

**TOWN OF COLUMBIA**  
**PLANNING AND ZONING COMMISSION**  
Adella G. Urban Administrative Offices Conference Room  
323 Route 87, Columbia, CT  
Monday, December 9, 2019, 7:00 pm  
**Regular Meeting Minutes**

**Members Present:** Chairman Rick Nassiff, Vice-Chair Vera Englert, Richard Napolitano, Thomas Currier, Robert Powell, E.J. Starkel, Larry Preston (Alternate), Alex Bothell (Alternate)

**Members Excused:**

**Staff Present:** Town Planner Paula Stahl, Board Clerk Flo Polek

**Others Present:** Rob Hellstrom, Corey Krohn, Wes Wentworth

1. **CALL TO ORDER:** R. Nassiff called the meeting to order at 7:03 pm
2. **ROLL CALL AND SEATING OF ALTERNATES:** L. Preston was seated for the vacant position.
3. **ADDITIONS/CHANGES TO AGENDA:** None
4. **APPROVAL OF PZC REGULAR MEETING MINUTES of October 15, 2019:**  
R. Powell asked that the spelling of his name be corrected.  
E.J. Starkel **MOVED** to **APPROVE** the 10/15/2019 meeting minutes as corrected; R. Powell **SECONDED. MOTION CARRIED 7:0:0**
5. **AUDIENCE OF CITIZENS:** The audience of citizens will speak on item 9.1.
6. **UNFINISHED BUSINESS (Discussion/Possible Action):** None
7. **NEW BUSINESS (Discussion/Possible Action):**

**7.1. Subdivision Fee-in-Lieu Payment Procedure**

R. Nassiff said that he met with P. Stahl and discussed the concerns with the collecting the fee-in-lieu payments and asked her to draft a procedure. P. Stahl indicated that Columbia's Subdivision Regulations require an open space consideration for any subdivision of land greater than 10 acres or a fee-in-lieu payable to the Town for future open space acquisitions.

The Town is supposed to be paid a fee-in-lieu for subdivisions as each lot is sold but does not have a mechanism for the administrative assistant to know when the lot is sold. Some towns identify in their regulations to have a lien put on the property, other towns have a written policy, and others have noted that the fee-in-lieu is standard procedure.

The Town's attorney indicated to P. Stahl that the Town can adapt a procedure for the collection of the fee-in-lieu of open space. P. Stahl presented her draft of that procedure as noted in her memorandum.

R. Nassiff noted that the mechanism is needed for the building department to keep track of the funds that are collected for each lot sold under the subdivision. Discussions amongst Commission members noted that the applicant would hire an appraiser to value the land, before subdivision, or at the time of the application. West Wentworth indicated that Lebanon approached the subdivision fee-in-lieu as a two-part basis.

P. Stahl presented her proposed payment procedure:

The procedure for the collection of the fee-in-lieu of open space dedication per Section 9.10 of the Columbia Subdivision Regulations shall be as follows:

- a) The applicant may pay the full fee-in-lieu prior to the filing of the Final Subdivision Plan with the Columbia Town Clerk, or
- b) The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot. A fee-in-lieu of open space lien shall be placed on each lot, when the lot is sold and the fee is paid to the Town, the Town shall file a release of the lien on the land records.

The payments shall be made payable to the Town of Columbia with 'Open Space Fee-in-Lieu' in the memo field and the check delivered to the Land Use Department for processing.

R. Nassiff **MOVED** to **APPROVE** the Subdivision Fee-in-Lieu Payment Procedure, EJ Starkel **SECONDED**; V. Englert **ABSTAINED**; **MOTIONED CARRIED 6.0.1.**

## **7.2. Election of Officers**

R. Napolitano **MOVED** to **APPROVE** R. Nassiff as Chairman of the PZC Commission, V. Englert as Vice-Chair, and R. Powell as Secretary; EJ Starkel **SECONDED**; **MOTIONED CARRIED 7.0.0.**

## **8. REGULATION REVISIONS:**

### **8.1. Discuss goals and prioritize for future regulation revisions**

P. Stahl discussed the List of Suggested Zone Changes. R. Nassiff noted that the priorities could be reviewed by the PZC and completed by the end of 2020 and asked Commission members if they would like to add or make changes to the list.

## **9. COMMUNICATIONS AND REPORTS:**

### **9.1. Open space considerations on subdivision of one building lot from large parcel**

P. Stahl opened the discussion by saying that Columbia's Subdivision Regulations do not differentiate between a typical subdivision of one large parcel into several lots from a subdivision that only creates one small lot. The regulations are clear that any parcel over 10 acres must meet the open space requirements, but there is no mention of when the open space requirements must be met.

A single lot being carved out of a larger parcel is technically a two-lot subdivision as it results in one small lot and another lot consisting of the remaining land.

If a 50-acre parcel is being subdivided into one 2-acre new building lot and one 48-acre parcel, the Commission has three options for the open space consideration:

1. Require that the dedication of open space be made on the full 50-acre parcel. However, without knowing about the future development of the remaining 48-acres, it is impossible to determine what area should be open space. Once specific open space is approved it cannot simply be shifted to another location.
2. Require fee-in-lieu on the entire 50-acre parcel. However, when the remaining 48-acre parcel is later subdivided there would be no open space option.
3. Require a fee-in-lieu of open space on the newly created 2-acre building lot and defer the open space consideration on the 48-acre parcel. This would provide better flexibility for both the property owner and the Town's future open space opportunities on the parcel.

P. Stahl said that when there is only one small lot being created out of a large parcel, option 3 may be the best option. A fee-in-lieu of open space would be paid on the new building lot with a stipulation (both in the approval and on the land records) that the open space consideration is pending on the remaining large parcel. She said that she checked with the Town Attorney who verified that this would meet the open space requirements in our Regulations and in the State Statutes.

R. Nassiff said that an appropriate, fair and dependable approach needs to be made as to when the open space requirement is met.

Wes Wentworth explained a proposed subdivision of an 89-acre property that would create one buildable lot. Both Corey Krohn, acting as an agent for his family, and Rob Hellstrom who conducted the survey, also shared their thoughts on the value of choosing option 3 as described by the Planner.

Members discussed the best way to determine the amount of the fee-in-lieu. R. Powell noted that the Subdivision Regulations states that the applicant may propose a fee-in-lieu to the Commission to consider.

#### **10. COMMISSION OPEN DISCUSSION:**

R. Nassiff emailed S. Everett and M. Walter requesting that the Town recognize the service of the two Commission members who retired from the commission. R. Nassiff would like to invite the retired members to the meeting to thank them for their service. Commission members agreed.

The meeting scheduled on December 16, 2019, is canceled. The next meeting will be on January 13, 2020. R. Nassiff will invite the retired members to the January meeting.

#### **11. AUDIENCE OF CITIZENS: None**

#### **12. ADJOURNMENT:**

**R. Powell MOVED to ADJOURN; EJ Starkel SECONDED; MOTION CARRIED 7:0:0**

The meeting was **ADJOURNED** at **8:25 pm**.

Respectfully submitted by Flo Polek, Board Clerk

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