial zones 8-30g does not apply, but it does in residential zones. Mr. Warner stated the state did change the rules a while back to allow towns to protect their commercial base.

Mr. Warner reviewed what is required to come before the Commission under Special Permit. Mr. Warner noted that medical marijuana dispensaries and producers have now kind of blended with recreational dispensaries and producers. Mr. Teran asked if a Special Permit always requires a public hearing. Mr. Warner stated yes, by state statute. Mr. Warner continued to review the list of uses allowed by Special Permit. Mr. Warner stated the Commission would need to come up with legitimate reasons for denying a permit; otherwise, as long as the applicant meets all the requirements, the Commission would need to approve it.

Mr. Karam asked if there were any protections for scenic highways noting that Island Dock sits on a scenic highway. Mr. Warner stated a scenic highway is what DOT can do; it does not have any effect on private develop and it falls within the nation registry of historic places.

Mr. LePard asked if car washes are allowable in all districts and their feasibility with wells. Mr. Warner stated it would be in all districts and would depend on the yield of the well.

Mr. LePard stated if septic was installed in Higganum Village it would open up other areas. Mr. Warner stated it would allow more density. Mr. Warner stated Brookside and the pharmacy do not have bad soils; the soils at the Village mark, Citizens Bank, Rossi, and Scovil are not good; and testing will be taking place at Da Vinci. Mr. Warner also stated that the Village District allows for the waiving of parking and it would help increase density.

Mr. Brookes asked if the Kovacik property was commercial. Mr. Warner stated it is residential and was looked at previously. Mr. Warner stated although no testing has been done, he believes it potentially has high groundwater. Mr. Warner also stated a neighbor to the rear of the parcel purchase a section of the property to prevent future development.

Mr. LePard asked if there was any industrial land other than in Haddam Neck. Mr. Warner stated GCI was zoned industrial and the DOT garage in Tylerville.

Mr. LePard asked if there was demand for commercial noting the empty store fronts; and if there's not a demand, what difference does it make. Mr. Warner stated there is no demand. Noted that Citizens Bank has a new owner and has asked if marijuana stores are allowed.

Mr. Warner reviewed prohibited uses. Mr. Warner stated one that is very relevant is the sale or dispensation of any form of recreational marijuana (not allowed).

In regard to junk yards, Mr. Brookes asked if there was still one on Route 81. Mr. Warner stated yes and on Route 154, granted, non-conforming. Mr. Chadwick asked if the power company wanted to put a power plant on this side of the river would the Commission have any say in the matter. Mr. Warner stated it would go through the Siting Council.

Mr. Warner stated one thing that keeps popping up that that the Commission does not prohibit are vape shops. Mr. Farina and Mr. Brookes stated there is one in Higganum Center at the Smoke Shop. Mr. Warner stated the Commission should consider whether they want a vape shop in Citizens Bank. In other words, be prepared for what may be coming. Mr. Warner noted that three people have called regarding marijuana.

Mr. LePard asked if these types of shops can go to an adult land use zone. Mr. Warner stated adult land use is dealing with constitutional rights (allowed on the Connecticut Yankee property).

Mr. Karam asked the process should the Commission decide to update the Special Permit and Prohibited Uses lists. Mr. Warner stated the Commission would first need to come up with a list of what they would like to amend, put together a proposed amendment, if within 500 feet of an adjacent town, the next text would need to be sent to that town(s), send it to the Gateway Commission, and the regional planning agency 65 days in advance; and a public hearing would need to be scheduled. Mr. Warner stated if the Commission feels there are things within the Site Plan list that should be moved to Special Permit or in the Prohibited Uses that should be moved or added let him know.

Mr. Karam stated between the Prohibited Uses and the Village District, he sees there's a lot of polishing and updating that needs to be done and probably should be tackled in two separate discussions. Mr. Teran suggested reviewing the Village District regulations and the Commission putting together their thoughts for a third meeting. Mr. Warner will send out what was presented tonight and the Village District material as well. Mr. Warner noted that the Prohibited Uses are town wide; therefore, if there is anything in particular that is not wanted in town that would be where it should go. Mr. Warner briefly discussed what message does the Commission wants to send to the town.

Mr. Teran asked if there are other things that should be covered. Mr. Warner stated not really. Mr. Warner asked if there were items within the Site Plan review that the Commission would like to get a better handle on.

Mr. Karam stated the POCD should be the Commission's guide/tool to help make decisions when reviewing the regulations.

Mr. Brookes asked about EV charging stations and where the Commission would fall in terms of regulating them. Mr. Warner stated it is not clearly permitted and the Commission may want to think about it. Mr. Karam stated he believes Blueway Commons has some charging stations.

Mr. Chadwick asked about the Commission having made tattoo parlors illegal in the building that the current tattoo parlor is located because as a group the regulation was changed. Mr. Chadwick asked if the Commission had done the right or wrong thing because a previous Commission had said "no tattoo parlors" in that building because of a previous experience. Mr. Warner stated no, the current owner was



located in Tylerville and was being forced out by the property owner, he applied for and the Commission approved a zoning amendment that allowed him to go there. Mr. Farina stated there had been a tattoo parlor in that building previously. Mr. Farina also stated he believes the intent of the Commission was to help an existing business owner.

Mr. Brookes stated if Commissioners wanted to come up with individual uses, they should be sent to Mr. Warner and not to the entire Commission. Mr. Warner stated he will mail both documents – Village and Commercial – for the Commission's review and they can come prepared to the next meeting.

Mr. Karam stated he believes the priority should be put towards the Village District in light of recent events taking place there and it will need to be done before a formal application is submitted. Mr. Warner stated the process is long when it comes to spending state money. Mr. Karam stated he understands but the sooner it is done the better. Mr. Karam also stated there is interest between the bank and Rossi and recommends the review/potential amendments be done.

Mr. LePard stated he does not believe the Commission has jurisdiction over farming. Mr. Warner stated it is permitted in all zones. Mr. LePard spoke in regard to vineyards and a man in Killingworth who cut down all the trees to put in a horse farm. Mr. Warner stated the Commission would have something to say about wine tasting in a residential zone; but agriculture is well protected under the right to Farm Act. Mr. Farina asked about the number of acres per animals. Mr. Warner stated it is a unique one in Haddam – farm friendly town. Mr. Warner spoke in regard to a situation on Dish Mill Road (has since changed). Mr. Warner stated there is a restriction on piggeries.

Mrs. Block asked if the Commission should rezone the existing commercial parcels on Route 81 to residential. Mr. Warner stated the Commission can, noting there is a section in the commercial district that protects them (they are allowed). Mr. Farina stated there could be people who like having their home zoned commercial. Mr. Karam asked if a notice could be given to the people who would be affected by a potential change. Mrs. Block asked about the Route 154 commercial/residential split zoning (north of Higganum Center). Mr. Warner stated Haddam does not have language under Special Permit that would allow the other zone to be pulled over.

Mrs. Gillespie asked if a property owner in one of these zones (commercial/split commercial/residential) wanted to conduct massages, could they do so or would they need to come before the Commission. Mr. Warner stated massages would fall under personal services, but they would have to have parking.

**Recording Clerk's Note:** A copy of the presentation is on file with the minutes in the Town Clerk's Office and the Land Use Office, Exhibit C – 11 pages.

## **9. Chairman's Report**

**Process to follow for Architectural Review Committee (ARC) Appointments** – Mr. Brookes stated Mrs. Block and Mr. Karam had contacted him regarding ARC appointments. Mr. Brookes has spoken to Bob McGarry, First Selectman, who wanted to put it out to the public and five individuals have expressed interest in the vacancy. Mr. Brookes decided that he, Mr. Farina, and Mr. Wallor would interview the applicants and make a recommendation to the Board of Selectmen (BOS) for appointment.

Mrs. Gillespie asked if there are four people on the committee; and if one of those four was an architect who is certified by the American Institute of Certified Planners (AICP). Mr. Brookes stated yes, and one is AICP approved.

Mrs. Block stated she thought ARC was a subcommittee of P&Z. Mr. Warner stated no, ARC reviews applications in the Village Districts that P&Z sends to them, but based on Mr. McGarry's review and his discussion with the town attorney pursuant to the Charter all of these committees are appointed by the BOS. P&Z can only create a subcommittee of themselves and cannot bring in other people.

Mr. LePard stated it is surprising that five people came forward. Mr. LePard asked if ARC was limited to the Village Districts. Mr. Warner stated yes, ARC is limited to the review of new buildings and substantial expansions. Mr. Warner suggested signage be referred to ARC as well. This would require a change to the Village regulations only.

Mr. Chadwick asked if the fire marshal could review the plans. Mr. Warner stated the fire marshal would review plans as part of the building permit process. Mr. Karam asked who developed the design guidelines. Mr. Warner stated he didn't know. Mr. Karam stated this is a tool for ARC as well as P&Z; and asked who would review the design guidelines. Mr. Warner suggested ARC.

## **10. Scheduling of Hearings**

**An Application for a Special Permit for Adaptive Historic Reuse at 263 Saybrook Road to Convert Existing Office Space on Lower Floor into Two (2) Residential Units, Carriage House will Remain Office/Medical Space. Applicant/Agent: Preston and Ryan Roth** - Public hearing scheduled for Thursday, 15 February 2024, 7:00 p.m. A Special Permit was originally approved on 19 October 2023 to convert existing office space on lower floors into one (1) residential unit; however, that applicants' financing fell through. The new owners/applicants want two additional residential units with the carriage house remaining office/medical space.

## **11. Town Planner's Report**

**FOI Training** – Thursday, 7 March 2024, 6:00 p.m., Town Hall, 21 Field Park Drive, Haddam. All the other commissions have been invited to attend.

## **12. Adjournment**

**MOTION:** Scott Brookes motioned to adjourn. Tim Teran second. Motion carried unanimously.

The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

*Bunny Hall Batzner*  
Bunny Hall Batzner  
Recording Clerk

**The next meeting is scheduled for Thursday, 15 February 2024.**



To the members of the Haddam P&Z Commission

Haddam 02/01/2024

For those of you who do not know me, my name is Ed Schwing, a town resident for 46 years and I live on Church Hill Rd in Haddam.

I want to congratulate the new members of the board, and at the same time thank all of you for volunteering and serving on P&Z.

I am here for two reasons:

The first one is for the new members and let them know why I filed a complaint with the FOI commission regarding a meeting that occurred last October.

At that meeting an item that had not been publicized on the agenda (or added to the agenda) but brought up during the public comment section, was acted upon by the commission in violation of the FOIA.

The members who were present at the time will remember the circumstances. For new members I would refer you to the minutes of October 19, 2023, for details (Bunny always does a great job). However, you might have to ask for a copy as they are not up on your website. (Also, the board members list has not been updated either.)

I was surprised at the time that no one on this board objected, a sign that they were not aware of the FOIA laws. (I do know that Bunny is very familiar, and your new chairman is also very familiar having attended FOIA seminars and conferences at the same time I did.)

I want to emphasize this is not just a minor procedural error. Agendas are there to let affected residents know what is going to be discussed, and, if allowed, to give them a chance to comment before a vote is taken. I am currently working with the FOIA ombudsman to try to resolve this.

The second reason really derives from that incident in October.

The fundamental tenet of zoning in a town, is that when someone moves in and buys a house in an area zoned residential, he or she is assured of what is permissible and what is not.

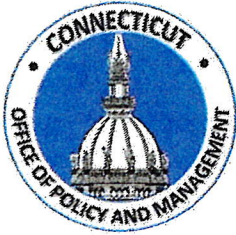
I would say 99% of our residents moved here for its rural character and when they invested in a house in a residential zone, the promise made by P&Z is that it would stay that way.

The same is true with special permits or hardship exceptions that may affect neighborhoods. The added conditions to the permit to protect those neighborhoods should also be considered promises made by the board at the time. Those prior P&Z motions were carefully made in conjunction with neighbors and should be respected.

Thank you,

Ed Schwing

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FOI Complaint  
Exhibit A



## Land Use Training Guidelines

Established in accordance with Section 8-4c of the Connecticut General Statutes as amended by PA 23-173

Effective January 1, 2022, with amendments effective October 1, 2023

### Overview

Subsection (a) of Section 3 of PA 23-173 includes updated requirements for the training of municipal land use officials. The requirements for the establishment of land use training guidelines, and the reporting on training compliance, remain the same as established under CGS Section 8-4c (PA 21-29). Under CGS Section 8-4c, the Office of Policy and Management (OPM) is specifically tasked with developing the land use training guidelines that are the focus of this publication.

The pertinent legislative language for each of these requirements, including the updated requirements for training of municipal land use officials, is summarized below, and provides the framework for OPM's Land Use Training Guidelines that follow.

#### 1) Training of Municipal Land Use Officials

"On and after January 1, 2023, each member of a municipal planning commission, combined planning and zoning commission, or zoning board of appeals, except for a member of any such commission or board that is a licensed attorney-at-law of this state with four or more years of experience on any such commission or board, or a land use enforcement officer, shall complete at least four hours of training."

- Those in office on 1/1/2023 must complete four (4) hours of training by 1/1/2024, and once every four years thereafter, or once every term for which such member is elected or appointed if such term is longer than four years.
- Those taking office after 1/1/2023 must complete four (4) hours of training not later than one year after taking office, and once every four years thereafter, or once every term for which such member is elected or appointed if such term is longer than four years.

#### 2) Establishment of Land Use Training Guidelines

"Such training shall include at least one hour concerning affordable and fair housing policies and may also consist of (1) process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act, as defined in section 1-200 of the general statutes, (2) the interpretation of site plans, surveys, maps, and architectural conventions, and (3) the impact of zoning on the environment, agriculture, and historic resources."

- See **Land Use Training Guidelines** below.

#### 3) Reporting on Training Compliance

"Not later than March 1, 2024, and annually thereafter, the planning commission, zoning commission, combined planning and zoning commission, and zoning board of appeals, as applicable, in each municipality shall submit a statement to such municipality's legislative body, or, in a municipality where the legislative body is a town meeting, its board of selectmen, affirming compliance with the training requirement established pursuant to subsection (a) of this

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Exhibit B- 4 pages



section by each member of such commission or board required to complete such training in the calendar year ending the preceding December thirty-first.”

- Each affected board and commission must report to its local authority on the status of its members’ compliance with the training requirements by 3/1/2024, and annually thereafter.

## **Land Use Training Guidelines**

The following guidelines allow sufficient flexibility for land use training providers to develop, market, and periodically refresh their course offerings in a manner that is responsive to changes in land use laws and the preferences of municipal officials, with regard to how relevant subject matter is conveyed (e.g., depth, breadth, packaging of topical content). This flexible approach is meant to provide commission and board members with more robust training opportunities that will satisfy local reporting requirements and their own personal interests.

These guidelines were developed by OPM, in collaboration with the [Connecticut Association of Zoning Enforcement Officials](#), the [Connecticut Conference of Municipalities](#), the [Council of Small Towns](#), the [Connecticut Chapter of the American Planning Association](#), the [Land Use Academy at the Center for Land Use Education and Research at the University of Connecticut](#), the [Connecticut Bar Association](#), the [regional councils of governments](#), the [Partnership for Strong Communities](#), the [Connecticut Federation of Planning and Zoning Agencies](#), and other nonprofit or educational institutions that provide land use training.

These guidelines are effective January 1, 2022, with amendments effective October 1, 2023. If you would like additional information on land use training resources, please contact any of the collaborating entities listed above.

**A. Mandatory Training** (Note: at least 1 hour out of the 4-hour biennial training requirement must come from the Affordable and Fair Housing Policies Section.)

### **1) Affordable and Fair Housing Policies Section**

Topics can include one or more of the following:

- Zoning Laws and Segregation
- The Fair Housing Act
- Municipal Land Use Planning and Zoning Responsibilities Under the Fair Housing Act
- The Meaning of Affirmatively Furthering Fair Housing and How it Applies to Municipalities
- Planning and Zoning to Affirmatively Further Fair Housing
- Zoning Reforms to Promote Diverse Housing Option
- What is Affordable Housing, Who Needs It, and How Has It Evolved Over the Years?
- Addressing Community Affordable Housing Needs with the Public

**B. Optional Training** (Note: Any combination of courses from the Optional Training sections may be used to supplement the Mandatory Training portion of the 4-hour biennial training requirement.)

**1) Process and Procedures Section** (Suggested 1.0 – 1.5 hours)

Topics can include one or more of the following:

- **The Legal Basis for a Local Commission's Land Use Authority**
  - Roles and responsibilities of land use commissions and agencies, both regulatory and non-regulatory
  - Types of power of local commissions – Legislative, administrative, quasi-judicial
  - Euclid v. Ambler Realty and other court cases
  - Enabling legislation
  - Local regulations
  - Role of the courts and when they get involved
- **Planning and Running a Public Meeting**
  - Quorum requirements
  - When are public hearings required?
  - Who can speak at a public hearing?
  - Time limits for speaking
  - Timeframes for a public hearing
  - Extensions
  - Crowd control when the number of people who show for a hearing exceeds legal capacity
  - Meeting logistics – Room size, public access to presentations, order of speaking
  - Best practices for running in-person, online, or hybrid meetings
  - How to manage difficult situations during a public hearing
  - Alternates – Their role in public hearings, procedure for seating them in place of a regular member
  - Voting – Who votes, abstentions
  - Recording of meetings by others
- **Commissioner Conduct**
  - Bias – What constitutes bias and how to handle
  - Predetermination – What constitutes predetermination and how to handle it
  - Conflicts of interest – Personal, financial, perceived conflicts
  - Commissioner recusal – Who decides, basis for recusal
  - How to handle conflicted commissioners who won't recuse themselves



- Ex parte communications – What to do if someone approaches you about an application
- Court remedies in case of a finding of bias, predetermination, or conflict
- Social media concerns
- Representation by a commissioner at another commission
- Freedom of Information Act

**2) Site Plans, Surveys, Maps, and Architectural Conventions Section** (Suggested 1.0 hour)

Topics can include one or more of the following:

- **The Basics**

- Difference between maps and plans
- Finding what the plan contains
- Location Map – Where is the site within the community
- List of drawings – How to find what you are looking for
- Title Block – What information this provides
- Legend – What different symbols tell you
- Scale – Graphic v. written scale, how to use an engineer's scale, how to measure distances
- Zoning table – What it tells you
- Orientation – North not always the same on each sheet
- Site plan checklist – What it is and how to use it
- Topography and slope
- Why plans should be stamped by an engineer, surveyor, etc.

- **Reading a Site Plan**

- Frontage and lot size requirements
- Setbacks – How to measure front, side, and rear yards
- Corner lots – How the regulations apply re: frontage and setbacks
- Minimum lot size
- Rear lots
- Traffic circulation – How does traffic flow within the site
- Parking requirements
- Existing and proposed grades and spot elevations
- Cut and fill and why it matters
- Site drainage and stormwater systems
- Utility locations and sizing
- Landscaping/planting plan – How to tell what is being proposed for location, quantity, size
- Ingress and egress – Location, distance from intersections, sight line concerns

- Construction issues – E&S controls, anti-tracking pads
- Use of GIS – overview of site, visual context, not to be used in place of stamped plans

3) **Environmental, Agriculture, and Historic Resources Section** (Suggested 1.0 – 1.5 hours)

Topics can include one or more of the following:

- **Inland Wetlands and Watercourses**
  - Statutory requirements to regulate
  - Regulated activities
  - Activities that are permitted by right and non-regulated
  - Regulation of agricultural activities
  - Enforcement
- **Aquifer Protection**
  - Statutory requirements to regulate
  - Mapping and regulation of activities
- **Coastal Area Management**
  - Applications requiring coastal area management review
  - Coastal site plan review
  - Criteria for Coastal Site Plan Review (CSPR)
- **Flood Management**
  - Overview of FEMA mapping and role in land use permitting
- **Right to Farm Act**
  - Applicability to municipal land use permitting
- **Endangered Species Act**
  - Applicability to local permitting
- **Low Impact Development and Stormwater Management**
  - Applicability to local zoning and subdivision regulation
- **Historic District Commissions**
  - Formation and modification of districts
  - Certificates of appropriateness



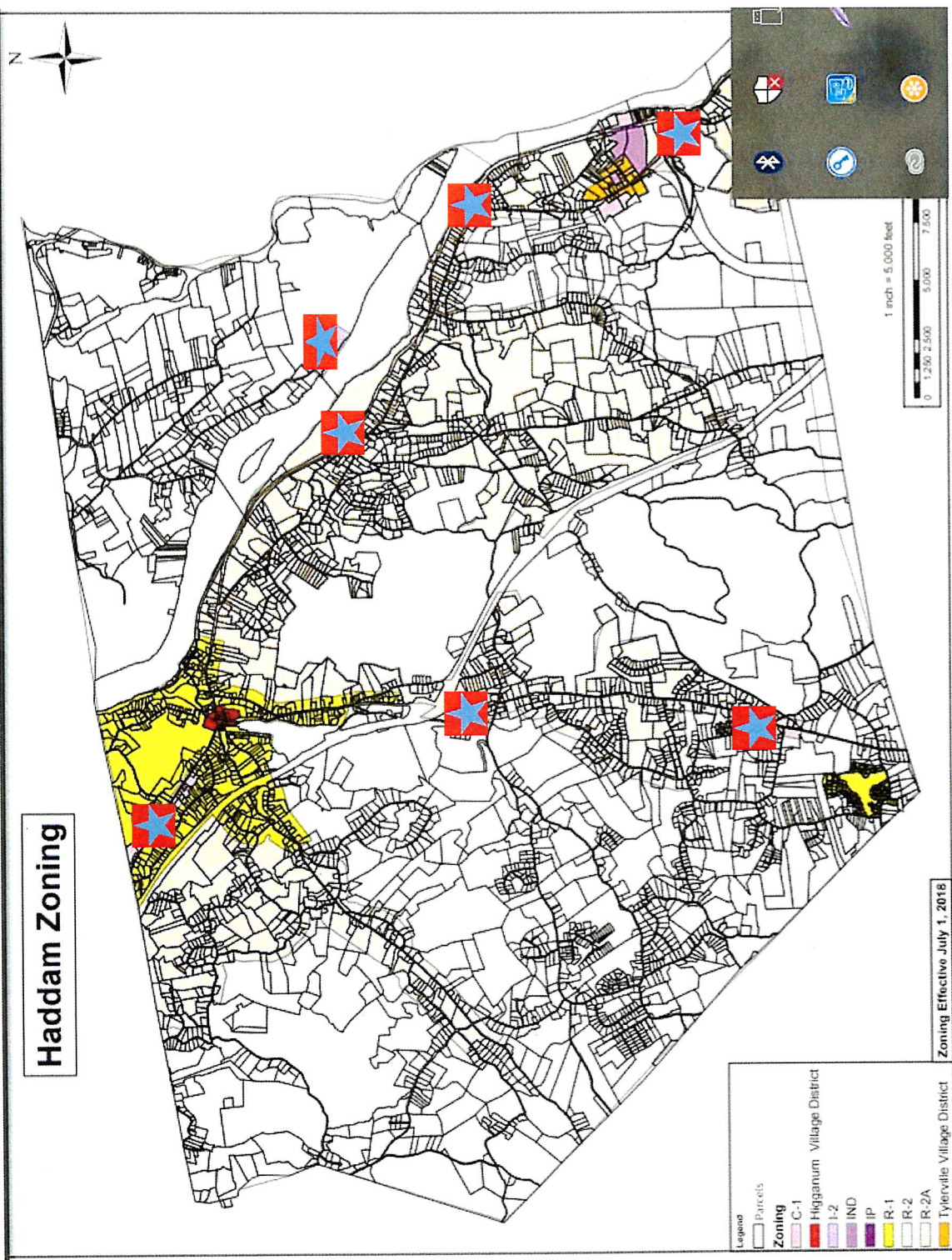
- **Historic Buildings, Places, and Roads**

- When can historic factors be considered in municipal land use permitting?

It is strongly recommended that any new commission or board members first complete a Basic Training course, such as that provided by the [CLEAR Land Use Academy](#), before pursuing training in other topics of interest.

While this guidance is intentionally limited to the one mandatory training section and the three optional training sections prescribed in CGS Section 8-4c (Section 9 of Public Act 21-29), OPM recognizes that there are numerous related topics that affected land use boards and commissions might find acceptable for their members' compliance in meeting the 4-hour training requirement.

Since there is no formal state certification program, each municipality is ultimately responsible for ensuring the compliance of its affected commission and board members. Municipalities are encouraged to consult with their respective COG on possible ways to achieve regional efficiencies in this effort, such as by facilitating the sharing of information related to existing municipal land use training resources and best practices, as well as the scheduling and hosting of regional training sessions offered by land use training providers.

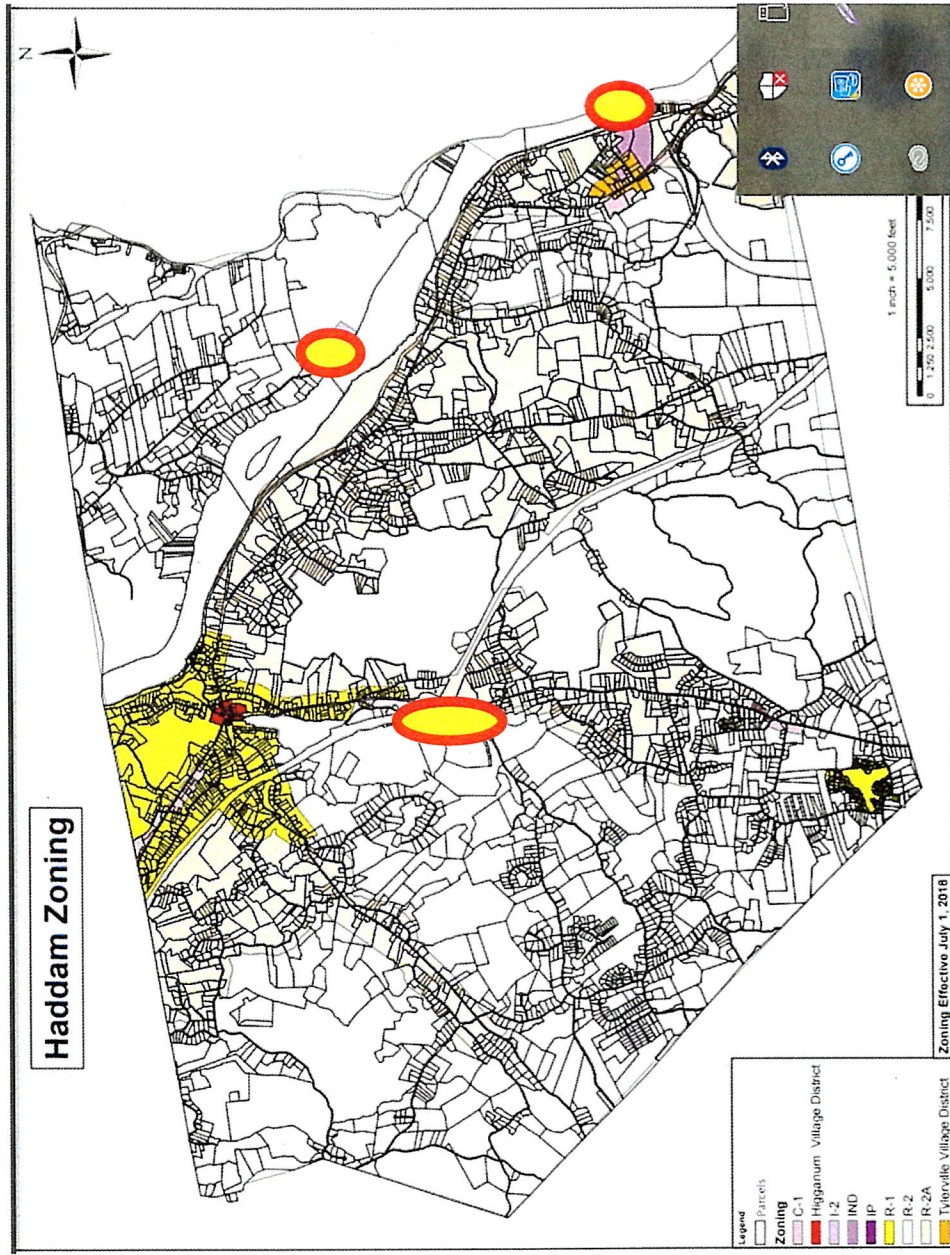


Pik - 1 FEB 2024  
 New Business  
 Review of C-1 Commercial Zones  
 Exhibit C - 11 Pages

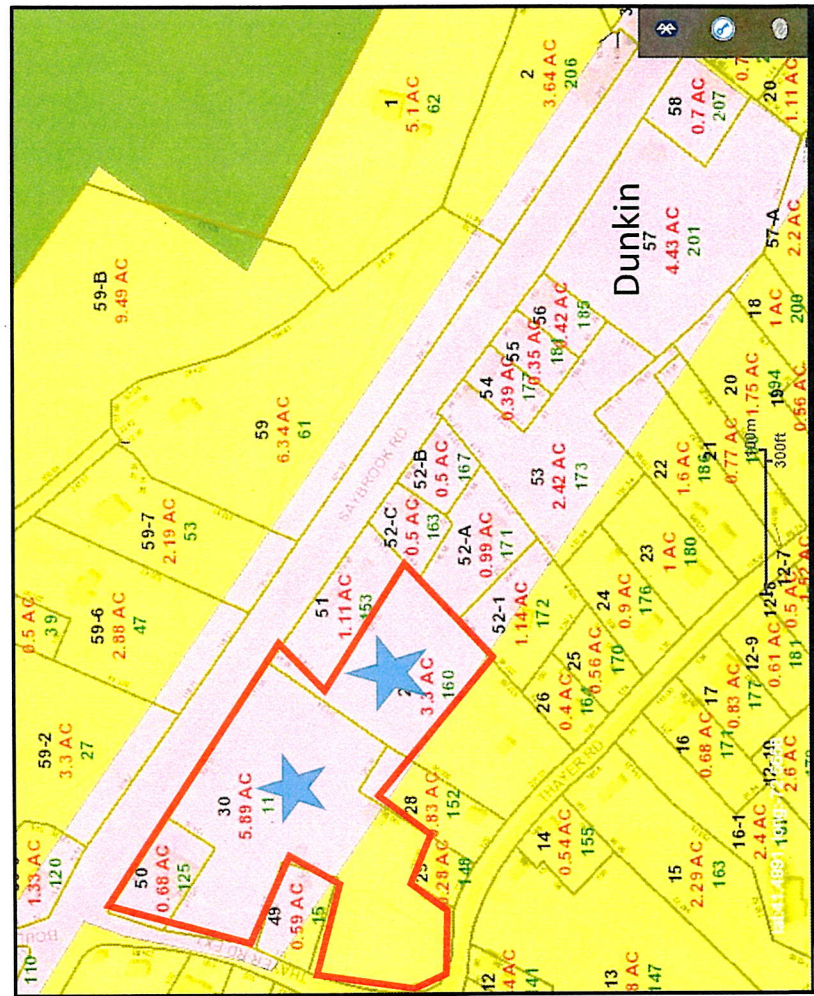
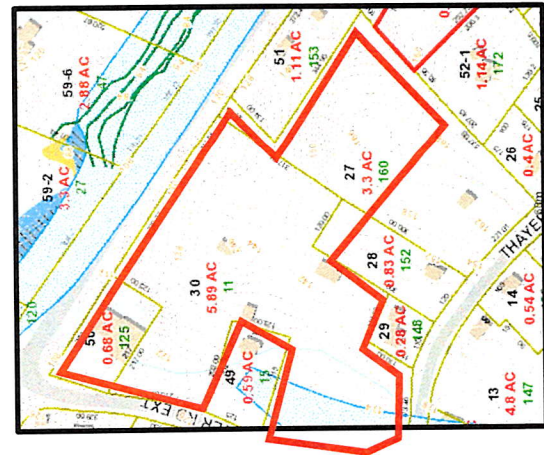


## Small / Single Ownership Zones

- CT Yankee
- GCI, Twin Oaks
- Eagle Landing

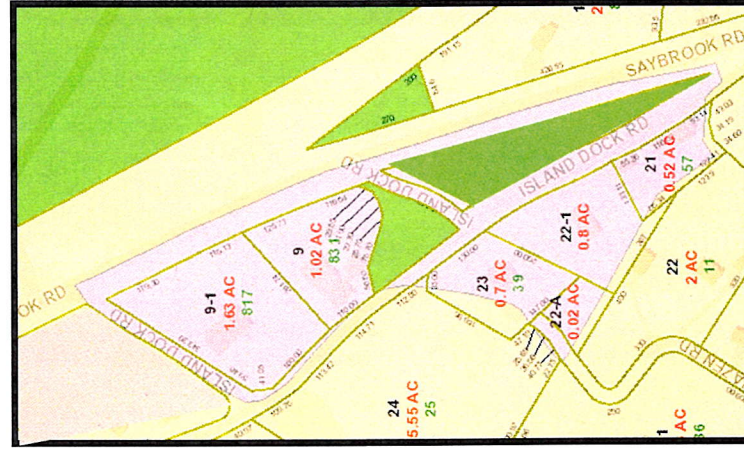




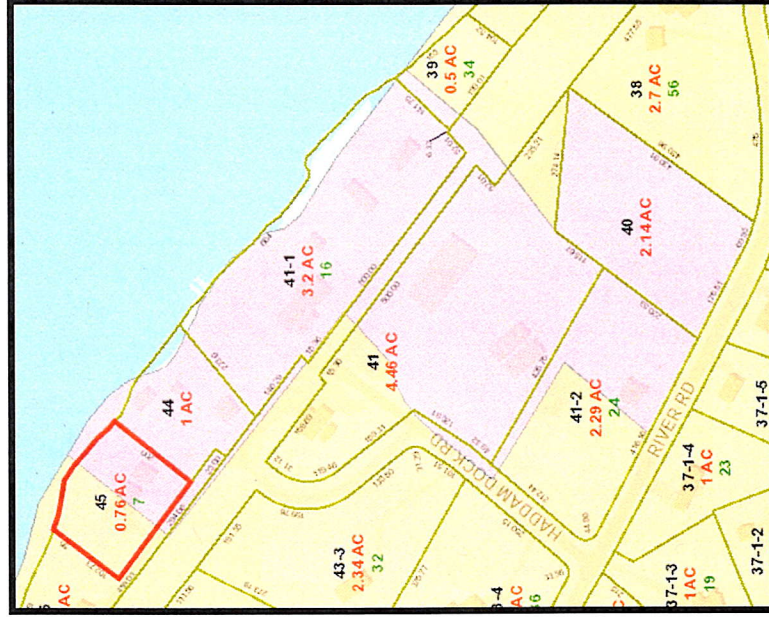




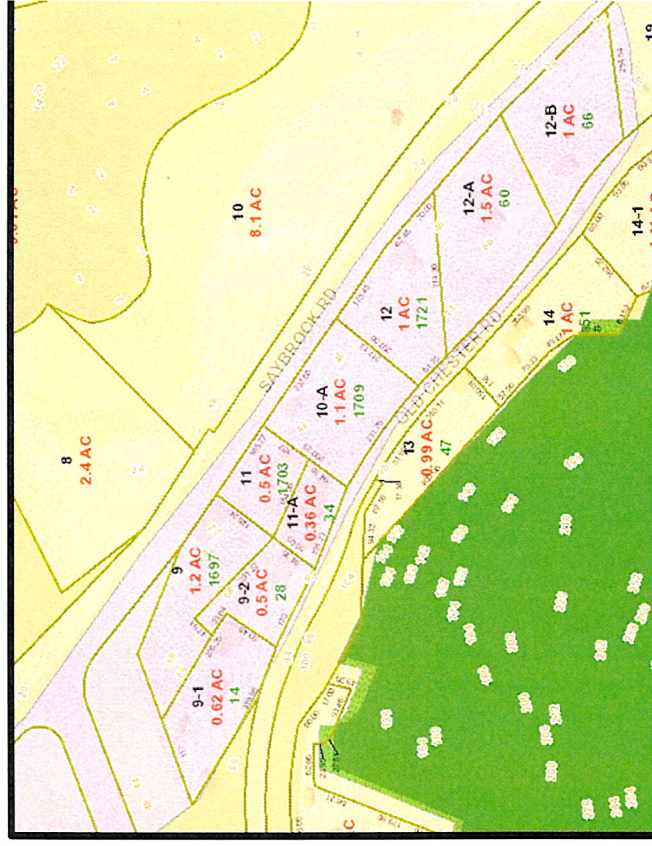
Island Dock



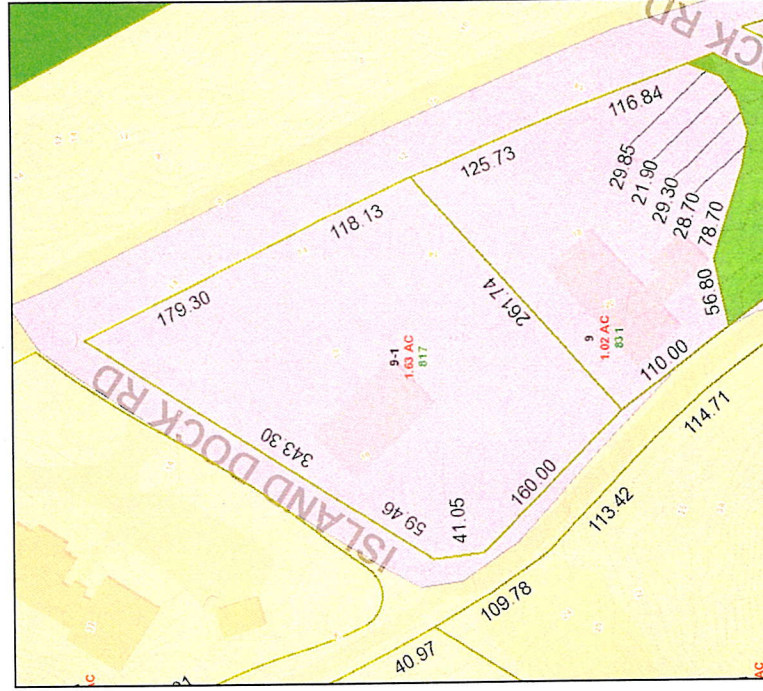
Midway Marina/Blue Oar



Saybrook Road – South of Connector



# RT 154 & Island Dock – Halls & barn



2.5 acres

108,000 sq.ft.

75% Total Impervious coverage

40% Building coverage

Allowed

81,675 total impervious

43,560 building coverage

Would a 40,000 sq.ft. building fit  
134 parking spaces required  
50,000 sq.ft. impervious

NO

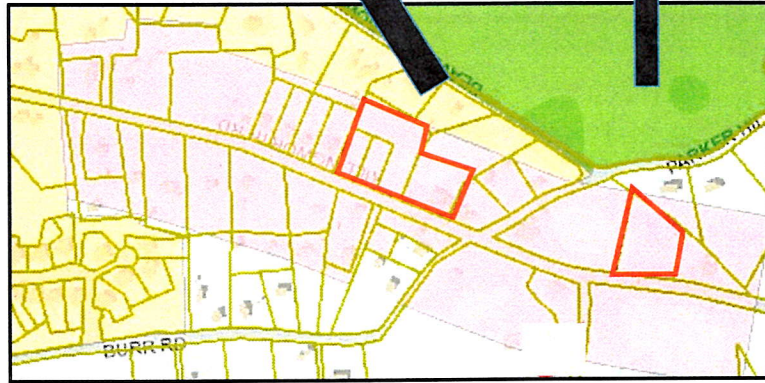
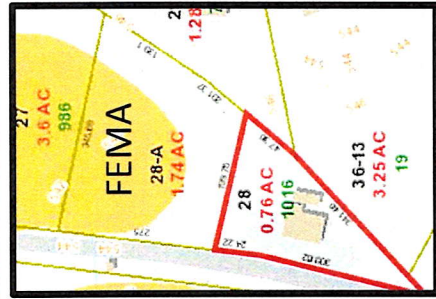
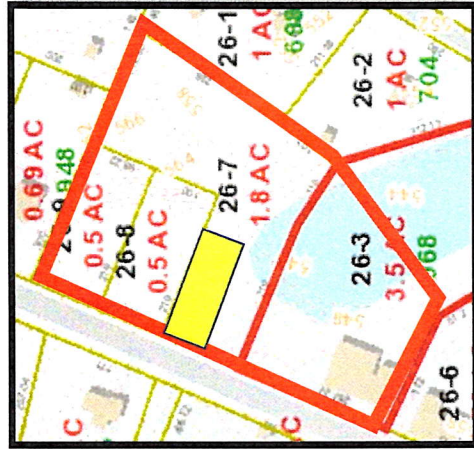
But 30,000 would fit

## Other considerations

ADT, rooftops, visibility, site work, utilities



Killingworth Road Rt 81  
C-1 Commercial Zone



# Amendments

- Retail requiring new construction not allowed.
- Building coverage 25%
- Total lot coverage 40%
- Signage. Neon, LED and internally illuminated prohibited. Max height 10 feet. Free standing signs shall be of monument style.
- Light poles maximum height 15 feet.



Site Plan in accordance with Section 14 of these regulations:

- A. Retail stores in existing buildings.
- B. Bed and Breakfast Inns up to six guest rooms.
- C. Restaurants, bars brew pubs, and taverns with indoor seating capacity less than 50 including carry out food establishments
- D. Professional and business offices.
- E. Barber shops, spas and hair salons.
- F. Watch, appliance and shoe repair.
- G. Funeral Homes
- H. Financial institutions
- I. Churches and schools
- J. Bona fide clubs or community houses not operated for profit
- K. Public recreational uses, non-profit parks and playgrounds
- L. Nursery gardening and greenhouses
- M. Buildings used for the storing, processing and manufacture of agriculture and forestry products accessory to a farm.
- N. Personal Services, such as hair and nail salons, wellness services, and dry cleaning where dry cleaning is done off site.
- O. Mixed Use per Section 26 of these Regulations
- P. Museums and Libraries
- Q. Veterinary Clinics and Offices with no overnight stays or outdoor kennels.
- R. Buildings, uses, and structures accessory to principal uses, buildings, and structures, provided that they are included in the site plan approval or as modifications of such approval

Special Permit by the Planning and Zoning commission

- A. Automobile Gasoline stations
- B. Automobile sales and repair shops
- C. Automobile parking lots
- D. Change of Use for Non-Conforming Uses per Section 29 of these Regulations
- E. Dog Grooming establishments with no outdoor kennels
- F. Car washes
- G. Marinas, docking facilities for commercial fishing boats and commercial boat cruise line facilities and passenger terminals.
- H. Medical Marijuana Dispensaries (Licensed)
- I. Medical Marijuana Producers (Licensed) in all commercial districts,
- J. Microbreweries, in all commercial districts,
- K. Stores for the sale of alcoholic beverages.
- L. Restaurants with a drive-thru aisle or window
- M. Restaurants and taverns with outdoor seating
- N. Restaurants and taverns with seating for 51 or more patrons with or without outdoor seating.



O. Pet Training Facility or Dog Day Care, provided dogs are housed indoors.

P. Post offices.

Q. Police stations, fire houses, ambulance headquarters or other municipal building and uses.

R. Housing for elderly and/or physically handicapped persons

S. One or more dwelling units in combination on a lot with other uses permitted in the commercial zone subject to the provisions of Section 26.

T. Contracting or construction yards subject to the following: 1. The Commission may require a planted buffer strip between 10 and 100 feet in width and where necessary, require landscaping as in Accordance with Section 7.4. 2. All fences erected shall be no closer than 15 feet from the lot boundaries and at a height determined appropriate by the Commission. 3. All other aspects of the activity must be compatible with other surrounding uses as determined by the Commission.

U. Communication towers subject to the provisions of Section 25.

V. Self- Storage Facilities

W. Veterinary Clinics and Hospitals with overnight stays

Y. Therapeutic and Rehabilitative Wellness Centers

Z. Tattoo and Body Piercing establishments licensed by CT Department of Health

- 5.6 Any use not listed as permitted in a zone shall be deemed prohibited. Without limiting the scope of this provision, the following uses are expressly prohibited, whether as a principal or accessory use or in any other guise:
  - A. Dumping, incineration and/or storage of solid waste, biomedical waste, or bulky waste, construction and demolition waste other than the temporary storage of small amounts of such material for brief periods pending final lawful disposition.
- B. Other prohibited uses:
  - 1.) Private correctional facilities;
  - 2.) Alternative incarceration centers;
  - 3.) Methadone clinics;
  - 4.) The sale of drug paraphernalia as defined by C.G.S. § 21a-240(A)(20);
  - 5.) Conducting business as a pawn broker or secondhand dealer as defined by C.G.S. § 21-39a;
  - 6.) Check cashing establishments;
  - 7.) On site gambling (excluding any form of gambling legally existing as of January 1, 2019) including manually or automatically operated gambling devices, video or otherwise, including, but not limited to slot machines;
  - 8.) Junk dealers and motor vehicle junk/salvage yards;
  - 9.) Hookah lounge;
  - 10.) Sale or dispensation of any form of recreational marijuana.
  - 11.) Adult land uses with the exception of Sections 8.A 1-2 Zone.

Vape Shops