

**TOWN OF COLUMBIA  
PLANNING AND ZONING COMMISSION**

Adella G. Urban Administrative Offices Conference Room  
323 Route 87, Columbia, CT  
**Monday, February 12, 2024 7:00 pm**

**Regular Meeting – HYBRID**

Join Zoom Meeting  
<https://us02web.zoom.us/j/86447441957>  
Meeting ID: **864 4744 1957**

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or join by phone 1-646-558-8656 same ID.

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 January 08, 2024**
- 5. AUDIENCE OF CITIZENS**
- 6. UNFINISHED BUSINESS (Discussion/Possible Action)**
- 7. NEW BUSINESS (Discussion/Possible Action)**
  - 7.1 PZC 2324-02:** Dava Siedman of Fairview Farm, LLC., for a Major Impact Home Occupation at 301 Rte. 66, Map 028, Lot 021, Zone RA, Lot Area 6.4, Section 8.5.4.
- 8. REGULATION REVISIONS (Discussion)**
  - 8.1** Section 3 revisions
  - 8.2** Section 52.7.19 Planned Neighborhood Housing
- 9. COMMUNICATIONS AND REPORTS**
  - 9.1** ZEO Report
- 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, 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/lua/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.



# TOWN OF COLUMBIA

323 Jonathan Trumbull Highway, Columbia, CT 06237  
(860) 228-0440 FAX: (860) 228-2847

Date Submitted: 1/24/24  
Fee Paid: 610.00

## SPECIAL PERMIT APPLICATION

See Sections 51 and 52 of the Columbia Zoning Regulations for Special Permit requirements.

- New Special Permit Application  
Fee: \$610 (\$100 PZC fee + \$450 LN cost + \$60 state fee)
- Modification to Approved Special Permit  
Fee (if no PH): \$310 (\$100 PZC fee + \$150 LN cost + \$60 state fee)

**Location of Property**

Address: 301 Rt 66 Columbia, CT

Assessor's Map \_\_\_\_\_ Lot \_\_\_\_\_ Zone RA Lot Area 6.4 ac.

**Proposed Activity**

Proposed Use: Major Impact Home Occupation

Applicable Zoning Regulation Section(s): 8.5.4.

Proposed construction:  New Bldg  Addition  Interior  Signs  Site Work  None  
(check all that apply)

**Applicant/Agent Information**  Primary Contact

Name: Dava Siedman

Business Name: Fairview Farm LLC

Business Mailing Address: 82 Kennerson Rd Eastford CT 06242

Phone: \_\_\_\_\_ Cell: 860-978-2148 Email: dava@dava.com

Interest in property:  Owner  Option  Lessee  Legal  Engr  Survey  Other

**Property Owner Information** (if different from above)  Primary Contact

Name: Fairview Farm, LLC. Member Gail Petrowsky

Address: 82 Kennerson Rd Eastford, CT 06242

Phone: \_\_\_\_\_ Cell: 860-978-2148 Email: gail@gailpetrowsky.com



## SPECIAL PERMIT APPLICATION CHECKLIST

Applications are considered complete only when all of the information as required by the Columbia Zoning Regulations per Sections 51 and 52 is received. Failure to submit, or formally request a waiver, all the required items is grounds for denial by the Commission. In addition to the items below, the Commission may require additional information in order to determine if the proposal conforms to the Regulations.

Office	Applicant*	
	✓	Completed Application with original signatures ( plus 10 copies )
	✓	Detailed Statement of Use that includes the nature and intensity of the proposed operation, number of employees and hours of operation ( 10 copies )
	✓	Names and addresses of property owners within 200' of subject property
	✓	Four (4) copies of a full scale site plan on an A2 survey, plus ten (10) reduced copies at 11" x 17", that include the following information:
		<ul style="list-style-type: none"> <li>• Date, written and graphic scales, north arrow, seals &amp; signatures of engineer, surveyor and other professionals</li> </ul>
		<ul style="list-style-type: none"> <li>• Lot dimensions with accurate linear and angular dimensions with any easements and deed restrictions noted; adjacent roads and abutter information</li> </ul>
		<ul style="list-style-type: none"> <li>• Existing and proposed topography, locations of wetlands and waterbodies, drainage swales and other site features (stone walls, trees, ledges)</li> </ul>
		<ul style="list-style-type: none"> <li>• Existing and proposed structures including dimensions and elevations</li> </ul>
		<ul style="list-style-type: none"> <li>• Table of proposed frontage, setbacks, and coverage with Zoning requirements</li> </ul>
		<ul style="list-style-type: none"> <li>• Location and results of test pits; location of proposed well and septic system</li> </ul>
		<ul style="list-style-type: none"> <li>• Location and description of proposed stormwater system including pre and post development calculations; location and description of utilities and tanks</li> </ul>
		<ul style="list-style-type: none"> <li>• Location of parking, driveways, sidewalks and access and egress points</li> </ul>
		<ul style="list-style-type: none"> <li>• Parking plan with calculations per category of use in zoning regulations</li> </ul>
		<ul style="list-style-type: none"> <li>• Erosion and Sedimentation plan and narrative</li> </ul>
		<ul style="list-style-type: none"> <li>• Outdoor lighting plan including details and specifications</li> </ul>
		<ul style="list-style-type: none"> <li>• Landscaping and screening plan including material specifications and details</li> </ul>
		Four (4) copies of architectural plans, plus ten (10) reduced copies at 11" x 17"
		Completed Sign Application if requesting approval under Section 62.9
		Copy of approval letters from other Commissions or agencies
		Copies of all drainage reports, traffic or environmental studies

\* For each item listed, indicate the following:

✓ = provided    NA = not applicable    W = written waiver request attached



**Other Information**

Is the property located within 500' of Columbia's town boundary?  Yes  No

Is the property within a FIRM Flood Zone A, A1-30?  Yes  No

Does the proposal require Inland Wetland's Approval?  Yes  No

If yes, date of approval \_\_\_\_\_ (submit copy of approval letter)

Does the proposal require ZBA approval?  Yes  No

If yes, date of approval \_\_\_\_\_ (submit copy of approval letter)

Does the proposal require CONN-DOT approval?  Yes  No

If yes, date of approval \_\_\_\_\_ (submit copy of approval letter)

**Required Information**

1. Copy of assessor's card
2. Completed and signed Special Permit Application including a completed checklist and written waivers (if any)
3. Application fee – Check payable to the Town of Columbia

**Prior to submitting an application,**

applicants are strongly encouraged to discuss the potential land use or pending application with the Town Planner 860-228-0440 or TPlanner@ColumbiaCT.org

**By signing** this application, I am certifying that all information submitted is true and accurate and that I have submitted all required documentation. I hereby permit Columbia staff and Commission members to enter onto and inspect this site during reasonable hours for the purpose of reviewing the site before and after a permit is granted.

Signature of Owner *Gail Retrowsky* Date 1/24/24

Signature of Applicant \_\_\_\_\_ Date 1/24/24

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_



**LEGEND**

- PROPERTY LINE
- BOUNDING LINE
- STATION MARK
- EDGE WOODS OR CLEARING
- TRAIL WITH MARK AS MARKED
- FENCE POST WITH WIRE
- ANGLE POINT
- IRON PIN OR PIPE FOUND
- MONUMENT FOUND
- 6/8" REBAR SET
- MONUMENT TO BE SET
- DRILL HOLE TO BE SET
- SURVEYOR CONTROL POINT

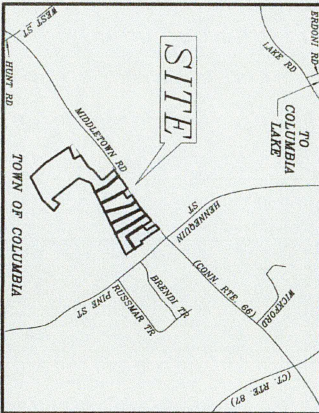
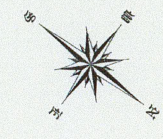
**APPROVED**  
 COLUMBIA COUNTY REGISTERED PROFESSIONAL SURVEYOR  
 R. E. F. L. S. I. D. O. K. S.  
 R. E. F. L. S. I. D. O. K. S.  
 THE PLAN AND INSTRUMENTS THEREON ARE APPROVED FOR RECORDATION AND THE SURVEYOR'S NAME IS HEREBY AFFIXED TO THE PLAN AND INSTRUMENTS THEREON.

**PROPOSED LOT 7**  
 1,145,684.32 SQ FT  
 264 ACROSS

**PORTAL AREA**  
 2,982,797.57 SQ FT  
 69.2 ACROSS

**SOIL TYPE CHART & LEGEND**

**47C**  
 REGIONAL, RESERVE, AND MOUNTAIN SOILS, CONFORMING TO THE  
 1. REGIONAL, RESERVE, AND MOUNTAIN SOILS, CONFORMING TO THE  
 4. REGIONAL, RESERVE, AND MOUNTAIN SOILS, CONFORMING TO THE  
 5. REGIONAL, RESERVE, AND MOUNTAIN SOILS, CONFORMING TO THE  
 WOODBRIDGE AND SHAW (LAW) 2 TO 5 FRENCH SLOPE, VAPOR STONY  
 6. WOODBRIDGE AND SHAW (LAW) 2 TO 5 FRENCH SLOPE, VAPOR STONY



**MAP REFERENCES:**  
 1. THIS SURVEY JOB WAS DONE IN ACCORDANCE WITH THE REQUIREMENTS OF CONNECTICUT STATE STATUTES AND REGULATIONS.  
 2. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COLUMBIA COUNTY REGISTERED PROFESSIONAL SURVEYORS AND HAS FOUND NO RECORDS OF ANY SURVEYS THAT AFFECT THE BOUNDARIES OF THE SUBJECT PROPERTY.  
 3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COLUMBIA COUNTY REGISTERED PROFESSIONAL SURVEYORS AND HAS FOUND NO RECORDS OF ANY SURVEYS THAT AFFECT THE BOUNDARIES OF THE SUBJECT PROPERTY.  
 4. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COLUMBIA COUNTY REGISTERED PROFESSIONAL SURVEYORS AND HAS FOUND NO RECORDS OF ANY SURVEYS THAT AFFECT THE BOUNDARIES OF THE SUBJECT PROPERTY.  
 5. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COLUMBIA COUNTY REGISTERED PROFESSIONAL SURVEYORS AND HAS FOUND NO RECORDS OF ANY SURVEYS THAT AFFECT THE BOUNDARIES OF THE SUBJECT PROPERTY.

**ROB HELSTROM**  
 LAND SURVEYING LLC  
 1000 MAIN STREET  
 COLUMBIA, CT 06037-0497  
 (860) 228-1800  
 HELSTROM@GMAIL.COM  
 WWW.HELSTROMS.COM

**RESUBDIVISION FAIRVIEW FARMS SOUTH**  
 - PREPARED FOR -  
**FAIRVIEW FARMS LLC**  
 PROPOSED LOTS & EXISTING CONDITIONS  
 301 ROUTE 66 SOUTH  
 COLUMBIA, CONNECTICUT

**GRAPHIC SCALE**  
 1" = 100'

NO.	DATE	DESCRIPTION
1	11/11/16	PROPOSED SUBDIVISION
2	11/11/16	PROPOSED SUBDIVISION
3	11/11/16	PROPOSED SUBDIVISION
4	11/11/16	PROPOSED SUBDIVISION
5	11/11/16	PROPOSED SUBDIVISION
6	11/11/16	PROPOSED SUBDIVISION
7	11/11/16	PROPOSED SUBDIVISION
8	11/11/16	PROPOSED SUBDIVISION
9	11/11/16	PROPOSED SUBDIVISION
10	11/11/16	PROPOSED SUBDIVISION

**RECEIVED**  
 FEB 03 2018

Received February 11, 2018 at 1:19 pm - Paul J. O'Neil, Clerk - Ass't TC



January 22, 2024

To: Town of Columbia Zoning Board of Appeals, Columbia, Connecticut

Subject: Petition for Continued Use under Special Permit - Major Impact Home Occupation (Zoning Regulation 8.5.4) at 301 Route 66, Columbia

To whom it may concern,

I, Gail Petrowsky, representing Fairview Farms, LLC, hereby request your consideration for the continued use of storage facilities at 301 Route 66. We are applying for a Major Impact Home Occupation permit under Zoning Regulation section 8.5.4.

Key Points:

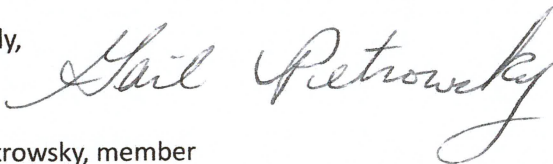
1. **History of Existence:** The storage facilities, a conversion of the old dairy barn into storage units and a barn for farming equipment, have coexisted with the neighborhood for three decades, reflecting a harmonious integration.
2. **Caretaker's Responsibility:** Lester Thompson, the principal resident, ensures the grounds are maintained in a neat and clean condition, overseeing the conduct of storage unit renters.
3. **Respectful Operation Hours:** Tenants adhere to reasonable arrival and departure times (8 am to 8 pm), minimizing disruption to the neighborhood.
4. **Adequate Parking:** The property provides ample parking, avoiding congestion.
5. **Community-Focused Rental Groups:** Tenants form tight-knit groups, contributing to a sense of community within the property.
6. **Absence of Issues or Junk:** No reported issues or junk accumulation, maintaining a clean environment.
7. **No Signage or Impactful Lighting:** The property refrains from impactful signage or lighting, preserving the aesthetic harmony of the neighborhood.
8. **Noise Control:** The storage facilities operate without generating loud noises.
9. **Absence of Complaints:** No complaints from neighbors or others regarding the use of the property for storage facilities.

Attached, please find signatures from neighbors supporting this request.

In consideration of the above points, I kindly request the Town of Columbia Zoning Board of Appeals to grant the Major Impact Home Occupation permit under Zoning Regulation section 8.5.4 for the existing use of the property at 301 Route 66. I believe this use is an integral part of the community and has proven to be an asset without causing any adverse effects.

Thank you for your attention to this matter. I hope for a positive resolution that allows the property, owned by Fairview Farm LLC, to continue its current use.

Sincerely,



Gail Petrowsky, member  
Fairview Farms, LLC



January 21, 2024

Dear Neighbor,

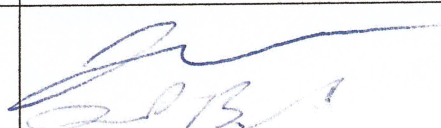
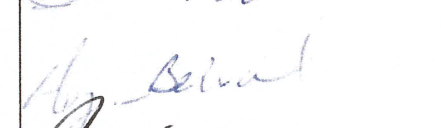
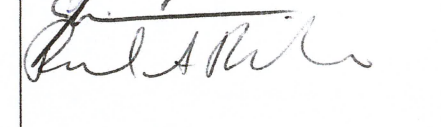


We're seeking your support for the continued use of storage facilities at 301 Route 66, owned by Fairview Farms. For 30 years, these facilities have coexisted peacefully with our community.

Key Points:

1. **History:** Converted from a dairy barn, the facilities blend seamlessly.
2. **Caretaker:** Lester Thompson ensures cleanliness and tenant respect.
3. **Operation Hours:** 8 am to 8 pm, minimizing disruption.
4. **Parking:** Ample space prevents congestion.
5. **Community Focus:** Tenants form tight-knit groups.
6. **No Issues or Junk:** Maintains a clean environment.
7. **No Signage or Lighting:** Preserves neighborhood aesthetics.
8. **Noise Control:** Operates quietly.
9. **No Complaints:** No reported issues.

Your signature supports the continuation of this community-friendly use. Please join us in ensuring Fairview Farm LLC can maintain its current use.

Sincerely,

NAME	ADDRESS	SIGNATURE
JASON ROSS	298 ROUTE 66	
JASON BELVA	306 RT 66	
Amy Belva	" " " "	
Justin Riendeau	310 RT 66	
Rachel Riendeau	310 Route 66	

January 21, 2024

Dear Neighbor,

We're seeking your support for the continued use of storage facilities at 301 Route 66, owned by Fairview Farms. For 30 years, these facilities have coexisted peacefully with our community.

Key Points:

1. **History:** Converted from a dairy barn, the facilities blend seamlessly.
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8. **Noise Control:** Operates quietly.
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Your signature supports the continuation of this community-friendly use. Please join us in ensuring Fairview Farm LLC can maintain its current use.

Sincerely,

NAME	ADDRESS	SIGNATURE
Arlene M. Lyon JOSE CABRAL	297 Rte 66, Columbia, Ct 06237 255 Middletown Rd	Arlene M. Lyon



RICHARD J BERNSTEIN CPA  
56 JONATHAN LANE  
MANSFIELD, CT 06268  
(860) 978-1592  
(860) 423-1330 (fax)

January 9, 2024,

To Whom It May Concern:

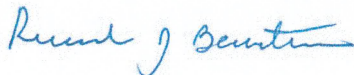
I have been preparing the U. S. Partnership Income Tax Returns of Fairview Farms, LLC since 2014.

These returns are prepared from information furnished to me by the management of Fairview Farms, LLC. In each year, the tax returns indicate that active farming took place at the property owned by Fairview Farms. The Company had both farming revenues and expenses over these years as evidenced by accounting records maintained. Furthermore, upon reviewing tax returns prepared by others prior to my engagement with the Company, farming activities took place prior to 2014.

Any use by you of this letter is solely a matter of your responsibility and judgment. This letter is not intended to establish a client relationship with you, nor is it intended to establish any obligation on my part to provide any future information to you with regard to Fairview Farms, LLC.

If further clarification is required, please do not hesitate to contact me at (860) 978-1592.

Very truly yours,



Richard J. Bernstein, CPA

## SECTION 3 - ZONING PERMITS & CERTIFICATES OF ZONING COMPLIANCE

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

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.
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 220 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.

Unregulated Structures shall be exempt from all zoning permitting requirements.

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 expanse 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 12<sup>th</sup> 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

# 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?"