

**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

Join Zoom Meeting
<https://us02web.zoom.us/j/87986556199>

Meeting ID: 879 8655 6199

or join by phone 1-646-558-8656 same ID and passcode
THIS IS A HYBRID PUBLIC MEETING. THE PUBLIC CAN ATTEND IN-PERSON OR ELECTRONICALLY. THE INFORMATION PROVIDED IN THIS AGENDA CONTAINS THE LINK TO ACCESS THE MEETING ELECTRONICALLY.

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL AND SEATING OF ALTERNATES**
- 3. ADDITIONS/CHANGES TO AGENDA**
- 4. APPROVAL OF PZC REGULAR MEETING MINUTES of December 11, 2023**
- 5. AUDIENCE OF CITIZENS**
- 6. UNFINISHED BUSINESS (Discussion/Possible Action)**
OPEN PUBLIC HEARING:
 - 6.1** Section 51.7 - Minor Modifications of Approved Special Permits
 - 6.2** Section 31.2 and 31.3 - Site Plan vs. Special Permit Uses in CM Districts
 - 6.3** Section 21.2.1 - Family/Home Day Care
- 7. NEW BUSINESS (Discussion/Possible Action)**
 - 7.1** Preliminary Discussion with Heidi Washburn regarding possible future Development of an Art Village.
- 8. REGULATION REVISIONS (Discussion)**
 - 8.1** Section 3 revisions
 - 8.2** Section 52.7.19 Planned Neighborhood Housing
- 9. COMMUNICATIONS AND REPORTS**

10. COMMISSION OPEN DISCUSSION

11. AUDIENCE OF CITIZENS:

12. EXECUTIVE SESSION:

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

13. ADJOURNMENT

**TOWN OF COLUMBIA
PLANNING AND ZONING COMMISSION**

Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT
Monday, December 11, 2023 7:00 pm

Regular Meeting – HYBRID

MINUTES

Members Present: Chairman Rick Nassiff, Vice-Chair Vera Englert, Secretary Robert Powell, Thomas Currier, Walter Tabor, Justin Riendeau, David Holcroft, Ed Madrak (Alternate)

Members Excused: Larry Preston (Alternate)

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

Others Present: Rhonda Kincaid of CDE, and 1 Other Present

1. **CALL TO ORDER:** R. Nassiff called the meeting to order at **7:01 PM**.

2. **ROLL CALL AND SEATING OF ALTERNATES: None**

R. Nassiff welcomed D. Holcroft to the Commission

3. **ADDITIONS/CHANGES TO AGENDA: None**

4. **APPROVAL OF PZC REGULAR MEETING MINUTES of November 27, 2023**

R. Powell **MOVED** to **APPROVE** the Minutes of November 27, 2023 R. Nassiff **SECONDED**, J. Reindeau and D. Holcroft **ABSTAINED. MOTION PASSED 5:0:2**

5. **AUDIENCE OF CITIZENS: None**

6. **UNFINISHED BUSINESS (Discussion/Possible Action)**

Public Hearing is scheduled for Monday, January 8, 2024

7. **NEW BUSINESS (Discussion/Possible Action)**

7.1 Election of Officers

R. Powell **NOMINATED** R. Nassiff as Chair, D. Holcroft **SECOND**.

W. Tabor **NOMINATED** J. Riendeau as Vice Chair, D. Holcroft **SECOND**.

R. Nassiff **NOMINATED** R. Powell as Secretary, D. Holcroft **SECOND**.

No Other Nominations were presented.

V. Englert **ABSTAINED. MOTIONS CARRIED 6:0:1**.

W. Tabor **MOVED** to **APPROVE** the Slate of Candidates, R. Nassiff **Second**, V. Englert **ABSTAINED. MOTION PASSED 6:0:1**

8. **REGULATION REVISIONS (Discussion)**

8.1 Section 3 revisions

J. Riendeau stated there is no update on Section 3 at this time.

8.2 Section 52.7.19 Planned Neighborhood Housing

J. Riendeau stated the Subcommittee is still working on cleaning up the language for Section 52.7.19. He stated he did meet with J. Guskowski, which was helpful, but the Revision needs more review and discussion before a full Commission review.

R. Nassiff stated that it was helpful to have the public representatives present at the Subcommittee meeting and thanked them for coming out.

R. Powell asked if the Fire Marshal was present at the Subcommittee Meeting.

R. Nassiff confirmed that the Fire Marshal was present.

9. COMMUNICATIONS AND REPORTS:

R. Nassiff stated he will speak with Zoning Officer Connie Kisluk tomorrow (12/12/23), to request an updated ZEO Report before the next meeting and to invite her to the next meeting to review such Report. He requested that this be added to the next meeting Agenda.

J. Guskowski asked if R. Nassiff would like C. Kisluk to attend the next meeting.

R. Nassiff stated yes, either in person or via zoom.

R. Powell asked J. Guskowski if the Zoning Officer has the authority to approve a permit that does not meet the Planning and Zoning Regulations.

J. Guskowski stated no, not if it does not meet regulations. He stated there may be some very limited cases where there may be a judgement call about some pre-existing non-conforming use and the continuation of, but not if the ZEO finds that the use in questions does not meet regulations.

R. Nassiff reminded the Commission of the Land Use Training that needs to be completed to be in compliance with State Statute.

J. Guskowski confirmed that four hours of training need to be completed, one of which needs to be relative to affordable housing. The training does need to be completed by 12/31/23. He stated there are 3 videos on the UCONN Land Use Education Website and the third of the three recorded sessions covers Fair Housing. He stated once the Commission has completed the training, they will need to prepare a report to himself and the Board of Selectman. This report does not go to the State.

L. Preston asked how long the CT Bar Association Saturday training was.

J. Guskowski stated the CT Bar Association training was longer than 4 hours, but it only covered three and a half hours of affordable housing. He stated those Members that completed the CT Bar training will need to complete an additional half hour of training by watching the third recording to complete the affordable housing requirement.

V. Englert stated she has completed the training.

R. Nassiff asked that the Link to the videos be sent out to the Commission by 12/12/23. The Board Clerk confirmed they would be sent out.

R. Nassiff also stated that the PZC Regular Meeting scheduled for Tuesday, December 26, 2023 will be cancelled.

W. Tabor mentioned scheduling a time for a longer Subcommittee meeting. J. Riendeau stated they can discuss a time to possibly meet.

10. COMMISSION OPEN DISCUSSION: None

11. AUDIENCE OF CITIZENS: None

12. EXECUTIVE SESSION:

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

13. ADJOURNMENT: The meeting was adjourned at 7:14 PM.

51.7 ~~Proposed amendments~~ – PUBLIC HEARING SCHEDULED FOR JANUARY 8

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51.7 Minor Modification of Approved Site Plan or Special Permit Elements~~Features~~:

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Minor changes to an approved Site Plan or Special Permit are acceptable with the written approval of the Planning & Zoning Commission, provided such changes shall in no way affect the overall layout, design, development density, environmental impact, or intended or approved nature of the Site Plan or Special Permit use. Applicants may petition for minor modification approval by the Commission by a written request through the Town Planner or directly to the Commission.

The Commission shall hear the details of the proposed changes or additions and shall determine whether such proposed change is a minor modification of the prior approval. If determined to be minor by a majority vote of the Commission, the Commission shall authorize the Zoning Enforcement Officer and the Chairman of the Planning and Zoning Commission to document the modification with a signed letter for the file. This determination and letter shall serve as the approval for the minor change or modification.

If the Commission determines the proposed changes or additions exceed the scope of a minor modification, the applicant shall submit a Site Plan or Special Permit Modification Application to the Commission for the proposed modifications.

January 2, 2023

Columbia Planning and Zoning Commission

Re: Letter of Opposition to PZC 51.7 Minor Modification of Approved Site Plan or Special Permit Section 31.2 and 31.3 - Site Plan vs. Special Permit Uses in CM Districts Section 21.2.1

Planning and Zoning Commission Members:

My wife and I are writing to express our significant concerns regarding the proposed Minor Modification mentioned above. One of the purported reasons for this modification is to reportedly “ease restrictions on residents and businesses.” Where is the data to suggest that this is needed? How many Special Permits are submitted to the PZC annually? Do the majority of the Special Permits come from a handful of businesses? If so, which ones? If the idea/rationale is that streamlining the process is necessary, why were seven PZC meetings cancelled between June 2023 and December 2023? If meetings were held as scheduled, there should be ample time to address requests utilizing the current process.

The proposed modification would change the established process and remove the rights of town residents to participate in a Public Hearing Process where they could voice their concerns, share information, and provide feedback.

In addition, the PZC Meeting Minutes reflect little dialogue/discussion regarding what constitutes a “minor modification.” The PZC Meeting Minutes from 10/10/23 indicated that this issue would be discussed further at the next PZC Meeting. However, this did not occur. When I inquired about this, I was told by Mr. Nassiff that sufficient discussion had already taken place. This is in direct contradiction to what is contained in the written record and what was relayed verbally.

When I asked what “scientific methodology,” a term used by Mr. Nassiff himself when questioning an expert during a previous PZC Meeting, was being utilized to determine what constitutes a “minor modification,” I was referred to the proposed language that included the term “Environmental Impact.” When I indicated my belief that there might not be a consensus over what that term means, the Town Planner replied, “That’s why you get a vote.” I found this statement and behavior to be very disrespectful, unprofessional, and uncalled for.

When I asked the PZC for specific examples of what they consider to be a “minor modification,” I was not provided with a concrete response. Instead, I was asked if I had specific questions or examples. I proceeded to inquire about an applicant potentially seeking to increase the number/frequency of events, Mr. Nassiff replied that I was talking about the wedding venue and that he wasn’t going to be “pinned in a corner.” My question would apply to any business falling under a Special Permit, as we all know that it is

common for businesses to want to expand in size, scope, and intent. This can have a direct impact on those residing near a business location.

What does the PZC consider an "Environmental Impact" to be? Air pollution? Noise pollution? Increased traffic? Chemicals potentially released into the environment? There needs to be some form of standard on which to base decisions. The term itself, without any defined parameters, is quite ambiguous and open to interpretation. Some of the PZC members themselves pointed this fact out and identified the need for and importance of continued discussion (which, as I indicated earlier, does not appear to have taken place). During previous PZC meetings, town residents brought forth numerous environmental concerns/impacts regarding a proposed event facility and yet the PZC approved the Special Permit Application. This again, leads me to inquire as to what the PZC considers an "Environmental Impact" to be? The term "Minor Modification" needs to be defined and quantified so that it is clear what the criteria are, what they mean, and how decisions will be made. In addition, what does the term "development density" mean? Has this been determined? If so, what are examples of this? If not, why not?

We find it interesting that this proposal was brought forth shortly after a lawsuit was levied against the town secondary to the PZC's decision to allow a Wedding Event Facility in a residential neighborhood. There were numerous meetings and extensive discussions held during Public Hearings. This proposed modification would remove the opportunity for town residents to voice their concerns that could be useful to the discussion.

It feels like an underlying intention of this modification is to bypass the Public Hearing process, thereby limiting the ability of town citizens to bring forward their concerns and present information to the public record. This, along with what appears to be a deliberate lack of specificity regarding the terms "Environmental Impact" and "Development Density," is of great concern. This proposed modification feels far from "minor" and carries with it enormous implications, as it would remove the rights and ability of town residents to participate. It would, in fact, appear that you have the ability to be selective about which applicants you approve and which you don't. This could potentially increase the risk for litigation against the town by an applicant who was not treated the same or fairly.

This process should be transparent and clear. In our opinion, this proposed modification does the opposite. It lacks transparency, promotes ambiguity, and bypasses the checks and balances that the Public Hearing process affords. It limits our due process rights to be heard regarding matters affecting us and our property. In addition, this proposed modification is not in line with our Constitution, nor is it consistent with our First Amendment Rights. As such, we feel the modification should not be approved.

Michael J. Magaldi
Donna Mitchell-Magaldi
33 Gaulin Road, Columbia, CT 06237

ARTICLE III – NON-RESIDENTIAL DISTRICTS

(Entire Section Revised 11/1/19) (Draft revision 11/14/23)

31. Commercial Manufacturing District 1 (CM-1)

The purpose of this district is to permit larger commercial and manufacturing businesses on major thoroughfares and Commerce Drive.

- 31.1. Permitted Uses. Applications for the following uses to locate in an existing building that does not include any alterations to the exterior of the building or changes to the vehicular or pedestrian areas of the site, are permitted with Staff approval per Section 3.
1. Business and professional offices (for example: realtor, insurance, medical and health services, physical therapy, accounting, financial advisor, legal) occupying less than 3,000 sq. ft.
 2. Banking Institution with no drive-thru window
 3. Personal services (for example: hair salon, barber, shoe repair, tailor and drop off/pick up laundry and dry cleaning, tattoo shop, nail salon, day spa). Excludes any other uses specifically referenced elsewhere by the name of that use.
 4. Retail facilities occupying less than 3,000 sq. ft.
 5. Restaurants and restaurant alcohol sales occupying less than 3,000 sq. ft. Drive-thru window, entertainment and patio seating approved per 31.2.3 and 31.3.14
 6. Private schools of self-defense, music, dance, and similar uses occupying less than 3,000 sq. ft.
 7. Museum, gallery, studio, art lessons
 8. Indoor recreation occupying less than 3,000 sq. ft.
 9. Veterinary office, occupying less than 3,000 sq. ft.
 10. Manufacturing, assembly, processing operations located on Commerce Drive
 11. Dwelling unit(s) above a 1st floor business use
 12. Existing single-family dwellings; minor home occupation in an existing single-family dwelling
 13. Accessory uses customary with and incidental to uses listed in Section 31 provided that (with the exception of single-family dwellings under 31.1.12) there are no changes to the exterior of the building or site.
- 31.2. Other Permitted Uses with Site Plan Approval by the Commission per Section 51, unless property abuts the Residential-Agriculture District, then by Special Permit per Section 52.
1. Uses listed in Section 31.1 items 1-9 with changes to exterior of building or site, or a larger footprint
 2. Drive-thru window for restaurant, bank or retail use
 3. Restaurant including indoor entertainment or patio dining
 4. Municipal office buildings and uses
 5. Seasonal farmers market per requirements of Section 21.5.3.2 Farmer's Market items a-f, there is no minimum lot size required in CM1 or CM2 District
 6. Vehicular sales, services, repair, or rental of new or used cars, trucks, trailers, motorcycles, off-road and other recreational vehicles, marine boats and trailers; gasoline retail sales (See Section 52.7.4)
 7. Heavy equipment sales and services

8. Contractor's and construction office and yards, all stored equipment and materials shall be screened from street and abutting properties per Section 65.7 and 66.
9. Indoor self-storage facilities
10. Accessory uses customary with, and incidental to, uses listed in 31.2 and 31.3 with changes to the building or site
 11. Public Utility buildings
 12. Package Stores (See Section 67)
 13. Manufacturing, assembly, processing operations within structures of 20,000 square feet or less, other than permitted under 31.1.10
 14. Pet Boarding, Day Care and Grooming
 15. Major home occupation in an existing single-family dwelling
 16. Restaurant and Clubs including outdoor entertainment, patio dining or micro-brewery (See Section 52.7.7) if not directly abutting an existing residential use.
 17. Convalescent home, residential health care facility (See Section 52.7.3) if not directly abutting an existing residential use.
 18. Funeral Home
 19. Multifamily Dwelling (See Sections 52.7.21) effective 6/1/22

10.

31.3. Permitted Uses with Special Permit Approval by the Commission per Section 52.

1. Daycare Center for Children or Adults (See Section 52.7.2 and 52.7.13)
- ~~2.1. Public Utility buildings~~
- ~~3. Post Office (See Section 52.7.19)~~
- ~~4. Package Stores (See Section 67)~~
- ~~5.2. Outdoor Recreation facility (See Section 52.7.19)~~
- ~~6.3. Manufacturing, assembly, processing operations within structures of over 20,000 square feet other than permitted under 31.1.10~~
- ~~7.4. Warehousing and distribution; frontage on, and direct access to, a State road is required~~
- ~~8. Pet Boarding, Day Care and Grooming~~
- ~~9.5. Sand and Gravel operations (See Section 63)~~
- ~~10. Buildings, uses and facilities of the State of Connecticut, Federal Government and other governmental agencies~~
- ~~11.6. Wireless Telecommunication Facilities (See Section 52.7.15)~~
- ~~12. Major home occupation in an existing single family dwelling~~
- ~~13. Clubs (See Section 52.7.7)~~
- ~~14.7. Restaurant and Clubs including outdoor entertainment, patio dining or micro-brewery (See Section 52.7.7) if directly abutting an existing residential use.~~
- ~~15.8. Convalescent home, residential health care facility (See Section 52.7.3) if directly abutting an existing residential use.~~

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~~16. Funeral Home~~

~~17.9. Motel (See Section 52.7.8)~~

~~18.10. Storage of material which is dangerous due to explosion, extreme fire hazard or radioactivity, beyond that required for personal residential use~~

~~19.11. Commercial oil, propane or gasoline tanks~~

~~20.12. Cannabis Establishments (See Section 52.7.22) effective 6/1/22~~

~~21. Multifamily Dwelling (See Sections 52.7.21) effective 6/1/22~~

SECTION 21 – RESIDENTIAL-AGRICULTURAL DISTRICT

Proposed Amendment – Public Hearing Version 12/23

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21.1 Approvals: The following uses are permitted in all Residential-Agricultural Districts including the Columbia Lake Watershed Protection Overlay Districts subject to the approval process described in this section. For additional procedures and standards, see Section 3 – Certificate of Zoning Compliance, Section 51 – Site Plans, and Section 52 – Special Permits. Site Plans and Special Permits approved by the Zoning Commission are nonetheless subject to the provisions of Section 3- Certificate of Zoning Compliance. Some Special Permit uses are subject to special standards per Section 52.7.

21.2 Uses of land in the Residential-Agricultural District are permitted as follows:

NOTE: Properties within the Columbia Lake Watershed Protection Overlay Zone have additional requirements, see Section 21.4

21.2.1 Permitted Uses with Staff Approval per Section 3

1. One single family dwelling per lot
2. Agriculture and farms, see Section 21.5 for uses and type of approval required
3. Trailers subject to the provisions of Section 64
4. Signs as provided in Section 62

5. Minor Home Occupation, subject to Section 8.5.1

5-6. Family Day Care Home, or Group Child Care Home, as defined in and in compliance with Connecticut General Statutes, Chapter 368a (as may be amended), in an existing single-family residence. A copy of the State License to operate the facility must be submitted to the Zoning Enforcement Officer



Our New Life Project

A luxurious wilderness experience offering unique art inspired short term rentals, healing retreats, wellness center, extensive art/music academy and art gallery

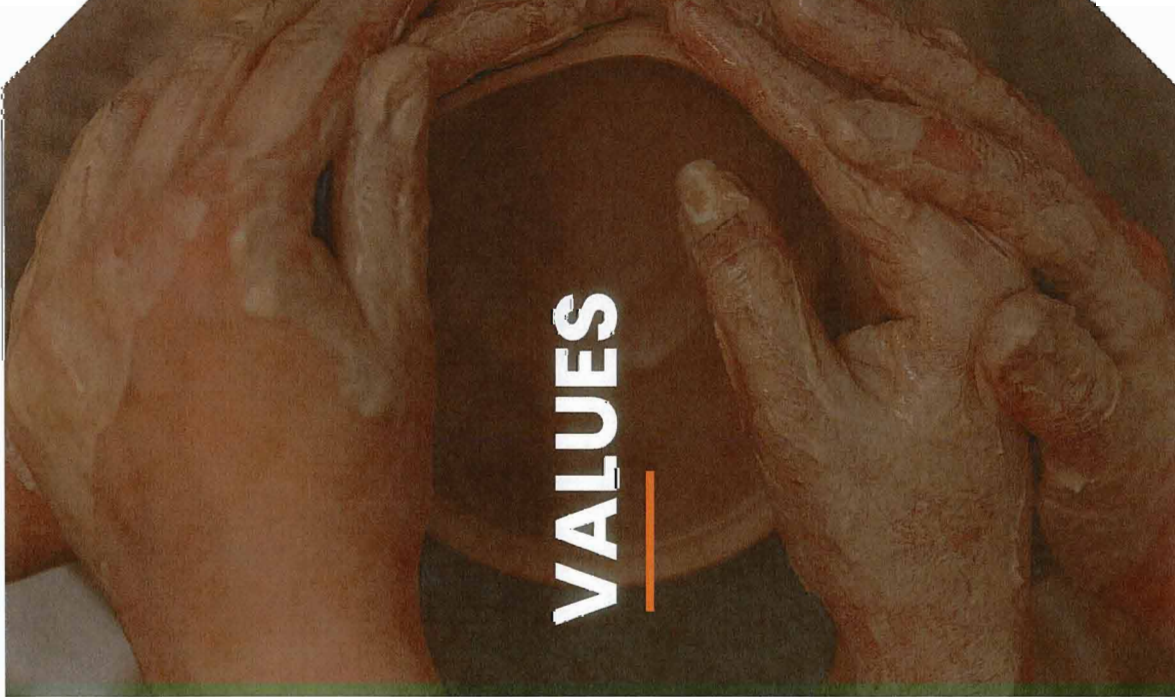


VISION

Our journey began with a passion for art and music with a desire to create a space in nature where creativity and community thrive.

As adults, we often become so immersed in the responsibilities of "adulting" that we lose touch with the carefree nature of childhood. We distance ourselves from nature, becoming increasingly glued to our electronic devices. This shift has consequences for our well-being in numerous ways. Research indicates that engaging in artistic activities can have profound effects, activating reward pathways in the brain, mitigating stress, decreasing anxiety levels, and enhancing overall mood. This is a reminder that creative expression not only brings joy but also enhances mental and emotional well-being.

Our mission is to provide a sanctuary for artists and art enthusiasts to explore their creativity, learn new skills, and connect with like-minded individuals. Whether you're looking for a peaceful retreat, an immersive art experience, or a place to enjoy live music and beautiful surroundings, Our New Life Project has something for everyone. Join us on this exciting journey and be a part of our vibrant artistic community!



VALUES

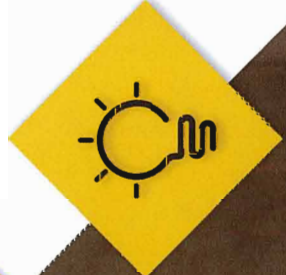
Courageous

We realize the value that creating Our New Life Project will bring to the world. We embrace the hard work with excitement, laughter, and fun, because we know that a trailblazer's path is often an arduous one.



Creative

The physical and experiential memories that we create are of high quality, high value, rare, and exciting. Our goal is to create and share the beauty of all art forms with the world.



Respectful

Our New Life Project is blessed land and home to rich ecosystems, its staff, and stewards. Its guests should practice respect and honour for this sacred space.



Kind

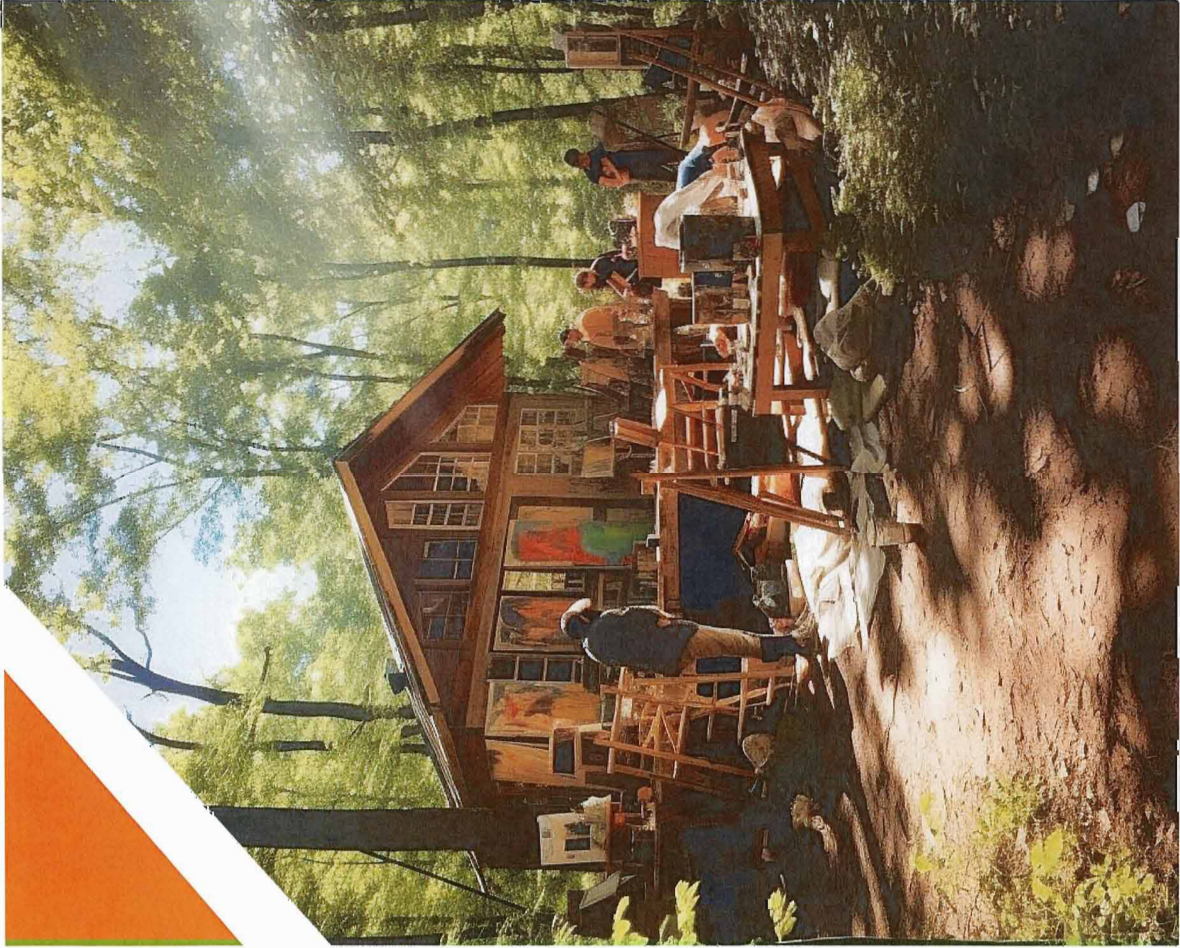
We like kind, down-to-earth people regardless of wealth or following and believe it's the actions one takes that ultimately defines them.



AMENITIES

- 10 Luxury Artist Designed Tiny Houses
- 5 Luxury Tent Rentals
- 1 Public Washrooms and Showers
- 6 Art / Music / Dance buildings
- Meditation / Yoga / Breathwork Studio
- Large Art Gallery / Gift Shop / General Store
- Large Dining Room and Lounge Area with Indoor Stage and a Commercial Kitchen set up for classes
- Outdoor Stage with Intimate Setting as well as a Garden Amphitheatre
- Wellness Center with Massage, Reiki, Acupuncture, Mud Bath, Light Therapy and Salt Therapy
- Private Retreat Center
- Organic Gardens / Greenhouse / Bee Hives
- 1 Staff Dining Area and Lounge





ON-SITE PROGRAMS

Events

- Live music, album release parties, plays, comedy nights etc.
- Family days
- Farm-to-Table Dining experiences
- Holiday Art Events
- Couples Weekends
- Art and Music Showcases

Educational Workshops

- Art Classes including but not limited to dance, yoga, painting, glass blowing, pottery etc
- Full range of music classes
- Live sound engineering and recording

Retreats

- Yoga, meditation, breathwork, hydrotherapy, guided healing journeys

Tours

- Property
- Off-grid technologies

ACTIVITIES

- Yoga / Meditation / Dance
- Breathwork / Acting
- Most Forms of Art, including Glass
- Blowing and Pottery
- Musical Instruction
- Live Music Recording and Instruction
- Scheduled Live Entertainment
- Holiday Events
- Cooking and Farm-to-Table Meals
- Hiking / Snowshoeing



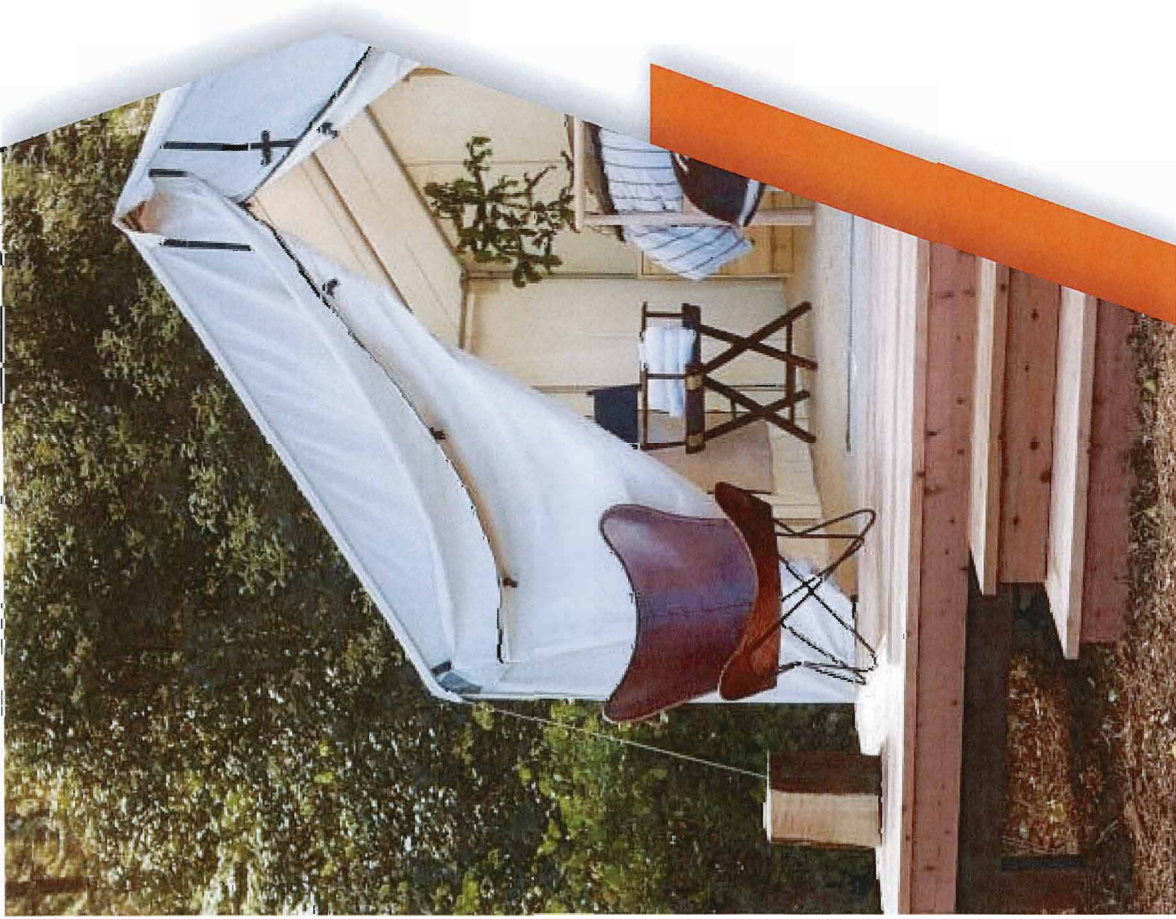
LEARNING

We believe in the power of creativity and self-expression. Our New Life Project is dedicated to bringing people together to celebrate their unique gifts and share them with the world. We all know how important play, art, and music are to children's development. However, as we grow older, society often undervalues these creative pursuits. We aim to change that by creating a space where individuals can thrive and express themselves through various forms of art. Our mission is to inspire others to reconnect with their creative side and find fulfillment in the process. Join us on this journey of self-discovery and let's create a new life filled with passion and purpose.

- Local artist will be given a sacred place to teach their craft.
 - They will be able to choose their price, date and time for their class (schedule permitting).
 - We will add a service fee on top and all transactions will be done electronically to streamline the payment process.
 - We will ask that people donate their art to the project as we would like the property to be filled with the work of the community as this is "Our New Life" a place where we can all thrive and learn from each other.
 - Teachers will be required to leave a few spots in each class open for our guests as this will be a package option. Artist will be compensated for these supplies.

Heidi Washburn Photography



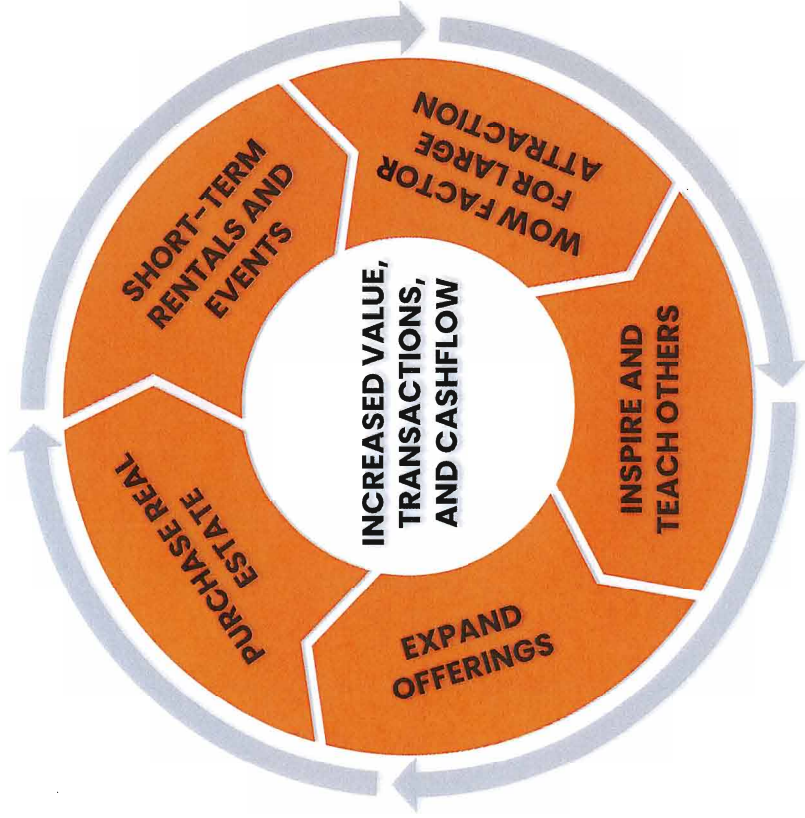


WHAT DIFFERENTIATES OUR NEW LIFE PROJECT

1. Our New Life Project combines a luxurious wilderness getaway with the simple childhood joys of art, music, play and healing.
2. Our New Life Project's tiny houses are completely self-sufficient with full kitchens, allowing extended stays for couples and group retreats.
3. Our New Life project is designed to transport you to a time when you were free to just be you, disconnect from the stress of daily life and reconnect you with nature.
4. Our New Life Project is designed to encourage like minded people to gather together, create, learn, heal and soak in the power of nature. Together we can heal and grow!

BUSINESS MODEL

A self-reinforcing model that creates a continuously expanding network of connectedness



MARKETING STRATEGIES

- Below are step we will take, but at the heart of it is community. We truly believe that if you bring people together with a purpose, give them something to be passionate about and their words will spread faster than any advertising.
- Capitalize on the current groundswell of social media interest in off-grid living, smaller alternative dwellings, working remotely, and the increasing challenges in finding genuine quality of life in urban environments.
- Working with Tiny House Artist to support each other through marketing.
- Engage in Direct Marketing and Lead Generation paid ad campaigns across Social Media to create a genuine buzz around the project and how it relates to community.
- Own our audience and algorithm by directing all marketing efforts to growing a large healthy email list.
- Use engaging and exciting videos in combination with giveaways and brand collabs on IG and organic social media to gain followers and social credibility.



SECTION 3 - ZONING PERMITS & CERTIFICATES OF ZONING COMPLIANCE

(Entire Section revised 7/1/14) Proposed revisions June 2023

- 3.1 Zoning Permit.** No building or regulated structure shall be erected, added to, or structurally altered and no use shall be established until a Zoning Permit has been issued by the Zoning Enforcement Officer. All applications for such permits shall be in accordance with the requirements of these Regulations. Unregulated structures that require building permits may be reviewed by the Zoning Enforcement Officer for compliance without requiring a separate zoning permit.
- 3.1.1 Application.** Every application for Zoning Permit shall be accompanied by such information and exhibits as are required by these Regulations or may be reasonably required by the Zoning Enforcement Officer in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with the provisions set forth in these Regulations. The application shall include a certification that the lot is on record by deed, including the date of recording, or is in a subdivision which has been approved by the Planning & Zoning Commission.
- 3.1.2 Plot Plan.** The application shall be accompanied by two copies of a plot plan based on an A2 survey prepared by a land surveyor registered in the State of Connecticut, drawn to scale showing the actual dimensions of the lot to be built upon, the size of the structure(s) to be erected, the location of the structure(s) upon the lot, the floor area ratio, the dimensions of all open spaces and easements, the setback lines observed by the structure(s), the location of driveways and curb cuts, the area and percentage of impervious cover, both existing and proposed, any approval provisions under Section 51 or 52 of these Regulations and such other information as may be necessary. The Zoning Enforcement Officer may waive any of the plot plan requirements in cases where it is not needed to determine conformity with these Regulations.
- 3.2 Certificate of Zoning Compliance:** No land shall be occupied or used and no regulated structure built or altered shall be occupied or used in whole or in part for any purpose, until a Certificate of Zoning Compliance shall have been issued by the Zoning Enforcement Officer, stating that the premises or regulated structure complies with all the provisions of these Regulations. Such a Certificate is also required for any change, extension, or alteration in a use. Prior to issuance of a Certificate of Zoning Compliance, the applicant shall submit an as-built survey at the A2 level, prepared by a licensed surveyor, showing the exact placement of the regulated structures on the lot. No such Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer until all zoning requirements and conditions have been met. The Zoning Enforcement Officer may waive the as-built survey requirements in cases where it is not needed to determine conformity with these Regulations.

Regulated Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. As used in these Regulations, structures shall include, but are not limited to buildings, swimming pools, fences or walls greater than six (6) feet in height, permanently placed outdoor storage containers, Above ground storage tanks in excess of 250 gallons, and other significant buildings or building additions in excess of 200 square feet.

Retaining walls and public utility equipment (as defined herein) are not considered structures under these regulations.

In the Columbia Lake Protection Area Overlay Zones, new unroofed terraces, patios, and similar hardscape, semi-impervious and impervious surfaces greater than 100 s.f., or, modifications or additions to unroofed terraces, patios, and similar hardscape, semi-impervious and impervious surfaces after the effective date of these regulations that are equal to or greater than 100 s.f., shall be considered structures and shall require a Zoning Compliance Certificate but shall be exempt from the setback and lot coverage requirements.

Unregulated Structure: Small accessory or appurtenant structures or structural elements that are not for human or animal occupancy with a footprint of less than 200 square feet, and do not require a building permit.

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Unregulated Structures shall be exempt from all zoning permitting requirements.

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Water-related structural improvements such as piers, docks, boat ramps, and lifts are permitted structures exempt from the minimum yard requirements and are subject to the securing of the necessary permits from the Columbia Board of Selectmen and the Columbia Inland Wetlands Commission.

Structural Alteration: The term "structural alteration" shall mean any change or addition to the structure or supporting members of a building, such as walls, columns, beams or girders.

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DRAFT ZONING REGULATION AMENDMENT – FOR DISCUSSION PURPOSES

The following proposed regulation is based on the current Section 52.7.19, “Neighborhood Retirement Housing” but is revised to remove the current age restrictions and to encourage a broader range of housing options in Columbia, including affordable housing, while retaining some design and neighborhood-context control for the Commission. *Draft 11/14/23*

52.7.19 Planned Neighborhood Housing (Entire Section revised 6/01/15) (Draft 11/14/23)

52.7.19.1 Intent: To provide for a broader variety of housing in a development pattern that preserves the neighborhood residential character of the Town of Columbia by permitting an increase in density within the development and allowing alternative housing types with a site design that is in harmony with and preserves natural, scenic and historic site design features; and to provide incentives and opportunities for the creation of affordable housing while also preserving open space lands.

52.7.19.2 Required Approvals: A Special Permit shall be required for any proposed Planned Neighborhood Housing. The Special Permit may be issued only by the Columbia Planning and Zoning Commission after a public hearing and shall be issued only in conformity to the provisions of Section 52.7.19 of these Regulations. A pre-application review with the Commission is strongly encouraged.

52.7.19.3 Definitions: For purposes of this Section, the following definitions shall apply:

Planned Neighborhood Housing: A building, or group of buildings located on a single parcel of land or multiple contiguous parcels, sharing common management and ownership, and consisting of detached, semi-detached, or multiple-dwelling units.

Dwelling Unit: A single unit providing complete, independent living facilities for qualified occupants including permanent provisions for living, sleeping, eating, cooking and sanitation.

Planned Neighborhood Housing Complex: All buildings, structures and land associated with the development site. Ownership of the Complex shall be by one entity, either a Common Interest Ownership as defined by CT General Statutes or Private Ownership.

Unbuildable area: The area, expressed in square feet, within the site that is comprised of wetlands soils, watercourses, lakes, ponds, swamps, marshes, flood zone A per FEMA maps, slopes greater than 20%, and easements prohibiting building development.

Dedicated open space: Land whose future use is legally restricted to conservation, recreation, or agriculture in perpetuity.

52.7.19.4 Application for Planned Neighborhood Housing:

A. Approvals: A Special Permit is required under the provisions of Section 52.3.

B. Information Required to be submitted:

1. Application signed by the owner and agent, if any, stating the ownership of the property to be developed and summarizing the development proposal.
2. An approval of the septic system design by the appropriate authorizing agency.
3. An approval of the water supply system from the appropriate authorizing agency.

4. Key map of the neighborhood on a scale of 1" = 400' showing the relation of the proposed development to abutting properties and to existing and proposed streets.
5. Certified A-2 base map, on a scale of 1" = 40', showing the following:
 - a. Location of benchmarks.
 - b. Size of the Complex in total acreage.
 - c. Location of any ponds, brooks, or inland wetland areas, as certified by a soil scientist.
 - d. Two foot contours extending fifty (50) feet beyond site boundaries. Contour information shall be collected by an actual field survey or by means of photogrammetry (aerial topography).
 - e. Location of unbuildable area. Notes should reflect total area (in square feet) of buildable and unbuildable areas on the site.
 - f. Location of subsurface sewage disposal area and site testing locations for the same.
 - g. Location of water supply.
 - h. Location, dimension and basement floor elevation of all buildings; as well as foundation and footing drains.
 - i. Location of internal private roads, individual driveways, parking areas, and parking spaces.
 - j. Location of accessory buildings, structures and facilities.
 - k. Location of proposed dedicated open space.
6. Architectural plans showing accurate elevations, height, bulk, construction materials and other massing, architectural, and design features of the proposed development.
7. Stormwater Plan per Section 6.3 of Columbia Subdivision Regulations.
8. An erosion and sedimentation control plan prepared in accordance with Article VIII of the Zoning Regulations of the Town of Columbia.
9. Landscaping plan (may be incorporated as a part of the Site Plan referenced in Section 51) showing:
 - a. Planting schedules - type, number, minimum size of trees and/or shrubs and other plants.
 - b. Treatment of seeding and sodding.
 - c. Pavement types for vehicular and pedestrian movement.
 - d. Type, height and density of any proposed screening or fencing.
10. Open Space Plan.
 - a. Description of the proposed use of the areas of open space
 - b. Proposed ownership and maintenance responsibility. All conveyances of rights, title, interest and easements shall be in a form approved by the Town Attorney, shall be accompanied by a Certificate of Title and releases or subordinations of liens and encumbrances where appropriate, and shall be executed and recorded on the Columbia Land Records prior to or concurrent with the filing of the final Subdivision Plan, unless an alternative schedule is approved by the Commission.

52.7.19.5 Standards: Any application for a Special Permit under the provisions of Section 52.7.19 shall meet the following requirements:

- A. Complex Size and Location: The minimum size of Planned Neighborhood Housing Complex is four (4) acres, shall be located in a Residential District (RA) and shall have a minimum frontage of fifty (50) feet at the street line of a public street.
- B. Dwelling units per acre: The maximum number of dwelling units in the Planned Neighborhood Housing Complex shall be determined by soil capacity and State Public Health Code but shall not exceed 8 units per acre of market-rate housing units, or 12 units per acre if a minimum of 20% of units are set aside as "affordable" as defined in this subsection, excluding "Unbuildable Area" as defined in Section 52.7.19.3
 1. Affordability Percentage. At least twenty percent (20%) of the dwelling units will be rented or conveyed subject to an incentive housing restriction. Such restriction shall require that, for a least thirty (30) years after initial occupancy of the development, the dwelling units will be sold or rented at, or below, prices that will preserve the units as housing for which persons pay thirty percent (30%) or less of their annual income, where the income is less than or equal to eighty percent (80%) or less of the area median income. In determining compliance with this Section, the Commission will use regulations or guidelines published by the Connecticut Office of Policy and Management, the Connecticut Department of Housing, or any other successor agency designated in accordance with Conn. Gen. Stats. §8-13m. to 8-13x.
 2. Affordability Plan. Each applicant for multiple housing units within the Planned Neighborhood Housing development will provide an affordability plan that will detail the administration, monitoring, and enforcement of the dwelling units to be sold or rented at below market rates as described above. The plan will include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require, to establish compliance with this Section and Conn. Gen. Stats. §8-13m. to 8-13x.
 3. Designation of Administering Agency. The applicant will indicate the name, address, and other contact information for the agency that will administer the sale or rental of the dwelling units that are subject to the below-market sale or rental in accordance with this Section.
 4. Affordable dwelling units may be offered for sale or rental in individual, public, cooperative, or condominium ownership. Documentation as to management, organization, and incorporation of applicable ownership associations will be submitted to the Commission at the time of filing the application for a Planned Neighborhood Housing development.
 5. Affordable units shall be of a construction quality and design that is comparable to market-rate units within the development and shall be dispersed throughout the development.
- B. No dwelling unit shall contain more than three (3) bedrooms and no more than one-third of the total number of dwelling units in the Complex shall contain three (3) bedrooms.
- C. No building shall contain more than six (6) dwelling units
- D. Community buildings, recreational facilities and open spaces designed for, and used principally by, the residents are permitted as accessory uses.

- E. Building Height: Maximum height of 28 feet if one-story and 35 feet if two-story.
- F. Separating distance for buildings with dwelling units within the Complex: Minimum separating distances shall be not less than twenty (20) feet for one-story buildings, and thirty-five (35) feet for two-story buildings.
- G. Setbacks: All buildings shall be setback 50 feet from property lines of residential properties that abut the perimeter of the Complex parcel(s) and 35 feet from existing town or state right of ways.
- H. Sewage Disposal: Each dwelling unit shall be connected to an approved sewage disposal system.
- I. Water Supply: Water Supply facilities must meet the requirements of the State Health Code.
- J. Parking, driveways, and roads: The following standards shall apply to parking, driveway and roads:
 - 1. All public streets within the Planned Neighborhood Housing Development shall be constructed in accordance with these Regulations, town ordinance and the Town of Columbia Construction and Development Standards.
 - 2. All internal roadways and driveways shall be private roads and shall be maintained by the owner or Homeowners Association.
 - 3. Emergency Vehicle Access
 - a. All streets must provide adequate fire truck and emergency vehicle access.
 - b. Developers are encouraged to design roads and accesses that minimize the expense of pavement through the employment of "natural" roadside surfaces that accommodate the turning radii and clearances necessary for the maneuvering of emergency vehicles.
 - 4. Driveways shall be constructed in conformance with Section 8.12 of the Zoning Regulations of the Town of Columbia and shall be bituminous concrete.
 - 5. There shall be at least two parking spaces provided for each single-family dwelling unit. One of these parking spaces may be provided within an attached garage.
 - 6. Guest parking shall be provided throughout the complex in small lots or pull-off areas in close proximity to dwelling units and other areas such as near a community building or passive/active recreation areas.
- K. The entire Planned Neighborhood Housing Complex shall be owned by one entity. Driveways, parking areas, utilities, water, sewage, streets, landscaped areas, accessory buildings, structures and facilities, and open spaces designated on the site plan shall be owned and maintained by the owner of the Complex. If the owner is a common interest ownership association pursuant to the Connecticut Common Interest Ownership Act of the Connecticut General Statutes, the Association By-Laws and Association Rules shall be reviewed and approved by the Town Attorney.
- L. All utility transmission and service lines shall be underground, except when waived by the Commission due to site limitations.

- M. Architectural considerations: All buildings shall share a common exterior architectural theme and be compatible with other dwellings in Columbia. Each dwelling unit shall contain a basement or attic for storage.
- N. Home office uses shall be allowed in conformance with Section 8.5.1 of the Zoning Regulations of the Town of Columbia with the exception that no additional commercial vehicle is permitted.
- O. Adequate street lighting for internal roads shall be provided.
- P. Appropriate signage shall identify the entrance to the complex, intersections, directions, and patterns of vehicular movement. The placement, size and height of the signs shall conform to the requirements of Section 62.
- Q. A minimum of 15% of the lot shall be preserved in perpetuity as dedicated open space for conservation, recreational or agricultural use where appropriate. Such open space shall be located so that it is an integral part of the residential area, readily accessible to residents of the parcel and to necessary maintenance equipment except where such accessibility would interfere with a stated conservation purpose or agricultural use.
- R. The Planned Neighborhood Housing Complex may be developed in stages. The initial site plan shall show the full development with the first stage depicted in detail; future stages may be shown in concept. Future stages shall require Special Permit approval by the Commission.

52.7.19.6 Evaluation Criteria: In considering the proposed application, the Planning and Zoning Commission shall be guided by the following:

- A. The existing and future character of the neighborhood in which the use is to be located.
- B. The location of principal and accessory buildings in relation to one another.
- C. The height, bulk, and density of buildings in relation to one another.
- D. Traffic circulation within the site; amount, location, and access to parking; traffic load or possible circulation problems on existing streets; pedestrian safety throughout the site and in the immediate neighborhood.
- E. Availability of water to the site and adequate disposal of sewage and storm water.
- F. Safeguards to prevent detrimental impact to adjacent property and the neighborhood in general.
- G. Provisions for open space, common areas and amenities, including size, configuration, purpose, connectivity to other open space, public and environmental benefit, ownership, maintenance, and control. The proposed purpose, use and management of dedicated open space shall be reviewed based on the criteria listed in the open space section of the Columbia Plan of Conservation and Development.

52.7.19.7 The Commission may provide for bonding of all required common improvements and for soil and erosion control.

52.7.19.8 The owner of the Complex is responsible for the maintenance of all common improvements and for maintaining the provisions of the approved Special Permit and Site Plan and the verification of occupancy qualifications.

11/27/23 - Preliminary input from Coalition on Diversity and Equity re: Draft Zoning Regulation Amendment based on current Section 52.7.19

I'm speaking as a member of Coalition on Diversity and Equity. Our Columbia Affordable Housing Subcommittee has met to review the Draft Zoning Regulation Amendment (based on current Section 52.7.19) and would like to submit some brief preliminary comments and questions tonight.

We want to thank the Planning and Zoning Commission for your efforts to encourage a broader range of housing options in Columbia, including affordable housing. Our larger group next meets on December 12th and may provide the Commission with additional input.

1) Was there any developer input as this draft amendment was written? If not, we'd respectfully recommend that the Planning and Zoning Commission look for developer input to help ensure the draft is as development-friendly as possible.

2) With clear criteria for Planned Neighborhood Housing, is a Special Permit necessary? A developer might be more encouraged to build in town if he/she didn't have to go through that process.

3) Is it intended that this amendment would replace Section 52.7.21 Multi-Family Housing? If not, there appear to be some inconsistencies between the two.

4) It would be helpful to understand the reasoning for a number of the proposed criteria, e.g., maximum unit density, minimum number of acres, minimum frontage, etc. We believe the more flexible the regulations, the more likely a developer can build something that is affordable and sustainable. For example, if we read this correctly, the draft amendment has a limit of six units per building, but the existing Multi-Family Housing regulations allow 12 units (if it is a two-story building).

5) Evaluation criteria includes consideration of "the existing and future character of the neighborhood" and "safeguards to prevent detrimental impact to adjacent property and the neighborhood in general." Without clear definitions, these criteria appear subjective. Are the criteria actually needed if a developer meets all the regulations listed in the amendment?

6) We'd also suggest the evaluation criteria include consideration of how a proposed project contributes to achieving the Town's Affordable Housing Plan goal of 30 additional affordable housing units.

Thank you for your time and work on this amendment, and for the opportunity for input. We will continue to review the draft and submit any additional questions or comments.

Submitted by Rhonda Kincaid

NEWS

What does 'affordable' mean? Amid CT housing debates, a fight over definitions

Alex Putterman
Jan. 3, 2024

Affordable housing is one of the buzziest subjects in Connecticut politics, at the center of election campaigns, policy debates and legislative hearings. It generates fierce opinions across the political spectrum, even as nearly everyone acknowledges it as one of the state's biggest needs.

Why, then, can no one agree exactly what it means?

In some contexts — and to some people — affordable housing might refer to housing that typical residents can comfortably afford to live in. In other contexts, it might mean housing that's affordable to whoever happens to live there. And under one oft-debated law, it describes something more specific: housing required to be affordable under certain legal mechanisms.

"It is very contextual," said Michael Santoro, director of policy, research and housing support at Connecticut's housing department. "Depending on the audience or the topic, the phrase will mean different things."

Based on the latter definition, one recent report found, only 29 Connecticut towns and cities have at least 10 percent affordable housing, while 93 towns have less than 5 percent. These figures, and others like them, have driven housing advocates, as well as many state and local officials, to appeal for construction of new affordable housing, as well as measures to maintain existing units as affordable.

Some argue the affordable housing crisis is even worse than the data suggests, as some units classified as "affordable" remain inaccessible to the state's poorest residents. Others say this definition of "affordable housing" is overly narrow, omitting certain types of units.

Might reaching consensus on what affordable housing means be key to addressing it?
Easier said than done.

A general definition

Affordable housing is frequently defined, including by the federal government and some Connecticut statutes, as housing for which a household does not pay more than 30 percent of its income. Under this definition, affordable housing for a family earning \$50,000 annually would cost \$1,250 or less per month.

"It's a very generic concept," Santoro said. "If you're contributing 30 percent or less, then that housing that you are living in is considered affordable to you."

In a healthy housing market, affordable housing by this definition would be plentiful. People at all income levels would be able to find quality housing that fit both their needs and their budget.

The problem, Santoro says, is that affordable housing in this general sense is difficult to count precisely — though one recent survey from the non-profit DataHaven found that more than half of residents in some Connecticut cities report paying at least 30 percent of their income to housing.

"It's statistical in nature," Santoro said. "It cannot be tested."

This general definition can also lead to confusing, almost paradoxical places. Looked at this way, a \$2 million mansion would qualify as "affordable housing" if owned by a multi-millionaire who could easily afford the mortgage, while a small apartment with a \$1,000 monthly rent would be "unaffordable" if occupied by someone making minimum wage.

Sometimes, policymakers solve for this problem by narrowing the definition slightly, to include only housing that costs less than 30 percent of a family's income provided the family earns below a certain income threshold.

In other cases, though, they have taken a different, more complex (but also more easily measurable) approach. That is where things get tricky.

The fight over 8-30g

One of Connecticut's most consequential (and controversial) housing statutes is known as 8-30g. Under this law, passed in 1989, developers may challenge communities that reject proposals for affordable housing, as defined by the law, forcing towns to defend their decisions in court.

Crucially, towns and city are exempt from this appeals process if they have at least 10 percent affordable housing, which is defined in this context as:

- Housing subsidized by the government, whether through development subsidies or rental assistance programs
- Units specifically set aside to be rented at less than 30 percent of a family's annual income (for families earning less than 80 percent of the state or area median income)
- Housing financed by the Connecticut Housing Finance Authority, which offers below-market interest rates to first-time home-buyers and those purchasing homes in target areas
- Certain mobile homes and accessory apartments for which households pay less than 30 percent of their income

The definition of "affordable housing" in 8-30g refers specifically to what Anika Singh Lemar, an attorney and Yale law professor, calls "capital-a affordable housing," or units that are required by law to be affordable.

"Capital-a affordable housing is required by some legal rubric to be affordable to the people who live there," Singh Lemar said. "And typically, it's a combination of: People can only live here if they make less than a certain amount of money, and they can only be charged a rent that is equal to 30 percent of their income."

Like many other state statutes, 8-30g does not account for what Singh Lemar calls "lowercase-a affordable housing," referring to market-rate units that are affordable for most families. This might include, say, a subdivided home whose market-rate rent comes to less than 30 percent of a typical family's income.

As some 8-30g critics see it, the omission of "naturally occurring" affordable housing from the law's definition leads to under-counting of affordable units. Earlier this year, Republican lawmakers proposed a tweak that would have included some market-rate affordable housing within the 8-30g definition, but the measure did not gain momentum in the Democratic-controlled legislature.

Kathryn Braun, a Republican on Fairfield's planning and zoning commission, wants to see naturally occurring affordable housing counted for 8-30g purposes, which she says the state could accomplish by tracking rents in communities statewide.

"The only reason it wasn't [counted] was to make it easier to implement the law," Braun said. "Well, if that's the only reason, let's make it happen now. Thirty years hence, we should have computer programs that can track naturally occurring affordable housing and give towns credit for it."

Defenders of 8-30g argue that including naturally occurring affordable housing in its definition would drastically weaken the law and eliminate a key incentive for towns to promote affordable housing — unless the change also came with a drastically higher threshold for exemptions.

Santoro, who was working in state government when 8-30g passed nearly 35 years ago, says critiques of 8-30g often miss the point of the law, which seeks to measure affordable housing created by active government intervention. While the 8-30g definition may not be perfect, he said, it's a tangible metric of a town's progress in generating affordable units.

"It was a number we could calculate. It was a finite set of units we could identify," he said. "They drew a line at 10 percent because enough of the communities that were taking action were above the 10 percent [line]. It is that simple."

Unaffordably 'affordable'

While some say legal definitions such as the one in 8-30g undercount affordable housing, others argue it might actually *overcount* the true totals.

For one thing, towns are responsible for counting affordable housing units and reporting totals to the state, and advocates have sometimes found mistakes in their accounting. For another, they say, there's no guarantee that subsidized or deed-restricted units counted as "affordable" under the 8-30g definition are actually affordable to the state's poorest residents, who may struggle to pay even reduced rents.

This is a frustration for Janice Flemming Butler, an activist in Hartford who recently helped lead efforts to bring a [new housing development to Hartford's North End](#). She sees people living in "affordable" units who nonetheless can't afford rent in addition to food and other necessities — or whose affordable units lack basic amenities or aren't regularly maintained.

Sometimes, she finds herself questioning what the word "affordable" even means.

"People use that word so loosely," Flemming Butler said. "When people are yelling 'affordable,' the next question is, affordable for who?"