

MORRIS PLANNING & ZONING COMMISSION
COMMUNITY HALL • 3 EAST STREET • MORRIS, CONNECTICUT 06763

Regular Meeting Morris Town Hall and Live on Zoom

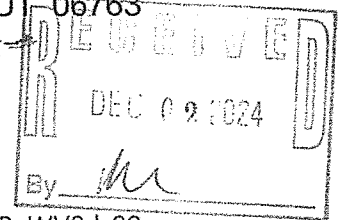
December 4th, 2024 at 7:00 pm

Call in # 1-929-205-6099

<https://us02web.zoom.us/j/85920958912?pwd=MzVMMeHhodEhuezEZks5OEJPeWV0dz09>

Meeting ID: 859 2095 8912

Passcode: 027946



Barbara Bongolotti

Helen White

Veronica Florio

Douglas Barnes (Secretary)

David Wiig Chairman

Dylan Hovey

William Ayles Jr. (Vice-Chairman)

Marc Petzold

Kim Dore

Staff: ZEO Tony Adili

Planner: Janell Mullen

Alternates:

Geoff Paletsky

Erika Leone

Agenda

1. Call to Order

2. Agenda Review

3. Old Business

a. 29 Bantam Lake Road (15/150/93) Site Plan Application SPA 24-01 for Administrative Offices in the Lake Recreational District

b. Approval of Minutes FY 2024

i. January 3rd Regular Meeting

ii. January 3rd Public Hearing

iii. January 17th Workshop Meeting

iv. February 7th Regular Meeting

v. February 21st Workshop Meeting

vi. March 6th Regular Meeting

vii. March 20th Workshop Meeting

viii. April 3rd Regular Meeting

ix. April 17th Workshop Meeting

x. May 1st Regular Meeting

xi. May 15th Workshop Meeting

xii. May 15th Public Hearing Solar Regulations

xiii. May 15th Public Hearing Trailer Regulations

xiv. June 5th Regular Meeting

xv. July 17th Workshop Meeting

xvi. August 7th Regular Meeting

xvii. August 21st Workshop Meeting

xviii. September 4th Regular Meeting

xix. September 18th Workshop Meeting

xx. October 2nd Regular Meeting

xxi. October 16th Workshop Meeting

- xxii. November 6th Regular Meeting
- xxiii. November 20th Regular Meeting
- xxiv. November 20th Workshop Meeting

4. New Business

5. Complaints

- a. 95 Thomaston Rd
- b. 7 Benton Rd
- c. Food Truck at 5 Watertown Road: Parked in the back of building

6. Other Business

- a. Board Membership
- b. Schedule of Meetings 2025 Discussion
- c. Election of Officers 2025 Discussion
- d. Ordinance Discussion for Meeting Dates

7. Communications and Bills

- a. ZEO Report

8. Adjourn

PLANNING & ZONING APPLICATIONS
TOWN OF MORRIS
3 East Street, P.O. Box 66, Morris, CT 06763

Date: 10-30-25	Permit #: SPA - 24-01
Billing Name: Ebner Camps, Inc.	
Billing Address: 456 Birge Park Rd., Harwinton, CT 06791	
Property Location in Morris: 29 Bantam Lake Rd.	
Contact Phone Number 860-626-8300	
Contact Cell Number 860-485-3335	
FEES LISTED ARE THE MINIMUM REQUIRED AND ARE TO BE PAID UPON RECEIPT OF APPLICATION	

Zoning Permit (4500-469-0)	\$ <u>45.00</u>	
Site Plan (4502-473-0)	\$ <u>70.00</u>	
Special Exception Application Section 52 (4500-469-0) \$140 (excluding Special Exception Applications for towers over 50' below)	\$ 140.00	
Special Exception Application Section 53 (4500-469-0) \$140 (excluding Special Exception Applications for towers over 50' below)	\$ 140.00	
Special Exception Application Section 63 (4500-469-0) \$140 (excluding Special Exception Applications for towers over 50' below)	\$ 150.00	
Special Exception Application (TOWERS) (acct#1-0000-992-0) (for any tower with a top elevation in excess of 50' feet above grade) \$10,000 (Note: Upon final determination of any such Special Exception Tower Application by the Planning & Zoning Comm. Or, if applicable, by final judgment of a court of competent jurisdiction, the remaining balance, if any, of the application fee shall be refunded to the applicant.	\$10,000.00	
Zoning Change Application (4500-476-0) \$150.00	\$ 150.00	
Subdivision or Re-subdivision (4500-457-0) \$150/lot	\$ \$150/lot	
Zoning Surcharge (State Fee) (4502-474-0)	\$ <u>60.00</u>	
Consultation Receipts & Engineering Fees * and paid in advance of public hearing or meeting (1-0000-990-0)	Cost to be estimated \$	

Print 3 Copies.

Original to Treasurer with Check or Cash

1 copy to Client, 1 copy to P&Z

GRAND TOTAL:	\$ 175.00
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TOWN OF MORRIS

APPLICATION FOR ZONING PERMIT

Property Location: 29 Bantam Lake Rd. Date: 10-30-24 Application/Permit #: SPA-24-01

Owner (of Property): ^{Buildings} Awosting, LLC

Mailing Address: 456 Birge Park Rd, Harwinton, CT 06791 Phone Number: 860-626-8300

Cell Number: 860-485-3335 Email Address: Kris@ebner campos.com

The undersigned hereby makes application for a zoning permit under the provisions of the Morris Zoning Regulations of the Town of Morris, Connecticut.

Owner's Signature:  Date: 10/30/24

CATEGORY OF APPLICATION

A: Application is made for one or more of the following:

- ☐ use of land
- ☒ change of use of existing building or structure
- ☐ proposed building or structure and use thereof
- ☒ sign
- ☐ certificate for a lawful nonconformity

B: The proposal involves one or more of the following under the requirements of the Zoning Regulations:

- ☐ outside storage area
- ☐ landscaping
- ☒ parking area
- ☐ driveway access
- ☐ loading space
- ☐ flood plain district (see Sec. 53)
- ☐ on-site sewerage and/or water supply

C: The proposal is authorized by the Regulations (under one or more of the following):

- ☐ as a matter of right in the appropriate district
- ☒ subject to approval of a SITE PLAN (see Sec. 51)
- ☐ subject to approval of a SPECIAL EXCEPTION (see Sec. 52)
- ☐ as an extension of use _____ excavation and grading (see Sec. 64)
- ☐ subject to Certificate of Approval of Location from Zoning Board of Appeals
- ☐ other: _____

Location/Address of Property: 29 Bantam Lake Rd., Morris

Map: 15

Block: 150

Lot: 93 A

The lot has frontage of 1000+ (feet) on one or more of the following:

- ☒ state highway
☐ accepted town road
☐ in a filed subdivision approved by the Planning Commission with a completion bond in effect
☐ in a filed subdivision approved by the Planning Commission with no completion bond in effect
☐ other, please describe _____

Zoning District: _____ Existing Use of Property/Structure: summer camp office

Area of Lot: ~3.1 ac

Purpose of Proposed Building/Use Is: changing existing structures from seasonal use to year-round use as corporate offices.

EXISTING STRUCTURES:

There (are) are not (circle one) existing buildings and structures on the lot as indicated below:

(if there are more than 3 existing structures, please provide this information for all additional structures on a separate sheet of paper and attach to this application.)

Structure 1: Type/Use _____ Ground Coverage _____ Total Floor Area _____

No. of Stories: _____ Height: _____

Attached Structures: (Deck, Etc.) Yes ___ NO ___ Ground Coverage (Footprint) _____

see Attached Field Card and Plans

Structure 2: Type/Use _____ Ground Coverage _____ Total Floor Area _____

No. of Stories: _____ Height: _____

Attached Structures: (Deck, Etc.) Yes ___ NO ___ Ground Coverage (Footprint) _____

Structure 3: Type/Use _____ Ground Coverage _____ Total Floor Area _____

No. of Stories: _____ Height: _____

Attached Structures: (Deck, Etc.) Yes ___ NO ___ Ground Coverage (Footprint) _____

PROPOSED STRUCTURES:

The proposed buildings and structures on the lot as indicated below:

(if there are more than 3 proposed structures, please provide this information for all additional structures on a separate sheet of paper and attach to this application.)

Structure 1: Type/Use _____ Ground Coverage _____ Total Floor Area _____
No. of Stories: _____ Height: _____
Attached Structures: (Deck, Etc.) Yes ___ NO ___ Ground Coverage (Footprint) _____
Proposed Use (Cite Appropriate Paragraph #): _____
Description: _____
Type/Use: _____

Structure 2: Type/Use _____ Ground Coverage _____ Total Floor Area _____
No. of Stories: _____ Height: _____
Attached Structures: (Deck, Etc.) Yes ___ NO ___ Ground Coverage (Footprint) _____
Proposed Use (Cite Appropriate Paragraph #): _____
Description: _____
Type/Use: _____

Structure 3: Type/Use _____ Ground Coverage _____ Total Floor Area _____
No. of Stories: _____ Height: _____
Attached Structures: (Deck, Etc.) Yes ___ NO ___ Ground Coverage (Footprint) _____
Proposed Use (Cite Appropriate Paragraph #): _____
Description: _____
Type/Use: _____

No new structures; adding 400 sq. ft second floor office & 1/2 bath.

ADDITIONAL DATA

This application is accompanied by one or more of the following as required by the Zoning Regulations.

- ☒ Plan Drawing (entitled: _____)
- ☒ Site Plan
- ☐ Application for Special Exception Use
- ☐ Application for Excavation and Grading
- ☐ Application for Certificate of Approval of Location

I hereby agree to conform to all requirements of the Laws of the State of Connecticut and the Ordinances and Zoning Regulations of the Town of Morris, and to notify the Zoning Officer and the Commission of any alteration in the plans for which this Zoning Permit is being sought.

I furthermore agree the above described structure/use is to be located at the proper distance from all street lines as required by the Zoning Regulations or any other applicable local and state ordinances and regulations. It is also understood that the proposed structure/use, upon completion, will be used in compliance with the Zoning Regulations of the Town of Morris.

I hereby apply for Certificate of Use and Compliance for the use of the property as described in the above application. I also understand that the structure/use cannot be used or occupied until a Certificate of Occupancy has been issued by the Morris Building Official.

Furthermore, I hereby note that it is the responsibility of the applicant to notify the Zoning Officer and Commission and arrange an on-site inspection as soon as the foundation is poured for the site plan and placement verification. This notification must take place prior to any construction or framing activity on the foundation.

The undersigned states that he is aware of the applicable provisions of the Zoning Regulations of the Town of Morris, including but not limited to requirements pertaining to performance standards (sec. 61), signs (sec. 63), off-street parking and loading (sec. 62) and earth removal (sec. 64), that if the proposal is authorized under a special exception, site plan, or other action of the Zoning Commission or Zoning Board of Appeals he is aware of any applicable conditions, limitations and stipulations and that approval of this application or issuance of a certificate shall not be considered to constitute compliance with any other regulations, ordinance, or law nor relieve the undersigned from responsibility to obtain any permit thereunder.

10-30-24
date


applicant's signature

date

authorized agent for applicant

This application was received by the Zoning Office on 10-30-24 by Deton Adis

This application was:

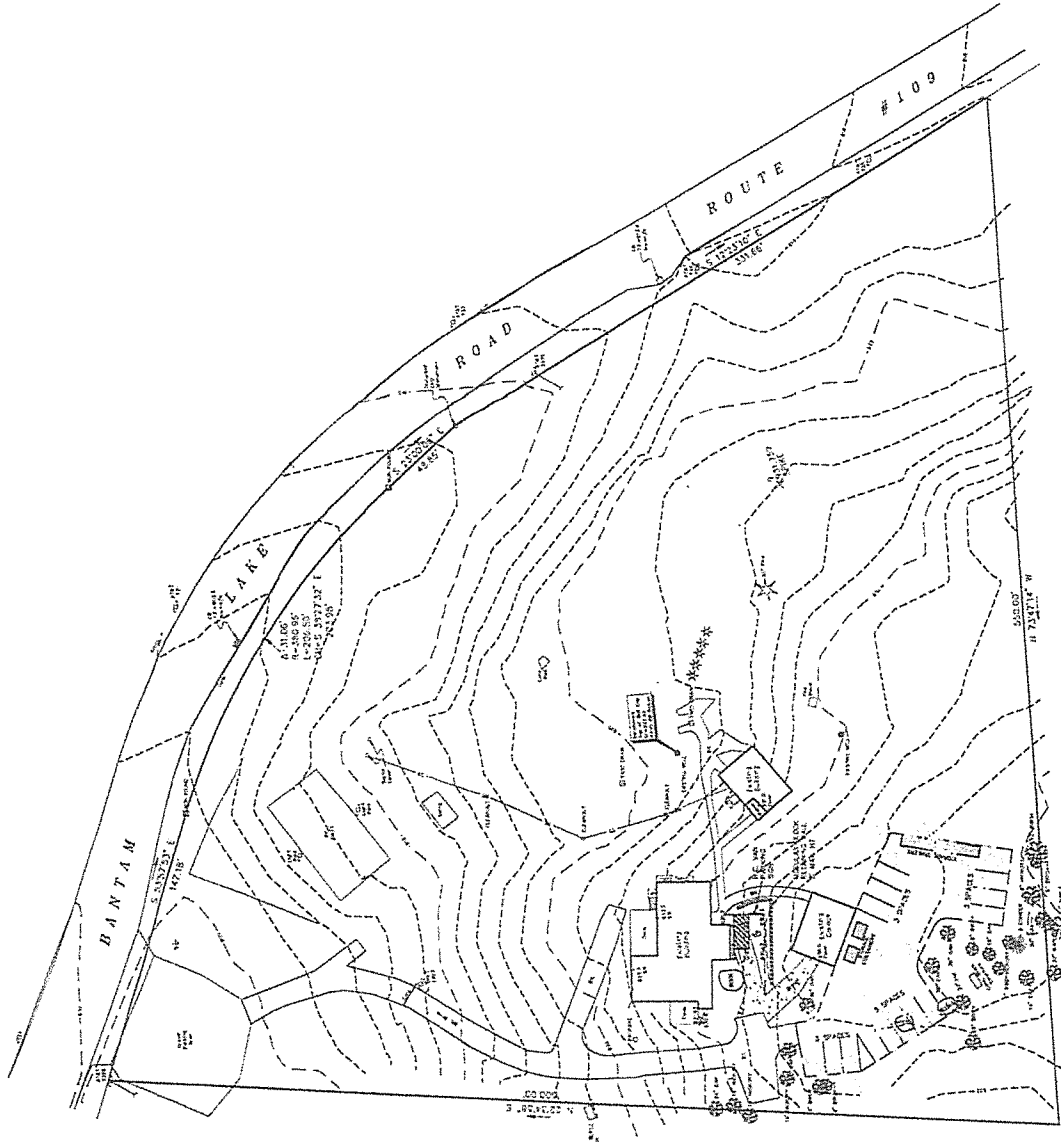
☐ approved
☐ denied

by the:

☐ Zoning Enforcement Officer
☐ Planning and Zoning Commission (Meeting Date: _____)

Explanation: _____

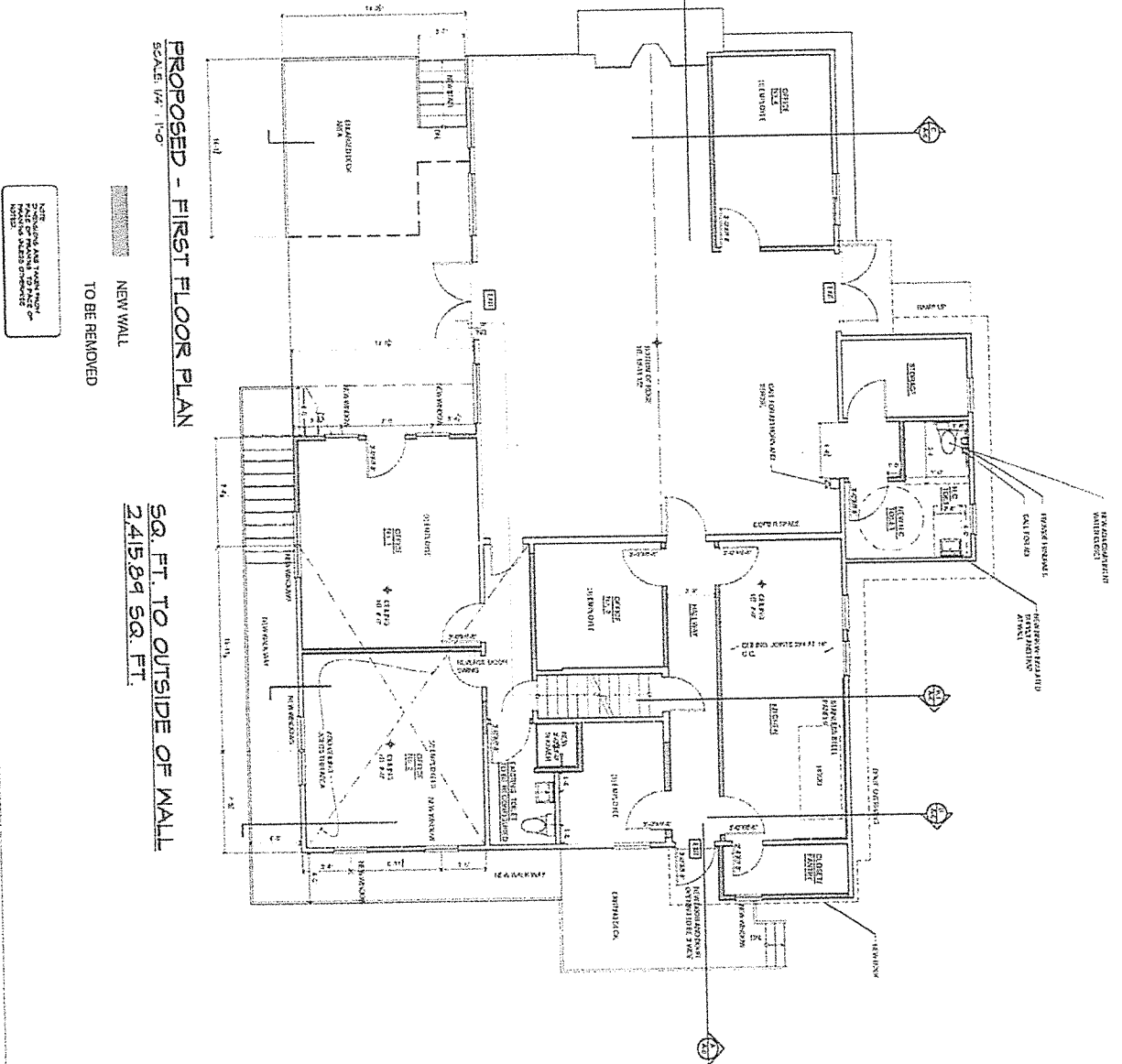
If your Zoning Permit application has been denied by the Zoning Enforcement Officer or the Zoning Commission, the Connecticut General Statutes provides you with the right to appeal the decision of the Zoning Office to the Morris Zoning Board of Appeals. You have thirty (30) days from the denial date to start the appeals process.



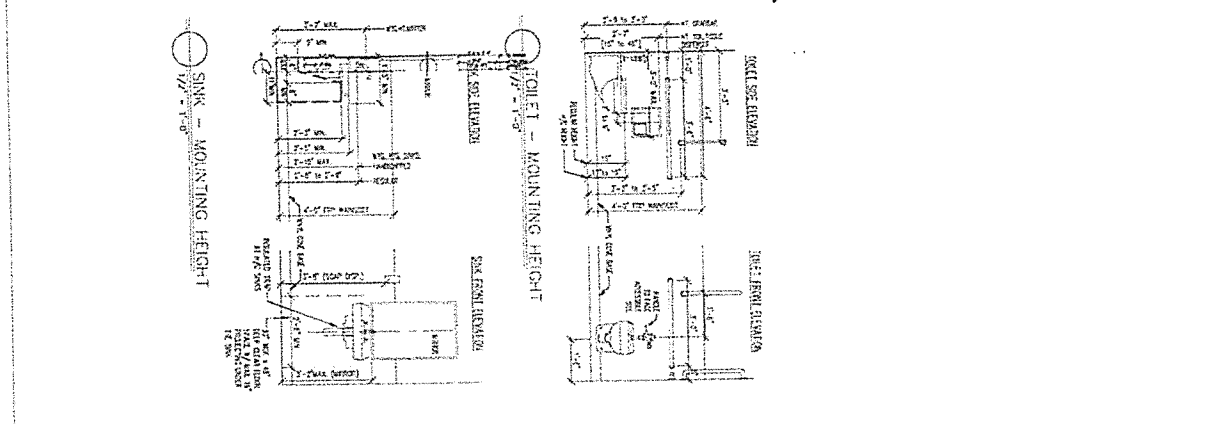
Hrica Associates LLC
Engineers Surveyors

DATE	12/17/2014	WAGE #	0114
SCALE	1"=20' N	WELL #	1 OF 1
DRAWN	2014	DRAWN BY	ZP
PROJECT #	24-0324	CUSTOMER	RF
			CON

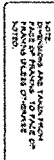
DRAFT



24,584 SQ. FT. TO OUTSIDE OF WALL



EBNER CAMPS 29 BANTAM LAKE RD. MORRIS CT ADMIN BUILDING 1		PROJECT FIRST FLOOR PLAN DESIGN 10.25.2024	DRAWN BY A-9
ARCHITECT Clifford A. Cooper Architecture 41 Western Lane Litchfield, CT 06039 TEL. 860.309.0712		DATE 10.25.2024	



SCALE: 1/4" = 1'-0"

TO BE REMOVED

SQ. FT. ABOVE 7'-0"
495 SQ. FT.

12

10.25.2024

AND ROOF PLAN
DESIGN
DEVELOPMENT
10.25.2024

COLLEGE STUDENT

ADMIN. BUILDING 1

EBNER CAMPS
29 BANTAM LAKE RD

03/20/2007

Tel. 860.309.0712

Litchfield, CT

Figure 1. The effect of the concentration of the inhibitor on the rate of polymerization of the monomer.

Architecture

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of value added

100

— **For more information on the 2018-2019 season, visit www.rockwell.com.**

1

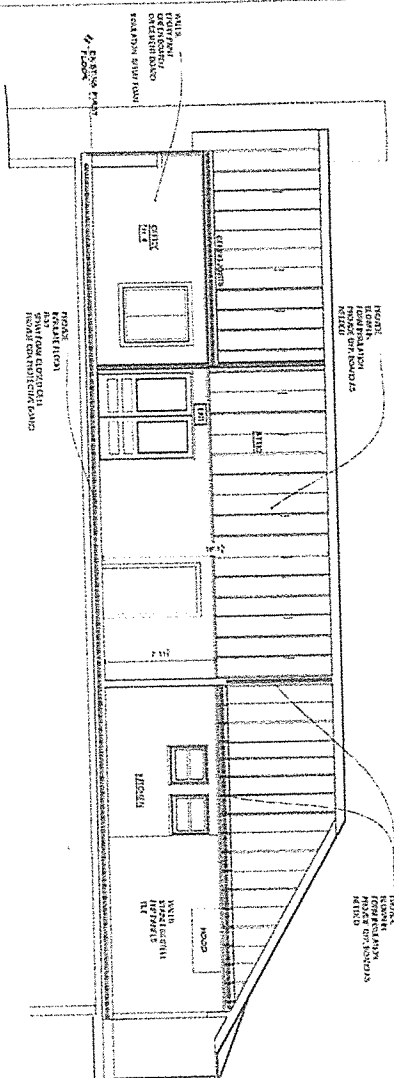
DATE: _____

10. *Journal of the American Medical Association*, 2000; 283: 2686-2692.

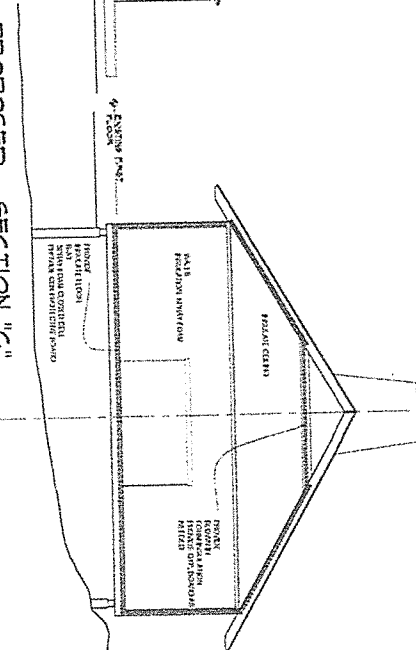
ISSN 0192-1859

SCALE: 1/4" = 1'-0"

TO BE REMOVED

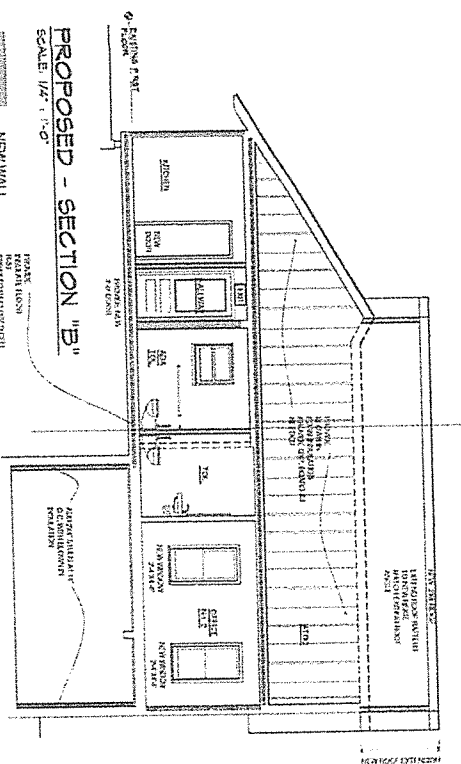


SCALES, 1/2", 1'-0"



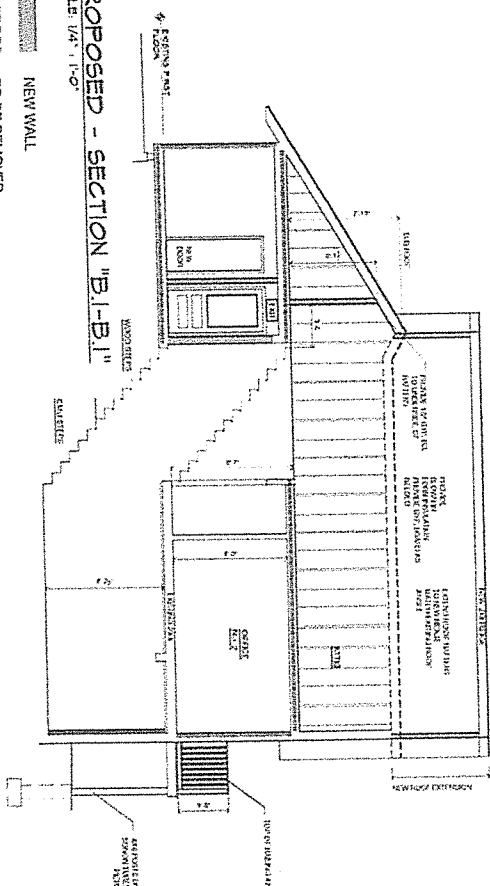
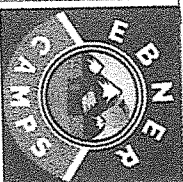
SCALE: 1/4" = 1'-0"

TO BE REMOVED



SCALE: 1/4" = 1'-0"

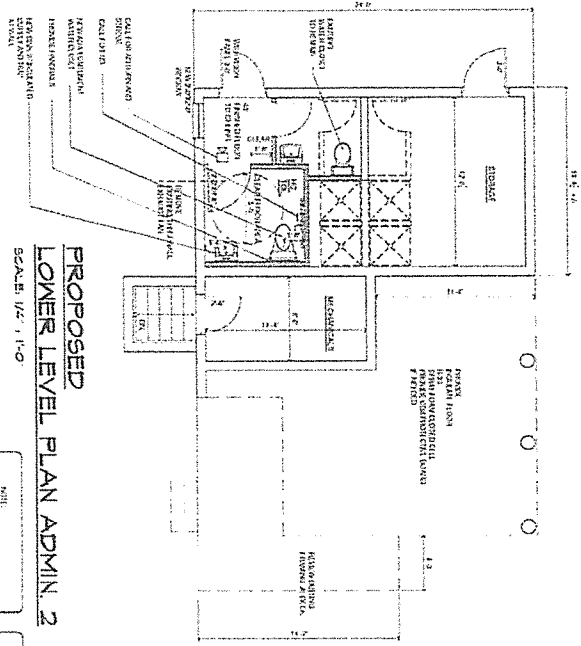
TO BE REMOVED

[illegible]

Clifford
A.
Cooper
Architecture
41 Westover Lane
Litchfield, CT
06759
Tel. 860.309.0712

EBNER CAMPS
29 BANTAM LAKE RD
MORRIS CT
ADMIN. BUILDING 1

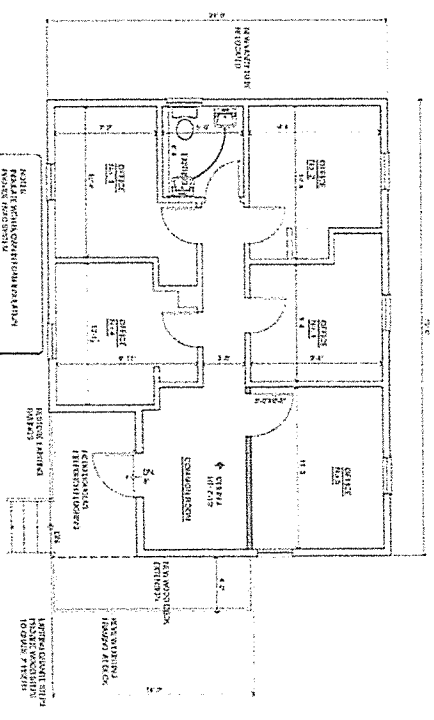
SECTIONS
DESIGN
DEVELOPMENT
10.25.2024



**PROPOSED
LOWER LEVEL PLAN ADMIN. 2**
SCALE: 1/4" = 1'-0"

NEW WALL
TO BE REMOVED

**59,100 SQ. FT. TO OUTSIDE OF WALL (NOT COUNTING MECH. SPACE)
32,100 SQ. FT.**

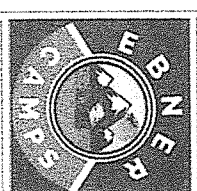


PROPOSED RENOVATIONS - FIRST FLOOR PLAN ADMIN. 2
SCALE: 1/4" = 1'-0"

NEW WALL
TO BE REMOVED

**59,100 SQ. FT. TO OUTSIDE OF WALL
108,000 SQ. FT.**

NO.	DATE	REVISION

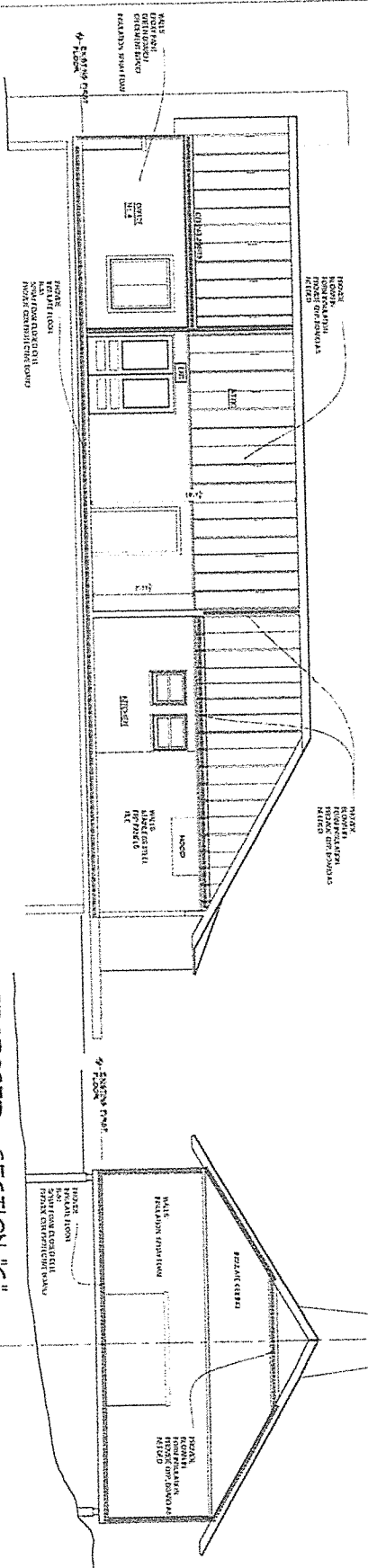


Clifford A. Cooper
Architect
41 Weaver Lane
Litchfield, CT 06759
Tel. 860.309.0712

OWNER
EBNER CAMPS
29 BANTAM LAKE RD.
MORRIS CT
ADMIN. BUILDING 2

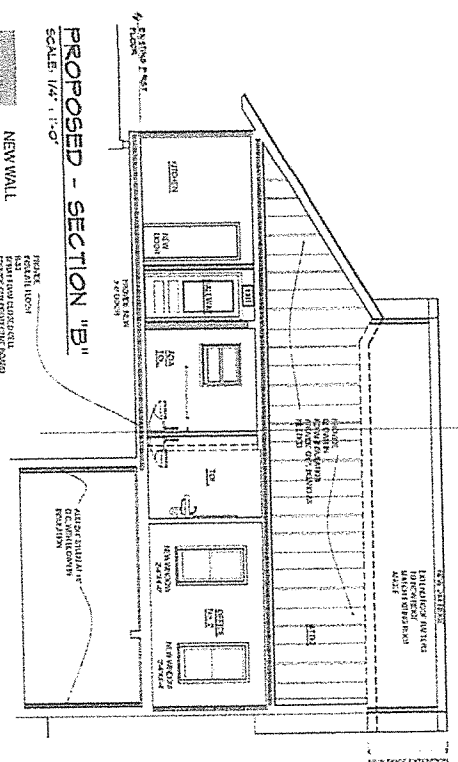
DESIGNER
PROPOSED
ADMIN. No. 2
DESIGN
DEVELOPMENT
07.25.2024

A-7



PROPOSED - SECTION "A"
SCALE: 1/4" = 1'-0"

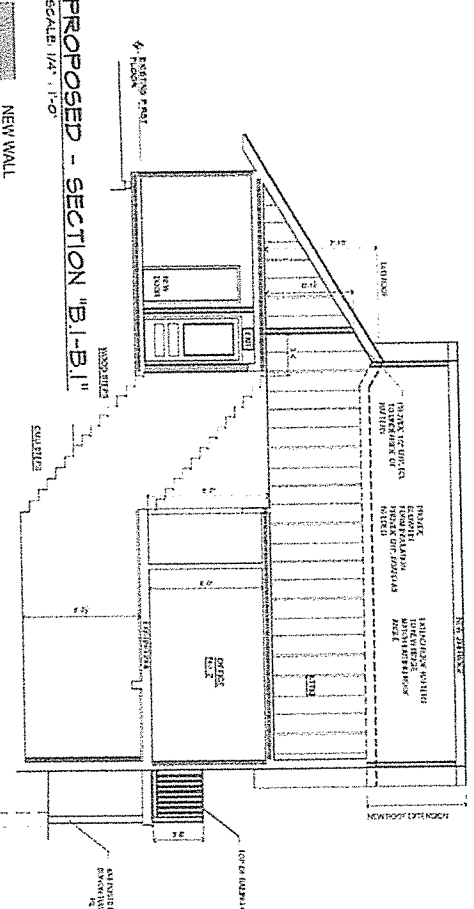
NEW WALL
TO BE REMOVED



PROPOSED - SECTION "B"
SCALE: 1/4" = 1'-0"

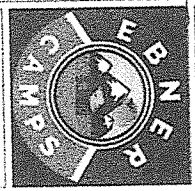
NEW WALL
TO BE REMOVED

PROPOSED - SECTION "C"
SCALE: 1/4" = 1'-0"



PROPOSED - SECTION "B-1-B-1"
SCALE: 1/4" = 1'-0"

NEW WALL
TO BE REMOVED



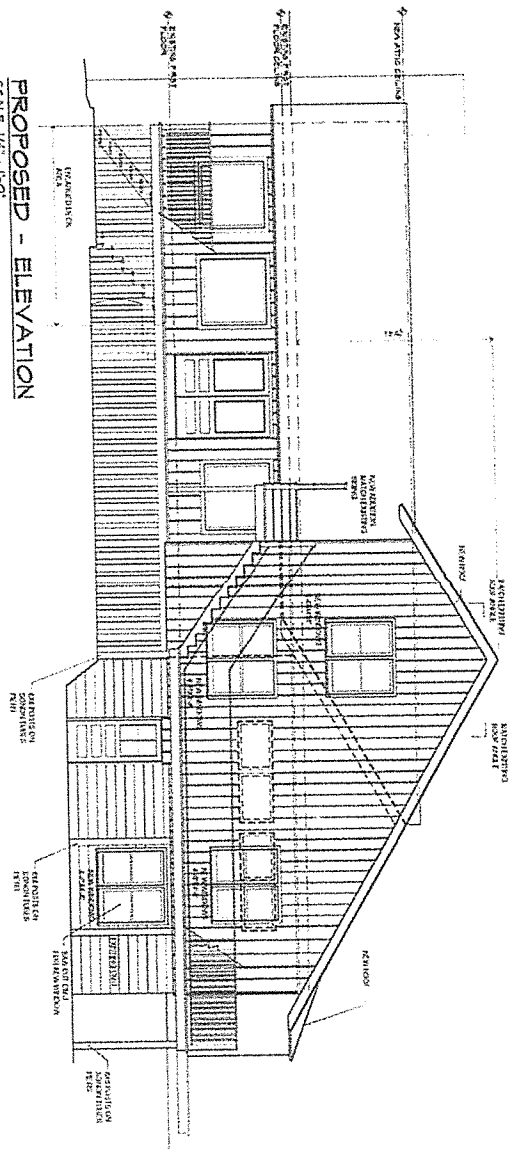
Clifford
A. Cooper
Architecture

41 Westover Lane
Litchfield, CT
06039
Tel. 860.309.0712

EBNER CAMPS
29 BANTAM LAKE RD.
MORRIS CT
ADMIN. BUILDING 1

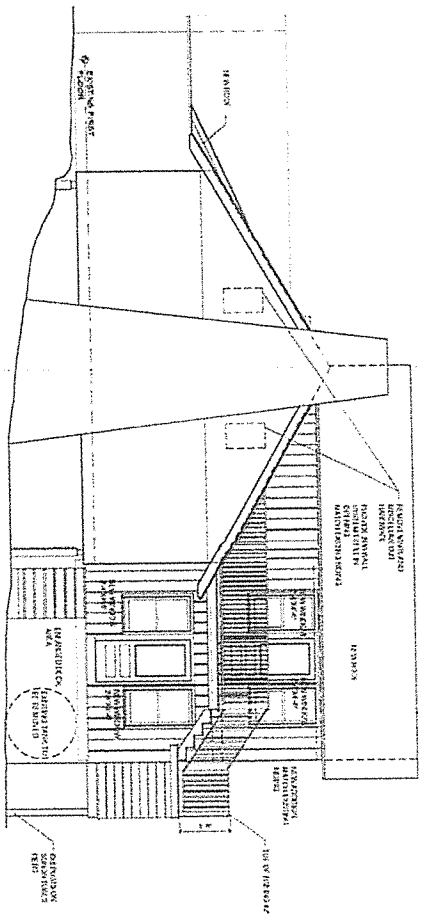
SECTIONS
DESIGN
DEVELOPMENT
10.25.2024

A-G



PROPOSED - EAST ELEVATION
SCALE 1/4" = 1'-0"

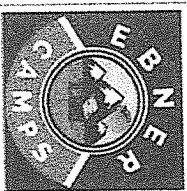
TO BE REMOVED



PROPOSED - EAST ELEVATION
SCALE 1/4" = 1'-0"

NEW WALL
TO BE REMOVED

DATE: 10/25/2024	
REVISION	DATE
NO.	DATE

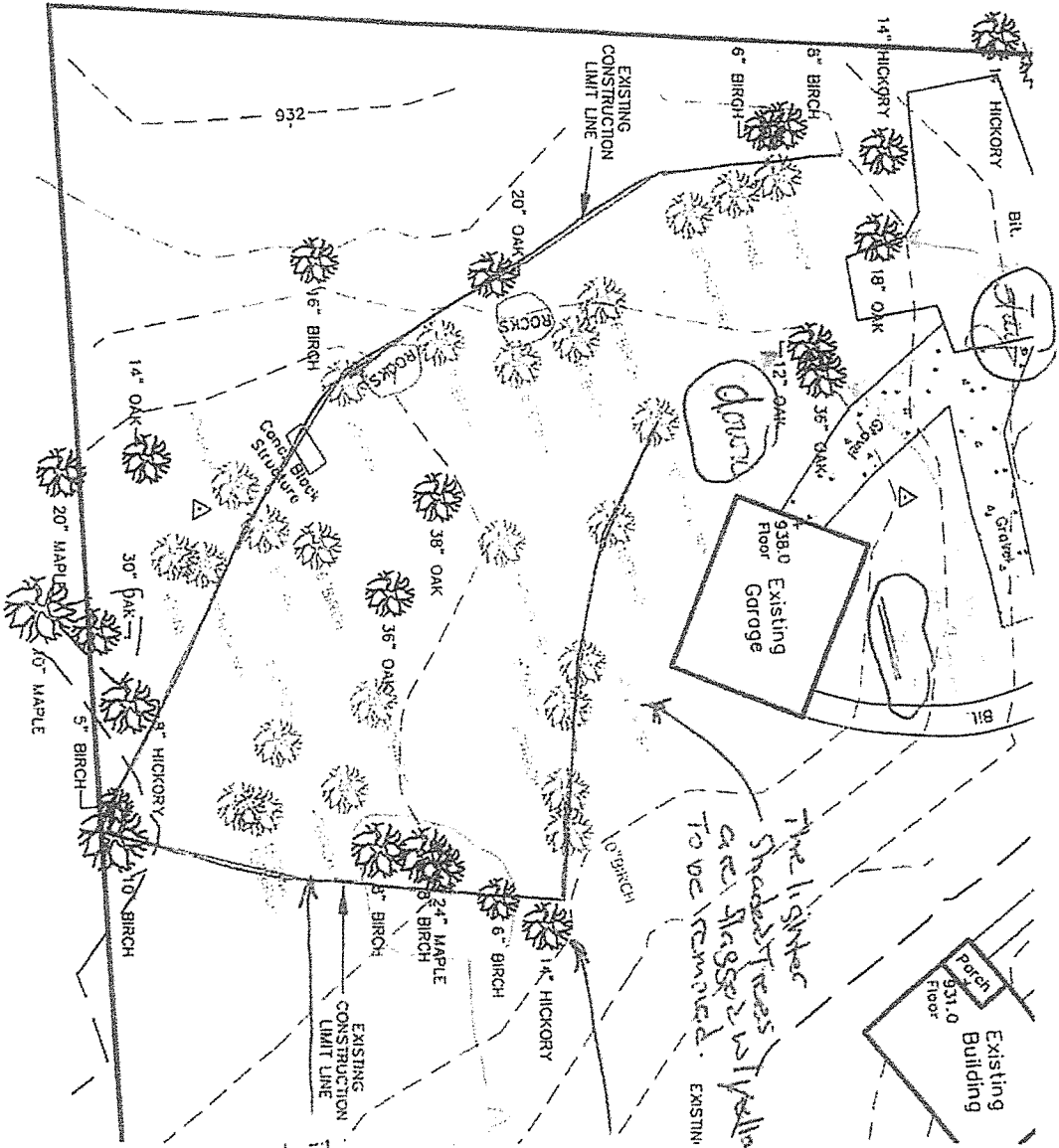


ARCHITECT:
Clifford
A.
Cooper
Architecture
41 Weaver Lane
Litchfield, CT
06759
TEL: 860.309.0712

PROJECT:
EBNER CAMPS
29 BANTAM LAKE RD.
MORRIS CT
ADMIN. BUILDING 1

DATE: 10/25/2024
DESIGN
DEVELOPMENT
10/25/2024

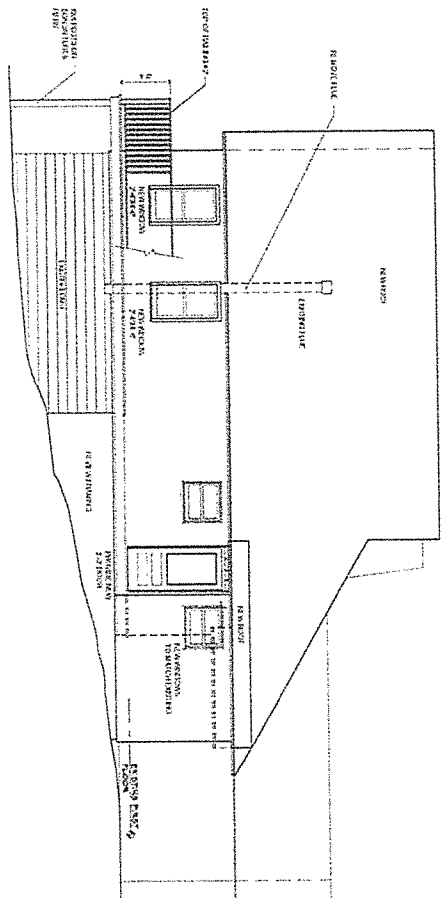
A-4



The lighter shaded trees are flagged to be removed. EXISTING

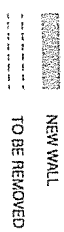
The darker trees are not flagged with yellow

This line represents the normally flagged clearing line

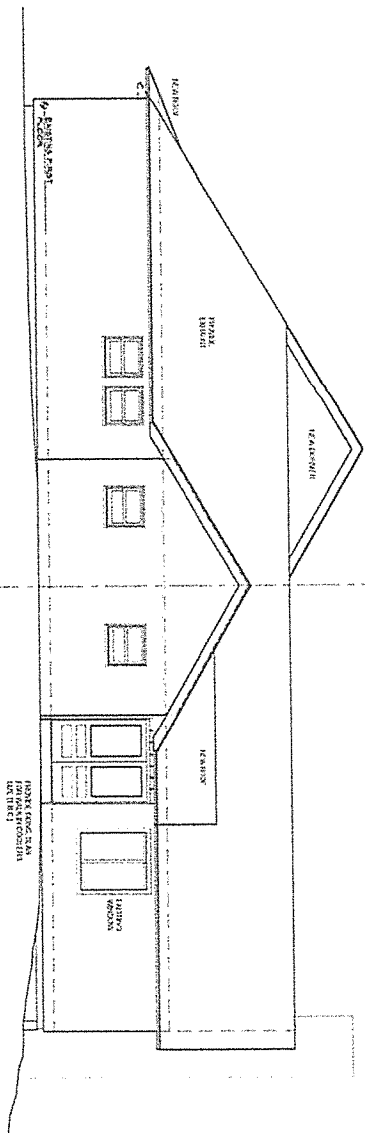


PROPOSED - WEST ELEVATION

SCALE: 1/4" = 1'-0"

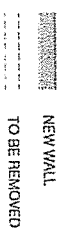


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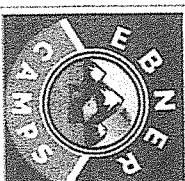


PROPOSED - SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



TO BE REMOVED

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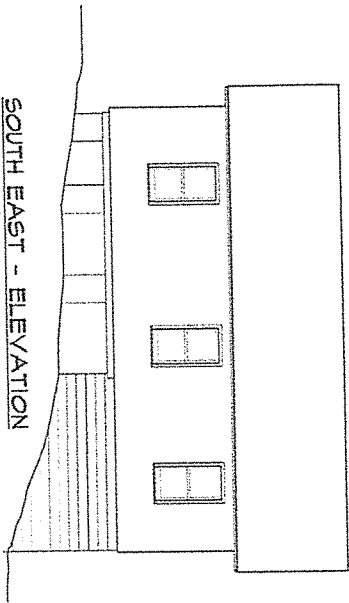
Clifford
A.
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Architecture
41 Westover Lane
Litchfield, CT
06739
Tel. 860.309.0712

EBNER CAMPS
29 BANTAM LAKE RD.
MORRIS CT
ADMIN. BUILDING 1

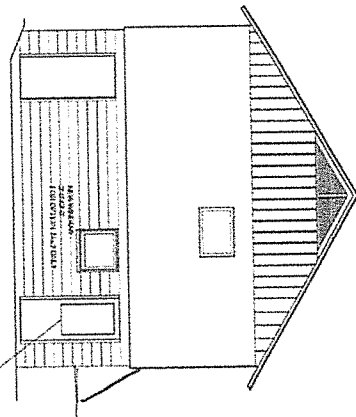
ELEVATIONS
DESIGN
DEVELOPMENT
10.25.2024



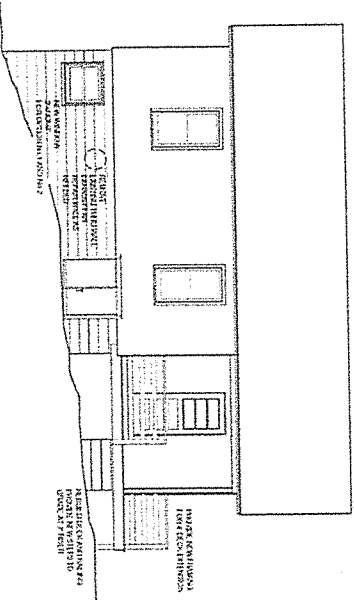
DECLARATION



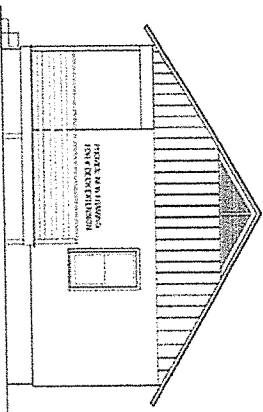
SOUTH EAST - ELEVATION
SCALE: 1/4" = 1'-0"



NORTH EAST - ELEVATION
SCALE: 1/4" = 1'-0"



NORTH WEST - ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH WEST - ELEVATION
SCALE: 1/4" = 1'-0"

DATE: 07/25/2024

PROJECT: 29 BANITAM LAKE RD.

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§ 30.25 PENSION BOARD OF TRUSTEES.

(A) At a special town meeting on 4-14-1975, the town established a pension plan. Within the plan were the provisions to establish the Pension Trustee, in particular under summary of the Plan Item O: Administration of the Plan.

(B) (1) A Board of Trustees consisting of three members will be appointed by the unanimous vote of the Board of Selectmen to administer the plan.

(2) The Trustees will be appointed for three-year terms. Employees who are participants shall not serve as Trustees.

(C) This section became effective 7-1-1975.
(Ord. passed 4-14-1975)

§ 30.26 PLANNING AND ZONING COMMISSION; ZONING BOARD OF APPEALS.

(A) (1) Pursuant to the provisions of Conn. Gen. Stat. Ch. 124, revision of 1958, as amended, there is hereby established a Planning and Zoning Commission of the town, which shall have and exercise all of the powers and duties of such Commission as are provided by law.

(2) Said Planning and Zoning Commission shall consist of nine regular members and three alternate members, all of whom shall be electors of the town and shall be elected as hereinafter provided.

(3) (a) Nine regular members of said Commission shall be elected at a special election to be held for that purpose to serve until the next biennial election of town officials and until their successors in office shall have been elected and qualified.

(b) As authorized by Conn. Gen. Stat. Ch. 124, § 8-1(b), three electors of the town shall be elected as alternate members of the Planning and Zoning Commission of the town with the powers and duties when seated, as set forth in the General Statutes or any special act or ordinance. At the expiration of terms of said alternate members, all elected alternate members shall be elected at the regular town elections and serve six-year terms expiring on the dates of subsequent regular town elections.

(4) Any vacancy resulting for any reason shall be filled for the unexpired term by the Commission as provided in Conn. Gen. Stat. § 8-19.

(5) This division (A) became effective upon two successive publications in a newspaper having circulation with the town (2-16-1979).

(B) (1) A Zoning Board of Appeals is hereby established and shall consist of five regular members and three alternate members, also referred to as "the panel of alternates", all of whom shall be electors of the town and shall not be members of the Zoning Commission and shall be elected as hereinafter provided.

(a) *Regular members.* Five regular members of said Board shall be elected at a special election duly warned for the purpose as follows. Members to be elected to serve for terms of six years at regular town elections; provided that, each regular member so elected shall continue to serve until his or her successors in office shall have been elected and qualified.

(b) *Alternate members ("the panel of alternates").* At the special election noted in division (B)(1)(a) above, three alternate members of said Board shall be elected. Each alternate member so elected shall continue to serve until his or her successor in office shall have been elected and qualified.

(2) Said regular members and said alternate members shall be elected at regular town elections duly warned for that purpose and in conformity with the provisions of Conn. Gen. Stat. § 8-5 and subject to the provisions of Conn. Gen. Stat. § 9-167a in respect to minority representation, and shall have and exercise all the powers and duties conferred upon such regular members and alternate members by said Conn. Gen. Stat. Ch. 124 and any and all other provision of the law.

(3) Any vacancy in the office of any regular member or alternate member shall be filled by election for the unexpired term at a town meeting duly warned for that purpose.

(4) Any regular or alternate member of said Board of Appeals may be removed therefrom by the Board when, in the opinion of said Board, after due notice and public hearing, any such member has been or is guilty of misconduct, material neglect of duty or incompetence in the conduct of this office. See Conn. Gen. Stat. § 8-5.

(5) This division (B) took effect upon two successive publications in a newspaper having circulation within the town (11-30-1974).
(Ord. passed - -; Ord. passed 11-25-1974; Ord. passed 12-13-1978; Ord. passed 1-29-1979)

§ 30.27 SANDY BEACH COMMISSION.

(A) The town hereby established jointly with the Town of Litchfield the Sandy Beach Commission consisting of six members, three from each town to be appointed by the respective Boards of Selectmen of said town. Said Commission shall have the power to operate, conduct and maintain the premises known as "Sandy Beach", as a recreational facility in accordance with a lease or leases between said

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NEED FOR AFFORDABLE HOUSING TRUMPS HISTORIC DISTRICT CONCERNS

An application for a zone change and site plan to build affordable housing on a .65-acre lot was denied primarily due to the harmful effects the proposed building would have on a nearby historic district. The proposed building would be 5 stories tall and contain 40 residential units. Evidence was submitted at the public hearing that the proposed building would be visible from the historic district and that its architectural design would cause adverse effects to the district. The court found this evidence unpersuasive and reversed the Commission's decision.

In its review of the record, the court found that historic preservation is a substantial public interest which a zoning commission is empowered to protect. However, the Affordable Housing Act requires that this substantial interest must outweigh the need for affordable housing within the municipality. While the evidence in the record demonstrated that steps were being taken by the town to produce affordable housing in the future, the present need still outweighed the interest the town had in protecting its historic district.

In reaching this decision, the court took into consideration the fact that the area where the affordable housing would be built was surrounded by commercial uses which were already

impacting the integrity of the historic district. *131 Beach Road LLC v. Town Plan & Zoning Commission*, 349 Conn. 647 (2024).

DENIAL OF ZONE CHANGE APPLICATION BASED UPON TRAFFIC AND PARKING

An application was filed by a hospital to rezone property it owned next to its existing medical facility. The property was zoned residential with the applicant requesting it be rezoned to a hospital district so that a cancer treatment center could be built on the property. Residents living in the adjoining neighborhood voiced their opposition at the public hearing on the application. They cited concerns over traffic congestion, parking and stormwater runoff as reasons to deny the zone change application. Additionally, they cited the plan of conservation and development which stated that preserving housing choice and existing residential neighborhoods as a priority goal.

The Commission ultimately denied the application, with an appeal to court following. The court affirmed the Commission's decision finding that since the existing zone designation for the property conformed with the comprehensive plan was reasonably related to the normal police powers set forth in Conn. Gen. Statutes Sec. 8-2 and did not discriminate against the applicant, the Commission was acting

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within its statutory authority to decide not to change the zone of the property. The burden was on the applicant to persuade the Commission that the requested zone change for the property is more desirable than the current zone classification. *Greenwich Hospital & GH Realty Holding LLC v. Planning & Zoning Commission*, FST-CV-23-6059333 (12.11.23).

'SUBJECT TO REVIEW' DOES NOT MEAN THAT A REVIEW MUST TAKE PLACE

A decision to approve a resubdivision application was appealed to court by an owner of abutting property. The basis of the appeal was an alleged failure by the planning commission to require compliance with a section of the subdivision regulations. The regulation in question stated that subdivisions of 20 or more lots that contained certain environmentally sensitive areas shall be subject to an environmental review team evaluation. The entity that performed these evaluations informed the commission that it could not do so for this application as it was currently establishing new protocols. Hearing this information, the commission approved the application without the evaluation.

The trial court found the decision violated the regulations. The section in question stated that this particular resubdivision application was subject to an evaluation and the commission did

not have the authority to waive this requirement. A review by the State Appellate Court found error in the lower court's decision. Utilizing the rules of statutory interpretation, the Appellate Court reviewed the term in relation to other portions of the subdivision regulations. It found that in using the term 'subject to' an evaluation, the regulations merely required that such an evaluation be requested and time provided for an opportunity to conduct the evaluation. It did not require that an evaluation be completed before the commission could render a decision. When such a requirement was intended, other sections of the regulations specifically stated so. *Lepkowski v. Planning Commission*, 225 Conn. App. 120 (2024).

COMPOSITION OF BOARD MUST COMPLY WITH STATUTORY AUTHORITY

A decision to approve a cell phone tower was appealed to the Superior Court by the owner of land that abutted the property where the proposed tower would be built. The appeal raised several issues, one of which was whether the Siting Council was properly constituted. The Siting Council's authorizing statute, Conn. Gen. Statute Sec. 16-50j, provides in part that 5 members of the 9-member council are to be appointed by the state's Governor. Of those 5 Governor appointees, only

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one can have a past affiliation with a utility or a government utility regulator.

The complaint stated that the council had 2 Governor appointees with past affiliations with utilities and utility regulators. It is a well-established rule that "a government board that is not properly constituted under its authorizing statute lacks authority to act." Applying this law to this case, the court found that since the council's membership did not comply with its authorizing statute, its decision to approve the cell phone tower was void. *Buschman v. Connecticut Siting Council*, HHB-CV-23-6076746 (5.6.24).

VIOLATION OF FAIR HOUSING ACT LEADS TO MILLIONS IN DAMAGEES VERDICT

Town official's actions and statements taken in regard to the use of a single-family home as a group home led to an award against the town of five million dollars in damages. On appeal, this award was upheld but ordered reduced to an amount still in the millions of dollars. This case serves as a cautionary tale when dealing with possible violations of the Fair Housing Act. The town's interference with the operation of a group home was found by a jury to violate the protections afforded by the FHA. For example, statements made by the town's mayor and town manager stating their opposition to this group home as well as the issuance of a cease-and-desist order amounted to

discrimination and retaliation under the FHA as well as the Americans with Disabilities Act. Both laws require equal and fair treatment in regard to housing. *Gilead Community Services Inc. v. Town of Cromwell*, 22-1209 (2nd Cir. 8.12.24).

ANNOUNCEMENTS

Membership Dues

Notices for this year's annual membership dues were mailed March 1, 2024. The Federation is a nonprofit organization which operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly.

Workshops

Four hours of Commissioner training must be completed once every four years or once each term of a commissioner. At the price of \$185.00 per session for each agency attending, our workshops are an affordable way for your board to 'stay legal'. Email us at contact.cfpza@gmail.com to schedule a workshop.

ABOUT THE EDITOR

Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the law firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.

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Schedule of Meetings 2025

Tuesday January 7th

Wednesday January 15th

Tuesday February 4th

Wednesday February 19th

Tuesday March 4th

Wednesday March 19th

Tuesday April 1st

Wednesday April 16th

Tuesday May 6th

Wednesday May 21st

Tuesday June 3rd

Wednesday June 18th

Tuesday July 1st

Wednesday July 16th

Tuesday August 5th

Wednesday August 20th

Tuesday September 2nd

Wednesday September 17th

Tuesday October 7th

Wednesday October 15th

Tuesday November 4th

Wednesday November 19th

Tuesday December 2nd

Wednesday December 17th