TOWN OF COLUMBIA PLANNING AND ZONING COMMISSION

Adella G. Urban Administrative Offices Conference Room 323 Route 87, Columbia, CT **Monday, June 24, 2024** 7:00 pm

Regular Meeting - HYBRID

Join Zoom Meeting: https://us02web.zoom.us/j/81430488271

Meeting ID: 814 3048 8271

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 May 13, 2024
- 5. AUDIENCE OF CITIZENS
- 6. OPEN PUBLIC HEARING:
 - **6.1 PZC 2324-05:** Town of Columbia, Zoning Amendment Application to Revise Sections 21.2.3.11, Replace current Section 52.7.19, and Eliminate Section 52.7.21, for Multi-Family Dwellings. (Received 5/13/24)
 - **6.2 PZC 2324-06:** Town of Columbia, Zoning Amendment Application to Revise Sections 8.3 for Accessory Dwelling Units and Two-Family Dwellings. (Received 5/13/24)
 - **6.3 PZC 2324-07**: Town of Columbia, Zoning Amendment Application to Revise Section 9 Definition of Structure. (Received 5/13/24)

CLOSE OR SCHEDULE TO CONTINUE PUBLIC HEARING

- 7. UNFINISHED BUSINESS (Discussion/Possible Action)
 - **7.1. PZC 2324-05:** Town of Columbia, Zoning Amendment Application to Revise Sections 21.2.3.11, Replace current Section 52.7.19, and Eliminate Section 52.7.21, for Multi-Family Dwellings. (Discussion/Possible Action or Public Hearing Continuation)

- **7.2. PZC 2324-06:** Town of Columbia, Zoning Amendment Application to Revise Sections 8.3 for Accessory Dwelling Units and Two-Family Dwellings. (Discussion/Possible Action or Public Hearing Continuation)
- **7.3 PZC 2324-07**: Town of Columbia, Zoning Amendment Application to Revise Section 9 Definition of Structure. (Discussion/Possible Action or Public Hearing Continuation)
- 8. NEW BUSINESS (Discussion/Possible Action)
 - 8.1 C.G.S. 8-24 Referral Open Space Acquisition on Route 66
 - 8.2 Appointment of Interim Zoning Enforcement Officer Manuel Medina
 - 8.3 Appointment of Zoning Enforcement Officer Savannah McInvale
- 9. REGULATION REVISIONS (Discussion)
- 10. COMMUNICATIONS AND REPORTS:
- 11. COMMISSION OPEN DISCUSSION:
- 12. AUDIENCE OF CITIZENS:
- 13. EXECUTIVE SESSION:
- 14. ADJOURNMENT

TOWN OF COLUMBIA PLANNING AND ZONING COMMISSION

Adella G. Urban Administrative Offices Conference Room 323 Route 87, Columbia, CT **Monday, May 13, 2024** 7:00 pm

Regular Meeting – HYBRID MINUTES

Members Present: Chairman Rick Nassiff, Vice-Chair Justin Riendeau, Vera Englert, Thomas Currier,

Dave Holcroft, Robert Powell, Walter Tabor

Members Excused: Larry Preston (Alternate), Ed Madrak (Alternate)

Staff Present: Town Planner John Guszkowski (via Zoom), Fire Marshal Mike Lester, Board Clerk

Mary Kay Hyman

Others Present: 2 Members of the CoDE were present.

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

2. ROLL CALL AND SEATING OF ALTERNATES:

No Alternates present to seat.

3. ADDITIONS/CHANGES TO AGENDA:

R. Nassiff **MOTIONED** to make the following changes to the Agenda; J. Riendeau **SECONDED**; **MOTION CARRIED UNANIMOUSLY 7:0:0**

Item 8.1 was moved to New Business as Item 7.1

Item 7.1 was moved to Item 7.2

Item 7.2 became Item 7.3

4. APPROVAL OF PZC REGULAR MEETING MINUTES of April 22, 2024

R. Nassiff **MOVED** to **APPROVE** the Minutes of April 22, 2024 as presented; J. Riendeau **SECONDED**; W. Tabor **ABSTAINED**; **MOTION PASSED 6:0:1**

- 5. AUDIENCE OF CITIZENS: None
- 6. UNFINISHED BUSINESS (Discussion/Possible Action): None
- 7. NEW BUSINESS (Discussion/Possible Action)
 - **7.1** (previously 8.1) (Application # to be PZC-2324-07) Section 9 Modification to Definition of "Structure"
 - J. Riendeau explained the drafted revisions to Section 9 to better define what items are considered to be a Structure and to simplify the process for the public. He stated the Subcommittee discussed if there is a need for propane tanks and generators of a certain size, and/or distance from the house, to be Regulated or not Regulated.

The Commission discussed changing the definition to say condensers, generators, and propane tanks within 10' of a Structure will no longer be considered a Structure in and of themselves. They stated they will continue to be Regulated by the Fire and Building Codes but not Regulated by Zoning.

The Commission discussed with Fire Marshal M. Lester the NFPA58 Regulations regarding the placement of propane tanks on a property.

R. Nassiff asked if handicap ramps can be a Zoning Regulated item as State Statues may override Town Regulations. J. Guszkowski stated that Case Law allows ZBA's to accept handicap as a hardship and therefore they can and should be Regulated through Town Zoning. The Commission discussed not including handicap ramps in the "no more than 10 feet away from a Structure" line of the definition.

The Commission discussed the removal of items currently defined as Structure, such as handicap ramps, chimneys, bay windows, and satellite dishes. The Commission and J. Guszkowski discussed the removal of Chimneys and ultimately felt they would be Regulated under the Structure they are attached to.

- J. Guszkowski displayed the changes to the Drafted Regulation Section 9 and the Commission agreed.
- **7.2 (previously 7.1) PZC 2324-05:** Town of Columbia, Zoning Amendment Application to Revise Sections 21.2.3.11, Replace current Section 52.7.19, and Eliminate Section 52.7.21, for Multi-Family Dwellings. (Receive and Schedule Public Hearing)
 - J. Riendeau stated that after the previous PZC Meeting, verbiage was added to Sections 52.7.19.5 Letter M requesting a Fire Protection Assessment Letter from the Columbia Fire Marshal that may include recommendations for the installation of facilities, needs to provide water for the site. He stated there may then be a need for a check point/check list to be added in the Building Department for this process. He also stated it may be of interest for the Commission to look at the Regulations to see if a Fire Protection section should be added to cover all aspects of the Zoning Regulations in relation to Fire Protection, ultimately removing this added line and instead refer to one stronger Fire Protection Regulation.

The Commission discussed the adding of the Fire Protection Assessment Letter to the Application checklist and J. Guszkowski suggested that this be added to the Application requirements rather than just the checklist, as the checklist is not Regulated. They also discussed changing the verbiage in 52.7.19.5 Letter M to include "if applicable" as in some cases recommendations may not be needed.

Fire Marshal M. Lester stated he feels the change in the process is an improvement.

- R. Nassiff thanked M. Lester for his participation and input.
- R. Powell stated some Towns hold Applications Review Meetings involving representatives of all parties involved giving the Applicant only one meeting to attend and ask questions. J. Riendeau stated he likes the idea, and this could be a good approach to handling inefficiencies.

- 7.3 (previously 7.2) PZC 2324-06: Town of Columbia, Zoning Amendment Application to Revise Sections 8.3 for Accessory Dwelling Units and Two-Family Dwellings. (Receive and Schedule Public Hearing)
 - J. Riendeau stated the only change made to Section 8.3 is to up the unit square footage under 8.3.3 to a maximum of 750 square feet, based on public input and discussion.
 - R. Powell stated that this would be for a primary dwelling of 2000 square feet or less and that anything larger than 2000 square feet would fall back to the existing 38%.
 - R. Nassiff **MOVED** to **RECEIVE** and **SCHEDULE** the Public Hearing for the Town of Columbia, Zoning Amendment Applications:

Section 9 (Application # to be PZC-2324-07): to Modify Definition of "Structure",

PZC 2324-05: to Revise Sections 21.2.3.11, Replace current Section 52.7.19, and Eliminate Section 52.7.21, for Multi-Family Dwellings,

PZC-2324-06: to Revise Sections 8.3 for Accessory Dwelling Units and Two-Family Dwellings,

for Monday, June 24, 2024 at 7:00pm; J. Riendeau SECONDED. MOTION PASSED 7:0:0

8. REGULATION REVISIONS (Discussion) None

9. COMMUNICATIONS AND REPORTS:

- R. Nassiff asked J. Guszkowski to explain the letter of correspondence from the State DOT regarding the Subdivision on Latham Hill Road.
- J. Guszkowski stated it is a standard letter regarding an encroachment onto a State property and in this case the Applicant it appears did not submit for the approval originally and this is just to inform the Commission of such action.

The Commission then discussed the location of this Subdivision and the fact that Latham Hill is a Town Road and has no intersection to Route 87. They stated overall it does not concern PZC.

J. Guszkowski informed the Commission that last week bill 5474 was passed by the Legislature, which addresses housing and local Zoning and there was a provision, which would not necessarily effect Columbia, but it is to allow unused Nursing Home Facilities as Multi Family Housing.

11. COMMISSION OPEN DISCUSSION:

- R. Nassiff stated that during the Subcommittee meeting an idea was discussed to take any grant money available to help with infrastructure improvement to assist with Fire Protection needs. He asked if the Commission would be open to this change, which would require a change or modification to the Plan of Conservation and Development and can it be done from a statutory standpoint. J. Guszkowski stated this can be done, it would require a modification to the language and would need to go to Public Hearing. He stated he will review the POCD to see if there might be existing language to support such action. The Commission stated they are open to the idea.
- R. Nassiff announced the retirement of the Zoning Enforcement Office, Connie Kisluk at the End of May and thanked her for her service and a job well done.

J. Riendeau stated this would be an opportunity to work together with the new ZEO and for everyone to be on the same page.

The Commission discussed if the PZC would be part of the interview process. J. Guszkowski stated it is a statue that the Commission approve the hiring of the new ZEO, therefore it would be in their best interest to be a part of the Interview process. R. Nassiff stated he would inform First Selectman, S. Everett and Town Administrator, M. Walter, that the Commission would like to take part in the process.

T. Currier asked if the ZEO job could become a full-time position. R. Nassiff replied it is not permitted in the budget, but maybe the Commission can simplify the requirements to allow the job to meet the part-time hours. R. Nassiff then confirmed that J. Guszkowski has the proper certification to stand in for an emergency and J. Guszkowski reminded the Commission that they previously appointed him as a backup for the position and therefore he can stand in.

12. AUDIENCE OF CITIZENS:

R. Kincaid, of the CoDE, thanked the Commission for allowing their input and involvement in the process of the Affordable Housing Regulation review. She stated they would still like a bit more than 750 sq. ft. unit maximum. The Commission suggested she bring this up at the Public Hearing.

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

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

14. ADJOURNMENT:

R. Nassiff MOVED to ADJOURN; W Tabor SECONDED; MOTION CARRIED UNANIMOUSLY The meeting was adjourned at 7:55 PM.

Respectfully submitted by Mary Kay Hyman, Board Clerk

PROPOSED TEXT AMENDMENTS CONCERNING MULTIFAMILY DWELLINGS

May 2024- Planning & Zoning Application Version

21.2.3.11 – Multifamily Dwellings, except in the Columbia Lake Watershed Overlay District, per Section 52.7.19 (Replaces the current regulation reference to Neighborhood Retirement Housing)

52.7.19 <u>Multifamily Housing [Replaces current 52.7.19 "Neighborhood Retirement Housing" and 52.7.21 "Multifamily Dwellings"]</u>

- 52.7.19.1 Intent: To provide for a broader and more affordable variety of housing in a development pattern 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.
- 52.7.19.2 Required Approvals: A Special Permit shall be required for any proposed Multifamily Housing, except in the CM-1 District, where a Site Plan approval shall be required. 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:

<u>Multifamily Housing</u>: A building, or group of buildings located on a single parcel of land or multiple contiguous parcels containing three or more total dwelling units.

<u>Dwelling Unit</u>: A single unit providing complete, independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.

<u>Unbuildable area</u>: 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.

Affordable Units: Housing units that comply with Conn. Gen. Stats. §8-13m. to 8-13x

- 52.7.19.4 Application for Multifamily Housing:
 - A. Information Required to be submitted:
 - 1. Application signed by the owner(s) and agent(s), 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 development 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 the 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.
- 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 that demonstrates sufficient buffering between proposed development and adjacent residential properties (may be incorporated as a part of the Site Plan referenced in Section 51) including:
 - 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.
- 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. Development Size and Location: The minimum size of Multifamily Housing development is 150,000 square feet, 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. Maximum Dwelling units per acre: The maximum number of dwelling units in the Multifamily Housing Complex shall be determined by soil capacity and State Public Health Code.
 - C. Affordable Unit Density Incentive: 100% of maximum unit per acre density, as defined in 52.7.19.5 (B) may be utilized if a minimum of 20% of units are set aside as "affordable units" 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 Multifamily 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 Multifamily 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.
- D. Market rate housing unit yield shall be 70% of the total calculated unit density as defined in 52.7.19.5 (B) if less than 20% of the total units are set aside as restricted affordable units as defined in this Section.
- E. Community buildings, recreational facilities and open spaces designed for, and used principally by, the residents are permitted as accessory uses.
- F. Setbacks: All buildings shall be set back 50 feet from property lines of residential properties that abut the perimeter of the applicant parcel(s).
- G. Sewage Disposal: Each dwelling unit shall be connected to an approved sewage disposal system.
- H. Water Supply: Water Supply facilities must meet the requirements of the State Health Code.
- I. Parking, driveways and roads shall meet all standards set forth in sections 8.12, 8.12.2, 61 and all other Regulations applicable to parking, driveways and roads.
- J. Home Occupation uses shall be allowed in conformance with Section 8.5.1 of the Zoning Regulations of the Town of Columbia.

- K. 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.
- L. The Multifamily Housing development 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.
- M. Fire Protection: The applicant shall submit a fire protection assessment letter from the Columbia Fire Marshal that includes, if needed, recommendations for the installation of any additional facilities necessary to provide sufficient water for the development.
- 52.7.19.6 Evaluation Criteria: In considering the proposed application, the Planning and Zoning Commission shall be guided by the following:
 - A. The location of principal and accessory buildings in relation to one another.
 - B. The height, bulk, and density of buildings in relation to one another.
 - C. 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.
 - D. Conformance with the intent and goals of the Plan of Conservation & 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 development 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.

Accessory Dwelling Unit and Two-Family Dwellings

Text Amendment Draft - Planning & Zoning Application Version, May 2024

- **8.3** Accessory Dwelling Unit and Two-Family Dwellings: A second dwelling unit, either as an accessory dwelling unit or as a conversion to a two-family dwelling, may be added to a single-family house, or may be added in a new or existing free-standing structure, with approval from the Zoning Enforcement Officer, provided the following conditions are met:
 - 8.3.1 A second dwelling unit located within the primary single-family structure may be created either within the existing building footprint or through a structural addition.
 - 8.3.2 A second dwelling unit created within the existing primary structure shall be considered a two-family dwelling and shall not have restrictions as to size other than the bulk standards generally applicable to single-family structures in the subject zoning district.
 - 8.3.3 A detached or free-standing accessory dwelling unit shall not exceed 30% of the floor area of the primary dwelling unit, except that primary dwelling units having less than 2000 square feet of floor area may have an accessory dwelling unit which does not exceed 750 square feet;
 - 8.3.4 The new dwelling unit shall include an independent kitchen and bathroom;
 - 8.3.5 The sanitary facilities have been approved pursuant to Public Health Code as being adequate to serve the increased requirements;
 - 8.3.6 Adequate off-street parking is available on the parcel;
 - 8.3.7 An accessory living unit meeting the above conditions may be added within an existing or newly-constructed customary accessory building, provided that no more than one accessory living unit may exist on a single parcel.
 - 8.3.8 Only two total dwelling units shall be allowed on each eligible parcel.
 - 8.3.9 All other Height, Area, and Yard Requirements of these Regulations shall be applicable to Accessory Dwelling Units and Two-Family Dwellings

TEXT AMENDMENT – PROPOSED MODIFICATION TO DEFINITION OF "STRUCTURE" IN SECTION 9 OF COLUMBIA ZONING REGULATIONS

Regulations Committee Draft - May 2024 PUBLIC HEARING VERSION - MAY 2024

<u>Structure:</u> 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, towers, docks, balconies, porches, decks, chimneys, handicapped ramps, bay windows, above-ground storage tanks, satellite dishes, ground mounted solar panels, fences or walls greater than six (6) feet in height, and outdoor storage containers.

Retaining walls—and, public utility equipment (as defined herein), handicap-accessibility ramps, or residential heating/air conditioning condenser units, propane tanks, handicap-accessibility ramps, and generators no more than ten feet (10') away from the principal building, meeting current Building Code 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.fsquare feet, 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.,square feet, shall be considered structures and shall require a Zoning Compliance Certificate but shall be exempt from the setback and lot coverage requirements.

Structures 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. (Effective 8/1/91)

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

5 Connecticut Avenue, Norwich, Connecticut 06360 (860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

(Via electronic mail)

June 3, 2024

John Guszkowski, Town Planner Town of Columbia 323 Johnathan Trumbull Highway Columbia, Connecticut 06327

Dear Mr. Guszkowski,

I am writing in response to a regulation amendment application for the Town of Columbia. The application was received on 5/14/2024. The application was referred to this agency pursuant to Section 8-3b of the Connecticut General Statutes.

The application seeks to 1) revise the definition of structure to exclude some small ancillary items; 2) revise the regulations related to duplexes and accessory dwelling units to make it easier for residential lots to add a second dwelling unit; and 3) overhauling the regulations for multifamily dwellings to allow increased development throughout the community.

Based on a review of the material provided, I have determined that the proposed amendment is not likely to have a negative inter-municipal impact.

If you have any questions, please contact me at 860-889-2324.

Sincerely,

Nicole Haggerty, AICP

Planner II

nhaggerty@seccog.org

