

**TOWN OF COLUMBIA
PLANNING AND ZONING COMMISSION**

Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT
Monday, January 08, 2024 7:00 pm

**Regular Meeting – HYBRID
MINUTES**

Members Present: Chairman Rick Nassiff, Vice-Chair Justin Riendeau, Thomas Currier, Robert Powell (via zoom), Walter Tabor, Dave Holcroft, L. Preston (Alternate)

Members Excused: Vera Englert, Ed Madrak (Alternate)

Staff Present: Town Planner John Guskowski (via Zoom), Board Clerk Mary Kay Hyman

Others Present: Rhonda Kincaid of CDE, Heidi Washburn, Michael and Donna Magaldi, Carole Williamson, 7 Others (via zoom) and 2 Others Present in Conf. Rm.

1. CALL TO ORDER: R. Nassiff called the meeting to order at **7:00 PM**.

2. ROLL CALL AND SEATING OF ALTERNATES:

L. Preston was seated for V. Englert

3. ADDITIONS/CHANGES TO AGENDA: None

4. APPROVAL OF PZC REGULAR MEETING MINUTES of December 11, 2023

R. Nassiff **MOVED** to **APPROVE**, as presented, the Minutes of December 11, 2023; J. Riendeau **SECONDED. MOTION PASSED 7:0:0**

5. AUDIENCE OF CITIZENS: None

6. UNFINISHED BUSINESS (Discussion/Possible Action)

R. Nassiff reviewed the guidelines for conducting a Public Hearing.

OPEN PUBLIC HEARING: R. Nassiff Opened the Public Hearing at **7:04 PM**

6.1 Section 51.7 - Minor Modifications of Approved Special Permits

J. Guskowski recited and displayed the drafted changes to Section 51.7. He stated the reasons for changes are to reduce the review process and simplify the overall approach to doing business. He provided an example of a business that wanted to change their hours, which under existing regulation required a special permit, requiring a public hearing, legal notices etc., which is an involved and costly process. He stated moving forward, the minor modification would be acceptable with the written approval of the Commission as stated in the draft. He summarized that this would be a judgment call of the Commission, with the parameters of overall layout, design development, density, environment impact of intended or improved nature. Things that exceed these parameters will need a special permit. Items deemed to be minor in nature, non-substantive would be authorized by vote of the Commission to be deemed minor and to proceed. He noted that in anticipation of public feedback any special permit requirement that is a fundamental part of the regulation for that

use itself, for example a special event facility, anything that is already in the regulations as a requirement could not be waived because that is a regulatory requirement, that is not a minor modification of the terms of approval.

R. Powell asked if a minor change would come back to the Commission.

J. Guskowski confirmed it would.

R. Powell asked if the public would have a chance, when the minor change comes before the Commission, to comment.

J. Guskowski stated this type of change would not go to public hearing.

R. Powell agreed but asked if the public would have an opportunity to comment at a regular PZC meeting.

R. Nassiff stated at every regular meeting there are two Audience of Citizens items on the agenda, giving the public the opportunity to comment and respond. He then identified examples of small change local businesses needed to make in the past and that they were time-consuming and costly.

J. Riendeau stated he is reiterating what J. Guskowski stated and added that the Town has categories within a Commercial Zone, and they have categories of businesses even within a Commercial Zone that require a special permit. He said that if changes are not a major change and can be defined as minor it is easier for the business to go through the process. He encouraged everyone to read the Regulations for special venues and other things within the Residential Area, they are very deep. He said they are already regulating hours and specific activities, whereas in the Commercial Zone it may just say this particular business type is allowed under a special permit and there's no specific criteria other than what we provide as a condition of approving the application. He asked that they keep in mind that there is that separation and when businesses want to change things there is a fee that is applied to the special permit, as well as time, which stacks up against the businesses and we want it to be as easy as possible for them to work with us.

R. Nassiff stated if we have a hard rule on a property, we will need to enforce it and cannot exempt ourselves from those rules. The goal is to make the process more efficient and public friendly.

R. Nassiff then turned the discussion over to the public.

C. Williamson of 12 Gaulin Road asked if the Wedding Venue under these changes would be allowed, for example to lengthen their hours or increase their number of events to 40.

R. Nassiff stated that the current Regulation prohibits that number of events.

C. Williamson stated that the special permit allows 12

R. Nassiff stated that the regulation has a limit. For example, if the Regulation allows for 15 events and we gave them permission for 12 they could request to increase the number of events to 15 but not 16.

Discussion ensued as to what the current event limits are in the current Regulations.

J. Guskowski reference Regulation #52.75, which has attendance limits, set event hours and event limits in the Regulation. He stated it would require a variance or a text amendment to change this Regulation.

W. Tabor agreed this type of change would not qualify as a minor modification.

Mark Magaldi of 33 Gaulin Road stated part of what concerns him about the proposed change is that some of the parameters that are identified don't appear to have been defined. For example, environmental impact and developmental density, he said he is curious what that means, because those are going to be criteria by which you're making these decisions. He stated he believes he saw that it said there was some back and forth about what minor modification means and what does it mean to one person versus another person. He asked when you say an environmental impact, which is part of how you're going to base a decision, along with overall layout, design developmental, density, what does that look like. He asked what an environmental impact is, if we're going to bypass the process in place, which should involve a public hearing vs the ability to be able to provide information through audience of citizens. He stated there is a process that's already in place for that very reason. He stated there will be requests that come in and some of them might seem a little more straightforward and others might have implications, which may impact people in those surrounding areas. He stated he feels the parameters are very ambiguous. He asked what the process is going to be if somebody submits a letter and are those letters going to be available to the public along with the knowledge of what gets approved or not approved.

R. Nassiff said that the definition of minor is broad. He cannot come up with all instances, but an example of a minor change could be, moving something slightly, a small increase or decrease in size or moving footage around. He stated the Town does not have full time staff and they want to shorten the application time.

J. Riendeau stated that if the Commission agrees it is a minor change, then okay, if not then it will go back to needing a permit. He stated there will be a level of judgement involved, but overall, we are trying to make the process simpler.

W. Tabor added these are decisions that will be made as a Commission, with input from the Town Planner and input from others involved in the process, it will not be an individual decision, it will be a majority vote.

M. Magaldi stated that the majority comes down to three people. He then said he understands the Commission cannot come up with every scenario, but he has not heard what the environmental impact will be, and he is concerned the public will not have enough input.

R. Nassiff understood, but stated this is a reasonable small amount of discretion to put in the hands of the Commission, which is why they propose this type of Regulation change, they are always weighing the public right with the individual rights, and they are not looking for a wide latitude on this but a narrow range of latitude that is difficult to define exactly, which is why there is an elected Commission to make these decision.

R. Powell stated that these minor modifications are still in line with the accepted Regulations in the books.

R. Nassiff stated that this change was crafted regarding real situations and the elected Commission has reviewed the minor modification change proposed. He said it was discussed that such a decision be made by the Town Planner, but it was decided it would be best to bring it to the Commission for a vote. He said the public will have the chance to comment on each step of the process before decisions are made.

D. Magaldi of 33 Gaulin Road asked if the Commission considered that businesses could take this as an opportunity to pass through many changes and does the Town have the capacity to handle a huge influx of requests?

J. Riendeau and T. Currier responded that there are not a lot of businesses in town, so it should be manageable.

D. Magaldi asked then why do this if not that many requests and how will the public be made aware.

T. Currier stated that any requests will be on the agenda before the decisions are made and anyone can attend the meetings. He said the Commission is here to do the best for the Town of Columbia.

R. Nassiff added that the agendas are available online, along with detailed packets prior to every meeting. He also stated the records are open to the public in the Building Department. He stated the only session closed to the public is any item in Legal Action.

M. Magaldi asked if everything would be reviewed and voted on in a meeting only.

R. Nassiff confirmed they would only be reviewed and voted on in a meeting.

W. Tabor confirmed the process and asked if an applicant comes in to make a change, are they filling out an application to be determined in a meeting if it is a minor modification and then if so, it will be voted on. He asked if this would take place in one meeting or two.

R. Nassiff confirmed the process and said this would be done in two steps and both steps could possibly be done in one meeting.

J. Guskowski read an email received on January 08, 2024, at 5:11PM from Robert and Margaret Waldron into the record.

6.2 Section 31.2 and 31.3 - Site Plan vs. Special Permit Uses in CM Districts

R. Nassiff stated this is a bit more comprehensive of a proposed regulation change; trying to change which items require a special permit in the Commercial and Manufacturing District.

J. Guskowski explained the changes. He stated that the allowable uses in the Commercial Manufacturing District there are three permit paths for uses in the CM District. One is 31.1 permitted uses, which is, as of right, an administrative approval by staff. Those are proposed to be unchanged. The second 31.2 is uses permitted with site plan approval, which of course is Commission action but in absence of a public hearing and is primarily an administrative review and the third 31.3 is permitted uses by special permit approval, which require public hearing and notification. He said as part of an ongoing discussion, the Commission has been looking for ways to make doing business, particularly in the CM

District easier in Columbia and so after a great deal of discussion a number of the items that are currently permitted only by special permit approval in section 31.3 have been either consolidated or have been moved. Nine of them have been proposed to be moved into site plan categories, so that would be an easier, more efficient, less expensive and a less time-consuming process. He said, this would only affect properties in the CM District, which are primarily along Route 66 East and Route 6 and would include public utility buildings, package stores, manufacturing assembly processing operations with structures of 20,000 square feet or less, pet boarding daycare and grooming, major home occupation in a single existing single family dwelling, restaurants and clubs including outdoor entertainment patio dining or a micro-brewery, if not a directly abutting an existing residential use, convalescent homes, residential health care facilities if not directly abutting an existing residential use, funeral home and multi-family dwellings. A number of those have their own sets of individual regulations that govern them. He said all of these would be removed from the special permit category with the ones that referenced adjacent to existing residential uses. He said those would remain special permit; specifically for the reason that some of the members of the public expressed this evening, that if something significant is going up next to a residential property it requires a little bit of additional scrutiny verses if it is business next to another business, the purpose of this regulation change makes those uses easier to undertake.

R. Nassiff said there are several items here that previously required a special permit that we are putting into permitted by site plan approval, not subject to a public hearing.

R. Powell stated there are no surprises or changes and this was previously discussed.

R. Nassiff asked if the public had any questions – There were none.

R. Nassiff stated some things are left in a neighboring residential use area and they are sensitive to businesses next to residents and protective of residential uses.

6.3 Section 21.2.1 - Family/Home Day Care

J. Guskowski stated this change is adding a new category to comply with the changes in state law, that require all municipalities to treat the processing of permits for family daycare and home and group childcare facilities, under a certain population to operate out of an existing home.

R. Nassiff asked if the Public had any questions – There were none.

At **7:48** R. Nassiff **MOVED** to Close the Public Hearing. J. Riendeau **SECOND. MOTION PASSED 7:0:0**

R. Nassiff **MOVED** to **APPROVE** the Regulation Changes to Sections 51.7, 31.2, 31.3 and 21.2.1;

R. Powell **SECONDED**. W. Tabor **ABSTAINED. MOTION PASSED 6:0:1**

W. Tabor said he abstained due to the way the Motion was presented.

7. NEW BUSINESS (Discussion/Possible Action)

7.1 Preliminary Discussion with Heidi Washburn regarding possible future Development of an Art Village.

R. Nassiff asked H. Washburn to describe what her facility is all about.

H. Washburn said the goal is to bring in more art, play and nature in a retreat setting where the public can get away and get back to nature. She said it is a place for artists to teach. She said there will be a tiny home portion to support the artist, which will have a retreat type setting for people to get away. She said this will be done in stages. There will be tiny homes and bell tents and there will possibly be 6 art buildings, which may be cabins. She says this is about finding ourselves and getting back to nature and our roots. She said she appreciates the Committee hearing her.

T. Currier asked about the location

H. Washburn said she is looking at the Hearthstone Winery property, which is a beautiful property, and the winery is a great attraction.

R. Nassiff stated that from a Zoning perspective what she is proposing is a residential site in a Residential Area and the concern would be if there is enough noise buffer for neighbors. He stated that he does not think she could have buildings that were not year-round.

H. Washburn said some would be year-round and some would not. She said some would be tents and they would have to be taken down for the winter.

D. Holcroft asked if this was modeled after something else.

H. Washburn replied no, this is her dream, her goal, and her life project. She said it is about bringing people together.

R. Nassiff asked from a Zoning perspective would these be long-term rentals.

H. Washburn replied no, most will come for long weekends. Some may stay for a week. She said health and wellness awareness is booming. She is planning to build a retreat center in a beautiful quiet space like Columbia.

R. Powell stated he feels it is an interesting concept and that Planning and Zoning would need more specifics, for example; for the amenities they would need to see if these meet current Regulations.

J. Guskowski said she is here because there currently is not a cultural Regulation and the Commission would have to add a new use category to the Regulations. He said he asked H. Washburn to come and present her idea to get it out there.

R. Powell asked if this would be considered an adult camp.

H. Washburn confirmed it is for adults.

T. Currier asked, could it be handled like camp Asto Wamah.

J. Guskowski referenced 21.2.3 and stated these Regulations, for campgrounds, wedding venues, parks, playgrounds, or clubs are specific, and he would say do not precisely apply to this type of facility, but some elements could be used from each to define a text amendment to be made to the Regulations for what H. Washburn has in mind, and then looking at a site plan after.

R. Nassiff said H. Washburn took the right first step in presenting this to the Commission, which would require a Regulation change. He stated anyone can propose a Regulation change which would require more input from the Commission if the Commission agreed to entertain the idea.

D. Holcroft asked what the size of the property is.

H. Washburn replied 57 acres.

R. Nassiff said this is a process that will take time with more interaction with the Commission to determine Regulation changes needed or H. Washburn can propose Regulation changes without input, but he encourages the input from the public and the Commission, with a possible focus group.

T. Currier said the Commission could put through the Regulation change.

R. Nassiff replied yes, but not really, that isn't how the process works. The Commission does not take ideas from the public and put them into action. The applicant would need to bring in the Regulation change.

J. Riendeau asked H. Washburn if she ever wrote a Regulation. He said he would want her to have direction to move ahead with an open discussion with him, maybe the Town Planner and the Commission.

R. Nassiff put the thought to the Commission.

T. Currier said it is not much different from the other Camp Regulations and says it would be great for the Town.

R. Nassiff asked the Commission if they feel the consensus is for her to move forward and agrees it would be great for the Town. He said it may be as simple as taking an existing sub item in the Regulation and making some changes. He said some concerns will be noise, traffic, and impact on abutting neighboring property, unless maybe if it were a low impact use.

D. Holcroft asked when we look at this is the Commission concerned from a business standpoint.

R. Nassiff replied no, only from a Zoning standpoint, he said to considering the vision in regard to the Regulations.

8. REGULATION REVISIONS (Discussion)

8.1 Section 3 revisions

J. Riendeau stated the Subcommittee did not discuss this revision and has tabled the discussion until a later meeting.

8.2 Section 52.7.19 Planned Neighborhood Housing

J. Riendeau stated he has rewritten a draft of Section 52.7.19 with an idea of the Neighborhood Housing in Columbia, broadening it to make things a little more affordable and give a developer a density incentive, so that they can put more units per acre. He said they are not to the point where this is ready for a public hearing, they are still discussing it. He said one thing they've done with this draft is to try to eliminate some of the micromanaging that was in some of the

existing language. He said there's a lot of stuff that was redundant Regulation and there was verbiage around items that probably weren't appropriate for Zoning to weigh in on. He said they tried to create a situation where someone has the opportunity through a special permit to ask permission to build higher density housing units with an affordable housing incentive so that if they set aside 20% of those units, they get a higher bump in units per acre.

R. Nassiff stated that J. Riendeau has done a wonderful job of taking very complex Regulations and streamlining them into very efficient and not so expansive terms to make it easier to understand. He said they are trying to attract people who want to develop more affordable housing. He then provided some concepts discussed in the Subcommittee meetings, such as private roadways to units which would meet Town road standards and would be maintained by the Town. Some items they have not discussed are potential homeowner associations, individually owned units, or apartments with a central owner. He said Justin would be happy to have somebody who's done this type of development in a rural community give them a perspective on what they would like to see in the Regulations.

T. Currier mentioned the video by Mark Brance in reference to the Affordable Housing section of the Land Use Training.

This Recording can be accessed in the following link:

<https://clear.uconn.edu/luu/advanced/>

J. Guskowski added that the mandatory Land Use Training is now due, and he will be reaching out to members individually for status. He and board clerk M. Hyman will produce a report to be sent to the Board of Selectman by March 01, 2024.

9. COMMUNICATIONS AND REPORTS: None

10. COMMISSION OPEN DISCUSSION: None

11. AUDIENCE OF CITIZENS: None

12. EXECUTIVE SESSION: The Commission did not go into Executive Session

Pending Legal Action per State Statutes Section 1-200(6)(B)

13. ADJOURNMENT:

R. Nassiff **MOVED** to **ADJOURN**; T. Currier **SECONDED**. **MOTION CARRIED UNANIMOUSLY**

The meeting was adjourned at **8:22 PM**.

Respectfully submitted by Mary Kay Hyman, Board Clerk

Please see the minutes of subsequent meetings for approval of these minutes and any corrections hereto.

This meeting can be viewed in its entirety on the Town of Columbia You Tube Channel.