

Agenda
Tolland Planning & Zoning Commission
21 Tolland Green, Tolland, Connecticut
Monday, October 25, 2021 at 7:00 p.m., 6Th floor – Council Chambers

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Seating of Alternate(s)**
- 4. Additions to Agenda**
- 5. Public Comment** - Any person wishing to ask a question, make a comment or put forward a suggestion for any item or matter other than a public hearing item.
- 6. Public Hearing(s)**
- 7. Old Business**
 - 7.1. **Possible Action on:** PZC #21-13, Zoning Regulation Amendments
- 8. New Business**
 - 8.1. PZC #21-14, Somerset Woods –Site Plan Modification and Special Permit Modification of an existing multifamily project to allow all units to be three-bedroom units, per Section 20-8-H of the Tolland Zoning Regulations. Applicant: Tomlen, LLC. Zone: Residential Design District.
Receive and Schedule Public Hearing for November 8, 2021.
- 9. Reports**
 - 9.1. Town Council Liaison
 - 9.2. Capitol Region Council of Governments
 - 9.3. Zoning Enforcement Report
 - 9.4. Planning Update
- 10. Other Business**
- 11. Correspondence**
- 12. Public Participation**
- 13. Approval of Minutes** – October 18, 2021 Regular Meeting
- 14. Adjournment**

To join the Zoom meeting, either click:

<https://us06web.zoom.us/j/4325402030?pwd=NG43ZHcyOXBQOGJldzZVTmQxNmhZZz09>

Or call: 1-646-876-9923 and input:

Meeting ID: 432 540 2030

Passcode: 444555

**Legal Notice
Public Hearing**

Tolland Planning & Zoning Commission

The Tolland Planning & Zoning Commission will hold a Public Hearing on Monday, September 27, 2021, commencing at 7:00 p.m., to hear and discuss the following:

PZC #21-13, Zoning Regulation Amendments – Request to repeal Article 7 “Tolland Village Area” and the TVA Zone and replace with a new Article 7 “Tolland Village Area Gateway District” and the TVA-GD Zone, adopt Article 11A “Master Plan Overlay Zone” (MPOZ) which will create a new zoning district (floating zone) within the TCZ, repeal existing Article 14, “Aquifer Protection Area” and Amend Sections 8-2, 9-2, 10-3, 11-2, 12-2, and 13-2 and adopt a new Article 14 to identify “Commercial and Industrial Uses” in the TVA-GD, NCZ-G, NCZ-T, CCZ, GDD, TCZ, MPOZ, CIZ-A, CIZ-B, and TBP Zones, amend Section 3-11 “Height Restrictions,” Section 9-4.C “Affordable Housing,” Section 10-4.C.9.s pertaining to Affordable Housing in the GDD, Section 17-6 “Accessory Dwelling Units,” and adopt Sections 16-16 “Motor Vehicle Sales and Repair”, 16-17 “Affordable (Inclusionary) Housing”, 16-18 “Outdoor Dining”, and 16-19 “Administrative Approval for Temporary Accommodation, and amends Sections 20-8 “Special Permits” and Section 20-9 “Site Plan.” Applicant: Town of Tolland

A copy of this application is on file and available for review in the Planning & Building Department at 21 Tolland Green, Tolland, CT.



TOWN OF TOLLAND APPLICATION TO AMEND REGULATIONS

Please attach the full text of the proposed changes, edits, amendments, and new text that you are proposing.

Which document are you proposing to amend?

☒

Zoning Regulations

☐

Wetlands Regulations

☐

Subdivision Regulations

☐

Plan of Conservation & Development

List all sections of the regulations that you propose to amend or add text to:

Article 7, Article 11A, Sections 3-11, 8-2, 9-2, 10-3, 11-2, 12-2

13-2, Article 14, Section 10-4.c.9.s, 9-4.c, 17-6, 16-16, 16-17, 16-18

16-19, 20-8, and 20-9.

Describe the purpose for these proposed changes:

Implement the 2019 Tolland POCD

Describe how this request is consistent with the Tolland Plan of Conservation and Development:

The Tolland POCD called for the re-evaluation of Tolland's commercial and industrial zones. These amendments will support those efforts and encourage commercial, industrial, and multifamily development.

Applicant Information

Applicant Name: Town of Tolland

Mailing Address: 21 Tolland Green, Tolland CT 06084

Phone Number: 860-871-3601 **Email Address:** dcorcoran@tolland.org

(Over)

All of the above statements and the statements contained in any documents and plans submitted herewith are true to the best of my knowledge:

Applicant Signature: _____ **Date:** _____

Please note:

1. If also proposing to amend the Zoning Map, a separate Map Amendment Form and fee must be submitted.
2. The fee must be submitted to be considered a complete application.

OFFICE USE ONLY

Fee Amount: _____ Approved: _____

Form of Payment: _____ Approval Date: _____

Date Submitted: _____ Effective Date: _____
(stamp)



TOWN of TOLLAND/ 21 Tolland Green, Tolland, Connecticut 06084

MEMO

TO: Planning and Zoning Commission

FROM: David Corcoran, AICP, Director of Planning & Development

DATE: October 20, 2021 (Updated from September 29, October 13, and October 18 2021)

RE: PZC #21-13- Zoning Regulation Amendments

Summary:

Please see the attached summary tables which demonstrate the proposed changes in land uses in proposed Chapter 14 and a comparison of the dimensional requirements between the current TVA and proposed TVA-GD.

In 2019, the Town of Tolland adopted a new Plan of Conservation and Development that called for the re-visiting of several different regulations with the goal of encouraging economic development while preserving the unique character of the Tolland community. Following the adoption of the POCD, the Town entered into a contract with Dr. Don Poland of Goman + York Consulting for the re-writing of several aspects of the Zoning Regulations.

The attached proposed Zoning Regulation modifications represent a major step towards the implementation of the 2019 POCD. The Tolland Planning and Zoning Commission worked from the ground up to develop draft regulations that achieve several different outcomes. Among the highlights, the new regulations would create:

1. A new Commercial and Industrial Use Table that clearly identifies allowed uses in each of Tolland's non-residential zones, with an emphasis on minimizing the need for Special Permits where possible.
2. An overhaul of the Tolland Village Area to encourage additional development in that area. The overhaul allows for an increased number of uses while maintaining and updating design standards to preserve the visual approach to the Tolland Green from Interstate 84.
3. The addition of a new Master Plan Overlay Zone option in the Technology Campus Zone that will allow for developers to propose a master plan and gain some preliminary level of approval, providing potential developers with more certainty for what the Town could potentially approve while preserving the Town's ability to regulate and manage land uses within that zone.
4. Revised Special Permit and Site Plan requirements and processes.

5. Statutory compliance with Public Act 21-29 as it relates to Accessory Dwelling Units.
6. Revised requirements for the provision of affordable housing in new multi-family developments.
7. Streamlined permitting for those needing temporary land use accommodations as a result of a disability.

Written Correspondence:

The Town of Tolland ran a legal notice on September 13 and September 20, and posted the proposed changes to the website and the Town's Social Media. Additionally, we notified CRCOG, Connecticut Water, and the surrounding towns 30 days prior to the public hearing date as required by state statute. At the date of this memo, we have received comment from CRCOG, whose letter is attached to this packet. Additionally, we have received several written letters from residents which are included in this packet.

Provisions/Possible Modifications for Consideration:

- A. Outdoor Dining - Based on conversations during the August 23rd meeting, the Commission may want to add a provision for Outdoor Dining to allow for bar service as part of the outdoor dining area. This could be adopted as part of Section 16-18.4 within the proposed regulation changes. Proposed language is below:
 4. *Bar Facilities and Service.*
 - *If an applicant wishes to have a bar, with seating, and bar service as part of an outdoor dining area, the applicant can apply for Bar Service via a Special Permit in accordance with Section 20-8. Such an application shall meet the requirements of Section 16-18 (Outdoor Dining) but shall not have to comply with the requirement at 'patrons must be seated at tables' and 'bar service is not permitted.'*
 - *The applicant for a Bar Service Special Permit shall demonstrate that:*
 - *Such a facility will not disturb or negatively impact neighboring establishments or properties.*
 - *Such a facility will not negatively impact the operation of the outdoor dining area.*
 - *The applicant agrees that the Commission may revoke the Special Permit for Bar Service as a means of enforcement for violations of these Zoning Regulations. Non-conforming status does not apply to such special permits, if revoked for violations.*
- B. Accessory Dwelling Units- The Zoning Board of Appeals is working on modifications to setback requirements that could require another minor amendment to 17-6 (as well as 17-2) if recommended by the ZBA and passed by the PZC. A memo from Mike D'Amato outlining those possible changes is located in the packet.

Minor Modifications (added 10/13/21, revised 10/20/21)

Staff recommends including the following minor modifications in the motion to approve to clarify non-substantive errors within the draft regulations:

1. Section 3-11-A(3) should read: "In the Tolland Village Area – Gateway District: the height provisions stated within the district regulations shall apply (Article 7)."
2. The first sentence of Section 11A-3(C) should read: "If the application establishing the MPOZ and Master Development Plan are approved, the applicant may proceed to the submission of a Site Plan application in accordance with Section 20.9."
3. The last sentence of the first paragraph in Section 11A-4 should read: "The Master Development Plan, once adopted, shall establish the use or uses and the dimensional requirements of the MPOZ."
4. Section 20-8-H should read: "Amendments to an approved Special Permit which are determined by the Town Planner to be minor in nature shall be in accordance with the provisions of Section 14-2 (Table of Uses)."

Possible Motions:

The Commission has broad discretion to approve some, none, or all of the proposed text amendments that were legally noticed.

Draft Motion to Approve All:

Repeal Article 7 "Tolland Village Area" and the TVA Zone and replace with a new Article 7 "Tolland Village Area Gateway District" and the TVA-GD Zone, adopt Article 11A "Master Plan Overlay Zone" (MPOZ) which will create a new zoning district (floating zone) within the TCZ, repeal existing Article 14, "Aquifer Protection Area" and Amend Sections 8-2, 9-2, 10-3, 11-2, 12-2, and 13-2 and adopt a new Article 14 to identify "Commercial and Industrial Uses" in the TVA-GD, NCZ-G, NCZ-T, CCZ, GDD, TCZ, MPOZ, CIZ-A, CIZ-B, and TBP Zones, amend Section 3-11 "Height Restrictions," Section 9-4.C "Affordable Housing," Section 10-4.C.9.s pertaining to Affordable Housing in the GDD, Section 17-6 "Accessory Dwelling Units," and adopt Sections 16-16 "Motor Vehicle Sales and Repair", 16-17 "Affordable (Inclusionary) Housing", 16-18 "Outdoor Dining", and 16-19 "Administrative Approval for Temporary Accommodation, and amends Sections 20-8 "Special Permits" and Section 20-9 "Site Plan" with the proposed minor modifications identified in the October 13, 2021 staff memo.

Draft Motions to Approve by Subject:


1. Repeal Article 7 "Tolland Village Area" and the TVA Zone and replace with a new Article 7 "Tolland Village Area Gateway District" and the TVA-GD Zone, amend Section 3-11 "Height Restrictions" with the proposed TVA-related modifications, and adopt Section 16-16 "Motor Vehicle Sales and Repair" as proposed with the proposed minor modifications identified in the October 13, 2021 staff memo.
2. Adopt Article 11A "Master Plan Overlay Zone" (MPOZ) which will create a new zoning district (floating zone) within the TCZ and amend Section 3-11 "Height Restrictions" with the proposed TCZ-related modifications with the proposed minor modifications identified in the October 13, 2021 staff memo.
3. Repeal existing Article 14, "Aquifer Protection Area" and Amend Sections 8-2, 9-2, 10-3, 11-2, 12-2, and 13-2 and adopt a new Article 14 to identify "Commercial and Industrial Uses" in the TVA-GD, NCZ-G, NCZ-T, CCZ, GDD, TCZ, MPOZ, CIZ-A, CIZ-B, and TBP Zones
4. Amend Section 9-4.C "Affordable Housing," and Section 10-4.C.9.s and adopt Section 16-17 "Affordable (Inclusionary) Housing" as proposed.

5. Amend Section 17-6 "Accessory Dwelling Units" as proposed.
6. Adopt Section 16-18 "Outdoor Dining" as proposed (*or with the proposed modifications above*).
7. Adopt 16-19 "Administrative Approval for Temporary Accommodation" as proposed.
8. Amend Sections 20-8 "Special Permits" and Section 20-9 "Site Plan" as proposed with the proposed minor modifications identified in the October 13, 2021 staff memo.



Proposed 150' TVA Principal Building Setback

This map is intended to illustrate a conceptual 150' setback for principal buildings from residential zones as described in Section 7-4(A)(8) of the proposed zoning regulations.

 Proposed 150' Setback

 RDD


 VCZ

 GDD

 TVA

 Parcel Boundaries

The Town of Tolland, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

0 300 600
 Feet

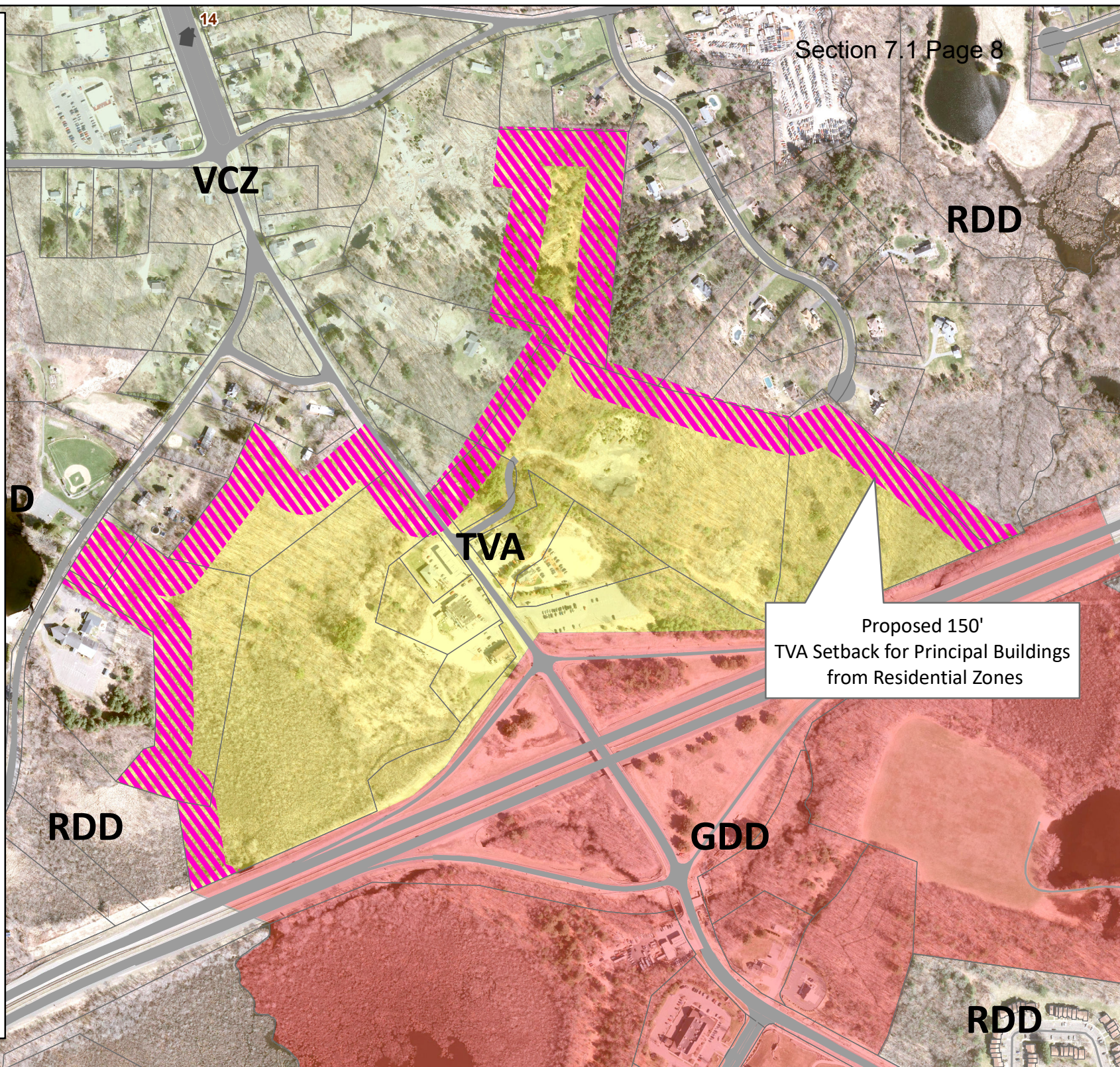


Table of Uses – Proposed Changes from Current Requirements – Updated 10/13/21

The following table demonstrates the difference in permitted uses between the current and proposed zoning codes. The list may not be exhaustive. Please see Chapter 14 of the proposed regulation amendments for the full text.

Red - New Uses/Permitting Requirements

Blue - Old Uses/Permitting Requirements

Black - No Change

| | | |
|---------------------------|---------------------|------------------|
| P = Permitted – Site Plan | SP = Special Permit | --- = Prohibited |
|---------------------------|---------------------|------------------|

| Retail, Personal, & Professional Service Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|---|--------|--------|--------|-------|-------|-------|------|-------|-------|-------|
| Retail & Service Establishment | P/SP | ---/P | ---/P | P | P/SP | SP/-- | P | P | P | --- |
| Retail & Service Establishments – Over 20,000 sf. | SP | P | P | SP/P | P/SP | SP/-- | P | P | P | --- |
| Financial Institution | P/SP | P | P | P/SP | P/SP | SP/-- | P | P | P | --- |
| Drive-Thru Service – Pharmacy & Financial Institutions | P/SP | SP/--- | SP/--- | P/SP | P/SP | --- | P | P/SP | P/SP | --- |
| Child & Adult Day-Care Centers, or Group Day-Care Homes. | --- | P | P | P | P/SP | --- | P | SP | SP | --- |
| Veterinary Hospital (without outdoor animals) | SP/--- | P | P/--- | P | P/SP | --- | P | P/--- | P/--- | P/--- |
| Veterinary Hospital, Commercial Kennels & Stables (5-acre min.) | --- | --- | --- | P | --- | --- | SP | --- | --- | --- |
| Laundromat (public sewer required) | P/--- | P/--- | P/--- | P/--- | P/SP | P/--- | P | P/SP | P/SP | --- |
| Self-Storage Facility | --- | P/--- | P/--- | P | --- | --- | SP | P/SP | P/SP | --- |
| Roadside stand, regional. | --- | P | P/--- | P | P/SP | --- | P | P/SP | P/SP | --- |
| Funeral Home | --- | SP/--- | SP/--- | SP/-- | SP/-- | --- | SP | --- | --- | --- |
| Adult-Oriented Establishment | --- | --- | --- | --- | SP | --- | | --- | --- | --- |

| Hospitality Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|--|--------|-------|-------|------|------|-------|------|--------|-------|-------|
| Restaurant (without liquor sales) | P/SP | P/SP | P/SP | P/SP | P/SP | SP/-- | P | P/SP | P/SP | --- |
| Restaurant (with liquor sales) | P/SP | SP | SP | SP | P/SP | --- | P | P/SP | P/SP | P/--- |
| Drive-Thru Service – Fast Food & Fast-Casual | SP* | --- | --- | --- | SP | --- | P | SP/--- | --- | --- |

| | | | | | | | | | | |
|--|--------|--------|--------|--------|--------|-----|-----|--------|--------|--------|
| Restaurant – Brewpub | P/SP | --- | --- | --- | P/SP | --- | P | SP/--- | --- | SP |
| Micro-Brewery, Micro-Distillery, or Micro-Winery | SP | --- | --- | SP | SP | --- | P | ---/SP | --- | P/SP |
| Brewery, Distillery, or Winery | --- | --- | --- | --- | --- | --- | --- | SP | --- | P/SP |
| Hotel (internal access guest rooms) | SP | SP/--- | SP/--- | SP | SP | SP | SP | SP/--- | SP/--- | SP/--- |
| Bed & Breakfast Establishment | P/SP | P | P | P | SP | --- | --- | P | P | --- |
| Retail Food Service Establishment | P/SP | P/SP | P/SP | P/SP | P/SP | --- | P | P | P | --- |
| Catering Facilities | SP/--- | P/--- | P/--- | P/--- | SP/--- | --- | P | --- | P/--- | P/--- |
| Banquet Facilities | SP/--- | SP/--- | SP/--- | SP/--- | SP/--- | --- | P | --- | --- | --- |
| Commercial/Shared Kitchen | P/--- | P/--- | P/--- | SP/--- | P/--- | --- | P | --- | P/--- | P/--- |

*Special Permits for Drive-Thru currently only allowed for existing Drive-Thru restaurants. The proposed TVA regulations would expand this to allow for Drive-Thrus by Special Permit for new restaurants as well.

| Commercial Office Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|---------------------------------|--------|--------|--------|------|------|-------|------|-------|-------|--------|
| Office (Professional & General) | P/SP | P/--- | P/--- | P | P/SP | P/SP* | P | P | P | P |
| Office (Medical) | SP | SP/--- | SP/--- | SP/P | SP | SP* | P | P | P | SP/--- |

* The previous regulations distinguished between office space of less than 5,000 square feet and more than 5,000 square feet in the TCZ, requiring a Special Permit for offices >5,000 square feet

| Commercial Laboratory & R&D Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|--|--------|--------|--------|-----|-----|-----|------|--------|--------|--------|
| Medical, Dental, & Optical Laboratory | --- | --- | --- | --- | --- | P | P | P/--- | P/--- | P |
| Laboratory (Research, Experimental, & Development) | --- | --- | --- | --- | --- | P | P | P | P | P |
| Technology or Computer-Based Facilities (Data Processing Center) | -- | --- | --- | --- | --- | P | P | P/--- | P/--- | P/--- |
| Manufacturing (Biotechnology, Medical, & Pharmaceutical) | --- | --- | --- | --- | --- | SP | SP | SP/--- | SP/--- | SP |
| Educational, Scientific, & Research Activity | --- | --- | --- | --- | --- | P | P | P/--- | P/--- | P/--- |
| Training and/or Conference Center | SP/--- | SP/--- | SP/--- | SP | SP | SP | P | SP/--- | SP/--- | SP/--- |
| Licensed Medical Marijuana – Dispensary | --- | --- | --- | SP | --- | --- | --- | SP | SP | --- |
| Licensed Medical Marijuana Production Facility | --- | --- | --- | --- | --- | SP | SP | SP | SP | SP |

* The previous regulations distinguished between commercial/laboratory of less than 5,000 square feet and more than 5,000 square feet in the TCZ, requiring a Special Permit for offices >5,000 square feet

| Residential & Mixed-Use Developments | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|---|---------------|--------------|--------------|------------|------------|------------|-------------|--------------|--------------|------------|
| Single-Family Residential | ---/ SP | ---/P | ---/P | SP | --- | --- | --- | --- | --- | --- |
| Mixed Use – Residential | SP | --- | --- | P/SP | SP | SP | SP | --- | SP/P | --- |
| Multi-Family Residential | SP | SP/--- | SP/--- | SP | SP | --- | SP | --- | --- | --- |

| Institutional, Public, & Recreational Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|---|---------------|--------------|--------------|------------|------------|------------|-------------|--------------|--------------|------------|
| Cultural Institution, Art or Music Center, & Museum | P/SP | P | P | P | P/SP | --- | --- | P | P | --- |
| Public & General Assembly | SP | SP/P | SP/--- | SP/P | SP | | --- | --- | --- | --- |
| Places of Worship & Religious Institution | P/SP | P | P | P | P/SP | P/--- | P | P | P | SP |
| Utilities – Public/Private: Structures, Substation, or Office | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| School – Private | --- | --- | --- | P | --- | SP/-- | P | SP | SP | --- |
| Hospital, Nursing or Convalescent Facility | --- | --- | --- | P | --- | --- | --- | --- | --- | --- |
| Assisted Living Facility | --- | SP/--- | --- | --- | SP | --- | --- | --- | --- | --- |
| Club | SP | --- | --- | --- | --- | --- | --- | P | P | --- |
| Commercial Recreation Facilities | --- | SP | SP | SP | SP | --- | --- | SP | SP | SP |

| Automotive Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|--|---------------|--------------|--------------|------------|------------|------------|-------------|--------------|--------------|------------|
| Motor Vehicle Sales (licensed by State) | --- | --- | SP/--- | --- | SP | --- | --- | SP | SP | --- |
| Trailer & Recreational Vehicles Sales | --- | --- | SP/--- | SP | --- | --- | --- | SP | SP | --- |
| Motor Vehicle Repair (licensed by State) | --- | --- | SP | SP | P/SP | --- | --- | SP | SP | --- |
| Gasoline Station & Convenience Store | SP/--- | --- | SP/--- | --- | SP | --- | --- | SP | SP | --- |
| Car Wash | --- | --- | --- | --- | SP | --- | --- | SP | SP | --- |

| | | | | | | | | | | |
|--|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Parking Facilities (public/private parking serving off-premises) | SP | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|--|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

| Agriculture & Natural Resources | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|---|---------------|--------------|--------------|------------|------------|------------|-------------|--------------|--------------|------------|
| Agriculture, Nurseries, Forestry, Forest Management | P/SP | P | P/--- | P | P/SP | P/--- | P | P/--- | P/--- | P/--- |
| Excavation and/or Removal of Earth Products; Filling Operations | --- | --- | --- | --- | SP | --- | --- | SP/--- | SP/--- | --- |
| Excavation – Pre-Development Site Grading | SP | --- | --- | --- | SP | SP | SP | SP | SP | SP |
| Solar Array – Ground Mounted as a principal use | --- | --- | --- | --- | --- | --- | --- | SP | SP | SP |

| Industrial & Manufacturing Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|---|--------|-------|-------|-----|-----|-----|------|-------|-------|--------|
| Manufacturing | --- | --- | --- | --- | --- | --- | --- | P | P | P |
| Wholesaling, Warehousing, or Storage | --- | --- | --- | --- | --- | --- | --- | SP | SP | P |
| Distribution Center | --- | --- | --- | --- | --- | --- | --- | SP | SP | SP/--- |
| Transportation Facility | --- | --- | --- | --- | --- | --- | --- | P | P | --- |
| Printing, Lithography, Photocopy/Graphic Arts Services; Publishing. | --- | --- | --- | --- | --- | --- | --- | SP/P | SP/P | P |
| Heavy Equipment – Repair or Restoration | --- | --- | --- | --- | --- | --- | --- | --- | --- | SP |
| Building Supply – Contractors | --- | --- | --- | --- | --- | --- | --- | SP | SP | SP |
| Building Supply – Public Wholesale | --- | --- | --- | --- | --- | --- | --- | SP | SP | SP |
| Contractor's Materials, Supplies, Equipment, Service, & Storage. | --- | --- | --- | --- | --- | --- | --- | SP | SP | SP |

Changes in TVA Dimensional Requirements – Updated 10/13/21

The following table demonstrates the difference in dimensional and design requirements between the current TVA and proposed TVA-GD. The list may not be exhaustive. Please see Chapter 7 of the proposed regulation amendments for the full text.

| | Current (TVA) | Proposed (TVA-GD) |
|----------------------|---|---|
| Front Setback | <p>Dependent on use and height:</p> <ul style="list-style-type: none"> - Mixed Use – 10 feet unless otherwise approved by Commission if building is three stories or fewer. If building is greater than three stories it must be 150 feet from Merrow Rd and not create a visible height impact - Single Family Residential – 10 feet - Multifamily Residential – 25 feet or 150 feet with height restrictions noted above | <ul style="list-style-type: none"> - 50 feet for all uses - At least 150 feet (for the principal buildings) and 75 feet (for the uses) from the boundary of any residential zone unless waived by Commission |
| Rear Setback | <ul style="list-style-type: none"> - None | <ul style="list-style-type: none"> - 35 feet - At least 150 feet (for the principal buildings) and 75 feet (for the uses) from the boundary of any residential zone unless waived by Commission |
| Side Setback | <ul style="list-style-type: none"> - None | <ul style="list-style-type: none"> - 50 feet but can be reduced depending on nature of adjacent land uses. Required side yard setback may be eliminated if the parcels that share that side property line share a single joint entrance and single joint exit to a public street or share parking facilities and do not contain a residential use. |

| | | |
|------------------------------|---|---|
| | | <ul style="list-style-type: none"> - At least 150 feet (for the principal buildings) and 75 feet (for the uses) from the boundary of any residential zone unless waived by Commission |
| Building Separation | <ul style="list-style-type: none"> - None | <ul style="list-style-type: none"> - 20 feet unless sharing a common wall |
| Building Width | <ul style="list-style-type: none"> - Maximum 240 feet with design variation for spans greater than 75 feet | <ul style="list-style-type: none"> - No restriction on building width, no uninterrupted facades (without wall plane projections or recesses) greater than 100 feet |
| Building Height | <p>Dependent on use:</p> <ul style="list-style-type: none"> - Mixed Use – Must be 1.5 to 3 stories, with preferred height of 2.5 stories. Commission may allow 4 stories or 56 feet with 150' setback from Merrow Rd - Hotel – May be 4 stories or 55 feet with 150' setback from Merrow Rd - Multi-Family Residential – 35 or 40 feet to ridge, or up to 40 feet or 45 feet to ridge or 3 to 3.5 stories with 150' setback from Merrow Rd | <ul style="list-style-type: none"> - 40 feet or 4 stories, whichever is more restrictive |
| Minimum Building Size | <ul style="list-style-type: none"> - None | <ul style="list-style-type: none"> - 1,000 square feet |
| Maximum Building Size | <ul style="list-style-type: none"> - No Maximum | <ul style="list-style-type: none"> - 20,000 square feet for retail - Retail can be raised up to 45,000 square feet by Commission if one of following is provided: <ul style="list-style-type: none"> - additional buffering - linkages to abutting properties - minimum front-field parking |

| | | |
|---|--|--|
| | | <ul style="list-style-type: none"> - special site sensitivity - a special architectural design |
| Lot Coverage | <ul style="list-style-type: none"> - No requirement | <ul style="list-style-type: none"> - Maximum 50%, with ability for Commission to increase to 65% or 80% when necessary for access management (see new Section 7-4) |
| Non-Residential Frontage | <ul style="list-style-type: none"> - For mixed use, a minimum of 400 linear feet of non-residential along newly established streets for a mixed-use "block" | <ul style="list-style-type: none"> - No requirement |
| Residential Density | <ul style="list-style-type: none"> - None | <ul style="list-style-type: none"> - 9 bedrooms per developable acre |
| Design Review Required | <ul style="list-style-type: none"> - Yes | <ul style="list-style-type: none"> - Yes |
| Reductions in Dimensional Requirements | <ul style="list-style-type: none"> - None | <ul style="list-style-type: none"> - May be considered by Commission if the development pattern does one of the following: <ol style="list-style-type: none"> 1. Provides pathway connections and promotes walkability in the area 2. Improves overall compatibility of the site to surrounding or connecting property. 3. Gives special attention to one or more of the following: landscaping, building orientation, New England style architecture, linkages to abutting properties and site amenities |

September 17, 2021

TO: TOLLAND PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2021-95: Proposed zoning amendment pertaining to an overhaul of zoning regulations, including updates to the Tolland Village Area Gateway District, permitted uses, accessory dwelling units, inclusionary housing, outdoor dining, height restrictions, and site plan a

COMMISSIONERS: Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. Staff commends the efforts around accessory apartments and inclusionary housing which furthers CRCOG policy to encourage and support changes to zoning regulations to permit a greater diversity of housing types and costs.

The public hearing date has been scheduled for 9/27/2021.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Christopher Henchey.

DISTRIBUTION: Planner: Ellington, Vernon, Coventry, Willington

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman
Regional Planning Commission

Brendan Malone, Vice Chairman
Regional Planning Commission



Christopher Henchey
Transportation Planner



TOWN OF TOLLAND

Planning & Development Department

21 Tollard Green, Tollard CT 06084

Tel.: (860) 871-3601

MEMORANDUM

TO: Tollard Planning and Zoning Commission
 FROM: Michael D'Amato, AICP, CZEO, Planning & Development
 CC: Tollard Zoning Board of Appeals
 DATE: September 8, 2021
 SUBJECT: **ZBA Regulation Amendments for ADUs**

Summary

For the last few months, the Zoning Board of Appeals has been workshopping changes to the Town's Zoning Regulations as they related to the bulk standards in Residential zones. The Board expects to have a draft proposal to present to the PZC for the first meeting in October. However, because the PZC is currently seeking to amend the Zoning Regulations related to Accessory Dwelling Units, the ZBA felt it was more appropriate to include comments that relate to these units for this meeting so they could be included during the upcoming public hearing.

The scope of the proposed regulations that the ZBA is considering generally look to relax setback standards to make *appropriate* property improvements feasible, without the issuance of a variance. However, the Board agreed that relaxed setbacks should not be considered for accessory dwelling units. While a detached ADU will still function in scale and use as "accessory" to a single-family home, the use of the structure will be for dwelling purposes and as such, the currently applicable standards should remain in place for detached ADUs.

To avoid the need to develop a separate and distinct section of the bulk table in Section 17-2, it may be more concise to include a reference within Section 17-2 as well as within the newly proposed ADU language.

A copy of the suggested revision with proposed language to be added has been included below.

Proposed Amendment for Consideration:

1. Section 17-2(C):

Add: (2) All other detached structures shall have a maximum height of 25ft.

2. Section 17-6:

Modify: Currently proposed language, #13: If the accessory dwelling unit will be located in a detached garage, the structure shall comply **with all applicable setback requirements for detached structures.**



DONALD J. POLAND, PhD, AICP

MANAGING DIRECTOR, URBAN PLANNING & STRATEGY
860.655.6897 – dpoland@gomanyork.com – www.gomanyork.com

October 7, 2021

Andrew Powell, Chair
Planning & Zoning Commission
21 Tolland Green
Tolland, CT 06084

Re: Property Value Impact

Dear Chairman Powell:

At the last public hearing residents who are proximate to the proposed TVA-GC zoning district expressed concerns the potential for negative impacts from future uses allowed in the proposed zoning district. Such concerns are common in the land use planning and the permitting process. In fact, one of the foundational concepts of zoning is that “such regulations shall be made with reasonable consideration...to the character of the district...with a view to conserving the value of buildings” (Zoning Enabling Act, 1922). The concept of *a view to conserving the value of buildings* needs to be contextualized to the time when it was written and the problems that zoning was designed to solve. The 1920s context was the harsh conditions of the industrial city and the lack of regulatory provisions to deal with incompatible uses and the negative consequences of proximity. In addition to the *character of the district* and *conserving the value of buildings*, zoning was intended to protect us from *fire, panic, and other dangers*, conditions that no longer threaten us in the ways they did in the 1920s industrial city. Simply stated, zoning (along with other policies and regulations) has successfully solved the problem of the industrial city and has created stability and predictability in real property markets.

Today, the way in which we need to conceptualize *the character of the district* and *conserving the value of buildings* has changed. That is, the dissimilarity in uses has been greatly reduced. In addition, the negative impacts on adjacent and proximate property have been mostly reduced to the most undesirable land uses. For example, undesirable land uses such as airports, landfills, superfund sites, etc. and their impact on residential and other proximate uses have been extensively studied and documented as having negative impacts on property values (Bell, 1998, 2001; Findlay and Phillips, 1991; Cartee, 1989; Hurd, 2002; Simons, 1997).

However, such concerns and claims of the negative impact created by other dissimilar uses have persisted in land use planning, especially concerns regarding commercial, multi-family, and affordable housing development adjacent and proximate to existing residential properties. It is even common to hear claims that new single-family residential development will negatively impact the value of existing single-family residential properties. Fortunately, such concerns and claims have led to academic and industry research on the impacts of new (residential and commercial) development on existing residential property values. Most important, the abundance of academic research has shown that such claims are not substantiated.



DONALD J. POLAND, PhD, AICP

MANAGING DIRECTOR, URBAN PLANNING & STRATEGY
860.655.6897 – dpoland@gomanyork.com – www.gomanyork.com

Regarding the impact of new commercial development on proximate residential property values, the findings are mixed, complicated, and contextual to the specific sites and situations. Therefore, the finding needs to be explored, discussed, and explained. Matthews a researcher (doctoral candidate) at Georgia State University provides a good starting point (Matthews, 2006: viii-ix):

Existing studies have produced indefinite results. Some find a positive influence of commercial proximity on residential prices; others find a negative influence and a third group finds no effect at all. We reviewed sixteen studies that include residential price effects as functions of proximity to non-residential development: five show a positive effect on residential price; two find a negative effect; five find no or indeterminate effects; one finds the effect varies with the relative strength of positive and negative factors; two find that effects vary with specific uses; and one finds that effect depends on design, maintenance and management of proximate non-residential uses, not necessarily the uses themselves. A final study finds the effect on residential price due to proximity to non-residential depend on the ratio of residential to non-residential uses in the neighborhood; where the ratio of residential to non-residential is high, increases in non-residential uses increased residential prices.

It is important to note that most of the studies reviewed by Matthews found positive or little to no effect on residential property values. However, Matthews further explains the limitations of these studies and what appears to be the reason for such differing results (Matthews, 2006: ix):

Most of these past studies do not treat the residential-commercial relationship directly. The relationship is often treated in very general terms, making no distinction in the size or type of commercial development, its design, age, or operating policies. Likewise, the neighborhood setting and design relationship between residential and commercial development is not included.

In other words, the context, site, and situation matter. The relationship between what is being proposed, the existing conditions of the area where new commercial development is being proposed, and the relationship to proximate residential properties are important in understanding the possible impact, positive or negative, on residential value. The lack of context and/or the contextual and methodological approach of the academic studies are the very reasons why there are conflicting findings. Therefore, it is important not get bogged down in the conflicting findings, but to understand how the findings help to inform us and contextualize the proposal for the subject site.

Another researcher at Georgia State University conducted a comprehensive analysis of 1.5 million residential property sales, both proximate and distanced to new commercial development (for comparison) between 2006 and 2014 throughout Metropolitan Atlanta (Wiley, 2015). In addition, the study made greater attempts to account for similarities in properties, such as the number of bedrooms, bathrooms, and other characteristics (property characteristics and amenities that influence value) between the proximate and distanced properties. Furthermore, the study evaluated three categories of commercial development; industrial, office, and retail. Wiley's (2015) findings are interesting:

- Sites targeted for new industrial development exist in neighborhoods where values are relatively lower and already experiencing a downward trend in advance of the project completion [...] Industrial is one of the least desirable land uses, so it is not surprising to observe industrial development rights allocated in localities where housing values are on the decline. In close proximity to industrial development sites, a localized contraction in house



DONALD J. POLAND, PHD, AICP

MANAGING DIRECTOR, URBAN PLANNING & STRATEGY

860.655.6897 – dpoland@gomanyork.com – www.gomanyork.com

price appears during the predevelopment period [...] yet the existing trend is largely unaffected in the period that follows an industrial development completion (p. 3-4).

- By comparison, site selection for office development occurs in neighborhoods that are relatively more expensive, and at times when values are recently increasing. Post completion, the trend stabilizes at elevated price points in recipient neighborhoods for new office buildings [...] Housing values appear largely unchanged by new office deliveries over the long-horizon (p. 4).
- In the immediate vicinity of retail development site, home prices are relatively lower than the surrounding area during the period leading up to the development. While the trend is trivial prior to completion, it is significantly impacted in the period immediately following a new retail delivery. Home prices inside the radius are initially relatively lower (even more so than before) but set on a path that is steadily increasing relative to comparables in the surrounding area. It takes only a couple of years for the initial reduction to be more than offset, and – within a few years after that – home prices inside the radius even surpass those in the surrounding area (when previously they were significantly lower) (p. 4).
- Of the three commercial real estate product types considered, proximity to retail development is the most likely to be considered a neighborhood amenity and an important aspect to community revitalization – although it can take a few years for the submarket to fully incorporate positive price effects following the completion of a new shopping center (p. 4-5).
- Perhaps most surprising is the lack of evidence for negative and significant impacts of commercial developments on housing values. Scores of political arguments to the contrary are voiced at local debates across the nation, yet this research does not find substantive evidence of a negative interaction (p. 5).

Wiley's (2015) finding a "lack of evidence for negative and significant impacts of commercial developments on housing values" is important. In the long term, regardless of property type (industrial, office, or retail), there were no negative impacts on property value. More important though, is that Wiley's (2015) research shows, with both industrial and office space that pre-existing neighborhoods conditions and values in the area/neighborhood have influence on the trajectory and outcome of value. Stronger market, higher value neighborhoods are better positioned to absorb new office development than weaker market, low value industrial neighborhoods.

Wiley's (2015) finding that residential values proximate to new retail development needs to be further contextualized and better understood. Most important, is not simply that proximate residential values rise in the long term, but that proximate residential property values exceed more distanced properties in the long term. What Wiley's findings are measuring and finding in this regard is what Jaeger (2006) explains as the amenity effect. The amenity effect is "when land-use regulations protect, enhance, or create amenities or services that benefit property owners" (2006: 2). The rise in proximate residential property value over time is the positive impact of the amenity effect, the neighborhood being enhanced by new service that retail development provides to the neighborhood.

The studies of new retail development impact on residential property values appear to be influenced by what I will call the large retail development bias. The large retail development bias is the fact that many studies focus on the impacts of large regional malls and big box retailers (Loyer, 2010; Corliga, et al.,



DONALD J. POLAND, PHD, AICP

MANAGING DIRECTOR, URBAN PLANNING & STRATEGY
860.655.6897 – dpoland@gomanyork.com – www.gomanyork.com

2006; Johnson, et al., 2009). My concern is that large-scale development (industrial, office, retail, or residential) is likely to have a greater impact (positive or negative) than a small-scale development. Therefore, even in Wiley's (2015) metropolitan-wide study that captured both large and small retail developments, it is reasonable to assume that the impacts of large developments—based on their intensity—skew the findings and obscure the fact that smaller retail developments may have little or no impact on proximate residential properties.

In the context of the proposed TVA-GD it is important to note that this is already a commercial in character and the commercial development has existed for decades. Therefore, I do not view the proposed TVA-GD creating a circumstance where there are substantial differences between what is allowed today and what may be allowed in the future—the total square feet of development, regardless of use and style, is not more than what is allowed today. In addition, the proposed TVA-GD includes setbacks and buffers not provided in the existing TVA, adding additional considerations and safeguards. It is also important to note, while the Tolland community may view potential development as large-scale, in the discussion above, such an interpretation is relative. Large-scale, as discussed above is in the context of regional malls and big box retail (typically 90,000 to 150,000 square feet super stores).

While Wiley's (2015) findings are interesting and do inform us, his study conducted at the metropolitan scale does have limits as to its accounting for the specific site, situation, and scale of retail developments in each instance. Matthews (2006) study provides more scaled case study and comparative analysis of retail developments in both central city urban and edge city suburban locations. While his findings are mixed—positive and negative impacts in both settings—his study offers some important insights into the relationship between commercial retail development, and residential property values. For example, in "automobile oriented neighborhoods, there are no significant residential price effects associated with proximity to retail uses..." (Matthews, 2006: 140). He further explains, "Whether or not retail sites are visible from residences significantly affects the strength of negative disamenities. The less visible a retail site, the lower the effects on residential price. The implication for public policy is clear and is not new: measures should be developed to provide visual barriers between retail and residential sites" (Matthews, 2006: 138-139).

Since multi-family housing and mixed-use developments are permitted in both the existing TVA and proposed TVA-GD, I want to also discuss the impact of multi-family residential development on proximate residential development. A notable and comprehensive longitudinal study by the MIT Center for Real Estate of seven high-density affordable housing developments adjacent to medium- and low-density single-family residential areas in six communities spread across Metropolitan Boston. The researchers stated that the findings "in all seven case study towns lead us to conclude that the introduction of larger-scale, high-density mixed-income rental developments in single-family neighborhoods *does not* affect the value of surrounding homes. The fear of potential asset-value loss among suburban homeowners is misplaced" (Pollakowski, et. al, 2005: ii). A 2003 study by Harvard's Joint Center for Housing Studies found that *apartments posed no threat to surrounding single-family house values* (Hoffman, 2003).

The findings of the MIT and Harvard studies are further substantiated in a recent study by Kem C. Gardner Policy Institute at the University of Utah. The study, *The Impact of High-Density Apartments on Surrounding Single-Family Home Values in Suburban Salt Lake County*, analyzed the construction of 7,754 units between 2010 and 2018 and the impact of these multi-family rental developments on single-family home values within a half mile of the new apartments. The researchers found:



DONALD J. POLAND, PHD, AICP

MANAGING DIRECTOR, URBAN PLANNING & STRATEGY
860.655.6897 – dpoland@gomanyork.com – www.gomanyork.com

...apartments built between 2010 and 2018 have not reduced single-family home values in suburban Salt Lake County. In response to accelerating housing prices over the last decade, the market continues to shift to denser development to slow this trend. However, denser development continues to be a politically controversial topic on city council agendas as existing residents often bring up negative impacts on home values. Single-family homes located within 1/2 mile of a newly constructed apartment building experienced higher overall price appreciation than those homes farther away (Eskic, 2021: 1).

Overall, academic research shows that multi-family development, which is most often of a higher density than single-family residential development, either has no impact or a positive impact on adjacent and proximate single-family residential property values. For example, a “study in King County, Washington, shows an increase in single-family home values for those located near denser development” (Eskic, 2021: 2).

The National Association of Homebuilders found that single-family residential property values within 300 feet of multi-family rental housing increased by 2.9% (NAHB, 2001). Researchers at Virginia Tech University conducted a study that concluded, multi-family rentals that were well-designed, attractive, and well-landscaped, increased the value of proximate single-family residential housing (Eskic, 2021). What was most interesting about the Virginia Tech study, as explained by Eskic (2021: 2), were the researchers three possible reasons to explain their findings:

1. new construction serves as a potential indicator of positive economic growth;
2. new apartments increase the pool of future homebuyers for current homeowners; and
3. apartments with mixed-use development often increase the attractiveness of nearby communities as they provide more housing and amenity choices.

These three possible explanations are important. They highlight the importance of continuous investment in a community, providing a modern, diverse, and competitive housing stock—the positive economic growth, the need to attract newcomers to the community to create a pool of future homebuyers, and the amenity value diverse housing stock that offers housing alternatives for other residents already in the community—retaining young adults and empty nesters who seek to remain in the community but need and want housing other than larger single-family homes. This is especially true for Tolland since the recently released 2020 Census of Population shows that Tolland has lost 3% of its total population and 20% of its population under the age of 18 since 2010. The substantial loss of young persons indicates that Tolland is not retaining or attracting young adults and households.

While claims of negative property value impacts are likely to persist in the local land use approval process, the unbiased academic research is clear in its findings, “apartments posed no threat to surrounding single-family house values (Hoffman, 2003) and “the fear of potential asset-value loss among suburban homeowners is misplaced” (Pollakowski, et. al, 2005: ii). This is important for communities, especially land use boards and commissions, to understand and embrace. New housing development, including multi-family and even affordable housing, when well designed and aesthetically pleasing, does not negatively impact the value of adjacent or proximate residential development.

I look forward to discussing this with you and the Commission further at the hearing(s). If you or any of the Commission members have any questions or concern regarding this topic, please feel free to ask me any questions you or the Commission may have at the hearing.



DONALD J. POLAND, PhD, AICP

MANAGING DIRECTOR, URBAN PLANNING & STRATEGY
860.655.6897 – dpoland@gomanyork.com – www.gomanyork.com

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Poland".

Donald J. Poland, PhD, AICP
Planning Consultant



DONALD J. POLAND, PhD, AICP

MANAGING DIRECTOR, URBAN PLANNING & STRATEGY
860.655.6897 – dpoland@gomanyork.com – www.gomanyork.com

Supportive Material

Sources

- Aydin, Recain, Crawford, Evert, and Smith, Barton, A., (2006): "Commercial Development Spillover Effects Upon Residential Values". *Southeastern Economic Review*.
- Bell, Randall, (1998): "The Impact of Detrimental Conditions on Property Values" *The Appraisal Journal*. 380-391.
- Bell, Randall, (2001): "The Impact of Airport Noise on Residential Real Estate" *The Appraisal Journal*. 312-321.
- Cartee, Charles, P., (1989): "A Review of Sanitary Landfill Impacts on Property Values" *The Real Estate Appraiser and Analyst*. 43-46.
- Corlija, Melvin, Siman, Emilian, and Finke, Michael, S., (2006): Longitudinal Analysis of Big Box Store Construction on Nearby Home Values. *Consumer Interests Annual*. Vol. 52: 187-197.
- Department of Commerce, United States, (1924): Standard State Zoning Enabling Act: Under Which Municipalities May Adopt Zoning Regulations.
- Findlay, III and G. Phillips, "An Evaluation of the Impact of a Well-Designed Landfill on Surrounding Property Values" *The Appraisal Journal* (April 1991): 247-52.
- Hurd, Brian, H., (2002): "Valuing Superfund Site Cleanup: Evidence of Recovering Stigmatized Property Values" *The Appraisal Journal*. 426-437.
- Jaeger, William, K, (2006): "The Effects of Land Use Regulations on Property Values". *Environmental Law*, Volume 26:105.
- Johnson, Daniel K.N., Lybecker, Kristina M., Gurley, Nicole, Stiller-Shulman, Alex, and Fischer, Stephen, (2009): The NWIMBY Effect (No WalMart In My Backyard): Big Box Stores and Residential Property Values. (Working Paper) Department of Economics and Business, Colorado College. Colorado Springs, CO.
- Loyer, John, (2010): The Effect of Wal-Mart on Residential and Commercial Property Values: Evidence from New Jersey. The College of New Jersey. New Jersey. Matthews, John William, (2006): "The Effects of Proximity to Commercial Uses on Residential Prices". Doctoral Dissertation. *Georgia State University and the Georgia Institute of Technology*.
- National Association of Home Builders, (2001): "Market Outlook: Confronting the Myths about Apartments with Facts." Washington, D.C.
- Pollakowski, Henry, O., Ritchay, David, and Weinrobe, Zoe, (2005): *Effects of Mixed-Income, Multi-Family Rental Housing Developments on Single-Family Housing Values*. MIT Center for Real Estate. Cambridge, MA.
- Simons, Robert A., Bowen, William, and Arthur Sementelli, Author, (1997): "The Effect of Underground Storage Tanks on Residential Property Values in Cuyahoga County, Ohio" *Journal of Real Estate Research*. Vol 14, 29-42.
- Song, Yan, and Knaap, Gerrit-Jan, (2004): 'Measuring the Effects of Mixed Land Uses on Housing Values.' *Regional Science and Urban Economics*. Vol. 34: 663-680.



DONALD J. POLAND, PhD, AICP

MANAGING DIRECTOR, URBAN PLANNING & STRATEGY

860.655.6897 – dpoland@gomanyork.com – www.gomanyork.com

University of Washington. "Denser development is good for single-family home values." ScienceDaily.
www.sciencedaily.com/releases/2012/06/120626151109.htm

Wiley, Jonathan, A., (2015): "The Impact of Commercial Development on Surrounding Residential Property Values". *Georgia State University*.

PUBLIC COMMENT

Cassandra Santoro

From: David Corcoran
Sent: Monday, October 18, 2021 9:56 PM
To: Cassandra Santoro
Subject: Fw: [EXTERNAL]Public input on TVA proposed regulation changes

For the record

From: David Raccagni <daveracc@comcast.net>
Sent: Monday, October 18, 2021 9:52 PM
To: David Corcoran
Subject: [EXTERNAL]Public input on TVA proposed regulation changes

To David Corcoran, Director of Planning & Development and members of the PZC:

I am emailing comments I attempted to make during this evening's PZC meeting but was unable to due to laptop audio issues.

In response to Jon Crickmore's request for resident input on what restrictions would be reasonable, I'd propose the following:

- 1) Setbacks- 150 feet. For context, this is only half the length of a football field, which is not very far. I'd hope the town would give residents at least this much relief from commercial development proximity.
- 2) Buffers- I believe it is critical to write clearly into the revised regulations requirements for substantial buffers, and not give developers leeway to interpret this as the bare minimum. This includes clear guidelines on evergreen tree density, berms, fences, etc. to very effectively break up sight lines.
- 3) Building heights- 40' or 4 stories (whichever is more restrictive). A 40' building is a large building. Mr. Williams' request for 4 stories would equate to a 50-60' high building, based on his example of 40' for a 2 story commercial building. In my opinion a 50-60' building is simply too high given the proximity to a residential neighborhood and the historic town green. However, perhaps there could be some variability based on proximity to residential neighborhoods? For example 40' max height if 150' from residential property but 50' if 250' from residential property?

Thank you to the PZC for consideration of residents' input with the desire to spur commercial development in town.

Dave Raccagni
21 Woodfields Drive
Tolland, CT

Cassandra Santoro

From: David Corcoran
Sent: Monday, October 18, 2021 8:53 PM
To: Cassandra Santoro
Subject: Fw: [EXTERNAL]Fw: P&Z PH
Attachments: 2021_10_18_P&Z_PH_Barnas_Comments.docx

Please add to the record

From: Jodie Coleman-Marzialo <mjmarz@msn.com>
Sent: Monday, October 18, 2021 6:48 PM
To: David Corcoran
Subject: [EXTERNAL]Fw: P&Z PH

From: dave@truehealthunlimited.com <dave@truehealthunlimited.com>
Sent: Monday, October 18, 2021 5:29 PM
To: 'Jodie Coleman-Marzialo' <mjmarz@msn.com>
Subject: RE: P&Z PH

Hey Jodie,
Thanks for coming by today. Please see attached document that we would like to have read at tonight's meeting. Hopefully you can read it for us.
Please keep us in the loop.
Best Regards,
Dave

From: Jodie Coleman-Marzialo <mjmarz@msn.com>
Sent: Monday, October 18, 2021 4:24 PM
To: dave@truehealthunlimited.com
Subject: P&Z PH

Ms. Nuccio asked if the town's blight regulations include commercial businesses. Ms. Falusi responded that they do not. Ms. Nuccio explained that there are locations in town which are not rented and asked if there is anything that can be done from a blight perspective, and in the blight ordinance to encourage having them rented or not looking like vacant spaces. Ms. Hancock responded that she will research this. She added that she has been working with the EDC to compile an inventory of the empty spaces, including vacant spaces, as well as areas that could be developed for commercial businesses or other types of use. Her goal is to work with the Commission to bring potential tenants, developers, and real estate professionals to town, take them on a tour of the spaces, and provide them with regulations and ideas for use. She noted that while commercial development will help the grand list, it will not solve the issue of the tax burden on the residential base given that there are so few areas in

Dave & Hollie Barnas

31 Tolland Green

Thank you Jodie for delivering our comments to the Planning and Zoning Commission meeting/hearing as we could not attend the meeting on the evening of Monday October 18, 2021.

We would like it known that as we follow the development proposals for the TVA, we have become increasingly concerned that possible decisions will be made by subjective opinion rather than by objective facts. And this has been our continued experience over the past few years.

We do not see the facts being published in a way that would drive good and progressive debate on this matter. For example, where are the facts that commercial development decreases crime, increases property value, doesn't cause traffic congestion and increases the overall well-being of the Town's taxpayers?

If commercialism is good for the Town, why aren't succinct benefits described and backed by data?

What is the data that supports building more commercial businesses when we already have too many unoccupied commercial spaces? What is the factual argument that adding the proposed changes to the TVA (drive-through, laundromat, etc.) will be a greater benefit than allowing those types of businesses to operate out of business zoned spaces already available in Tolland? Why is a speculative business located in the TVA so much better for the Town and the taxpayer? For example, why not consider maximizing the Technology Zone where Nerac exists rather than tear down beautiful natural landscapes in Tolland that provide Tolland with its known semi-rural ambiance? What is the benefit of adding more concrete? How do you answer these questions with facts?

All we hear are responses using comparisons with other towns that have completely different demographics, proximity to Hartford, private schools and other attributes not consistent or comparable with Tolland.

To think that what works for one Town with all the differences mentioned will work with the Town of Tolland is not a data-driven conclusion. It's only speculative.

How about we find and learn from towns like Tolland rather than to try to make Tolland into a West Hartford, Stafford, Vernon or Glastonbury?

And why when we ask these kind of questions, as we have in the past, can we never get clear answers based on data?

Is it possible that we can maximize the vacant commercial spaces we have before trying to build new? Is it possible there is a middle ground to support development such as solving the problem of our empty commercial spaces before even consider attempting to make changes to the TVA?

Is it possible we can find a solution of growth that at least has a predictable and positive outcome?

Thank you for your time and the opportunity for us to share our input.

Cassandra Santoro

From: David Corcoran
Sent: Monday, October 18, 2021 8:54 PM
To: Cassandra Santoro
Subject: Fw: Scanned from a Xerox Multifunction Printer
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Please add to the record - from Steve Williams

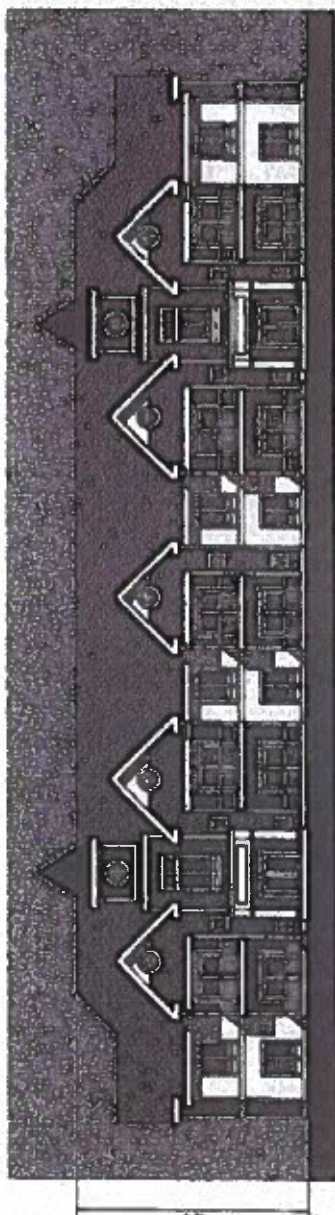
From: DevScanner@tolland.org <DevScanner@tolland.org>
Sent: Monday, October 18, 2021 6:47 PM
To: David Corcoran
Subject: Scanned from a Xerox Multifunction Printer

Please open the attached document. It was sent to you using a Xerox multifunction printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: Development Office
Device Name: Development Xerox

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



- BRACKETS AT DECK CORNERS
- 2 ENTRY TOWERS
- SINGLE GABLES
- SMALL GABLE DAVES HIGHER THAN MAIN ROOF

PROPOSED ENTRY ELEVATION
SCALE: 1" = 10'

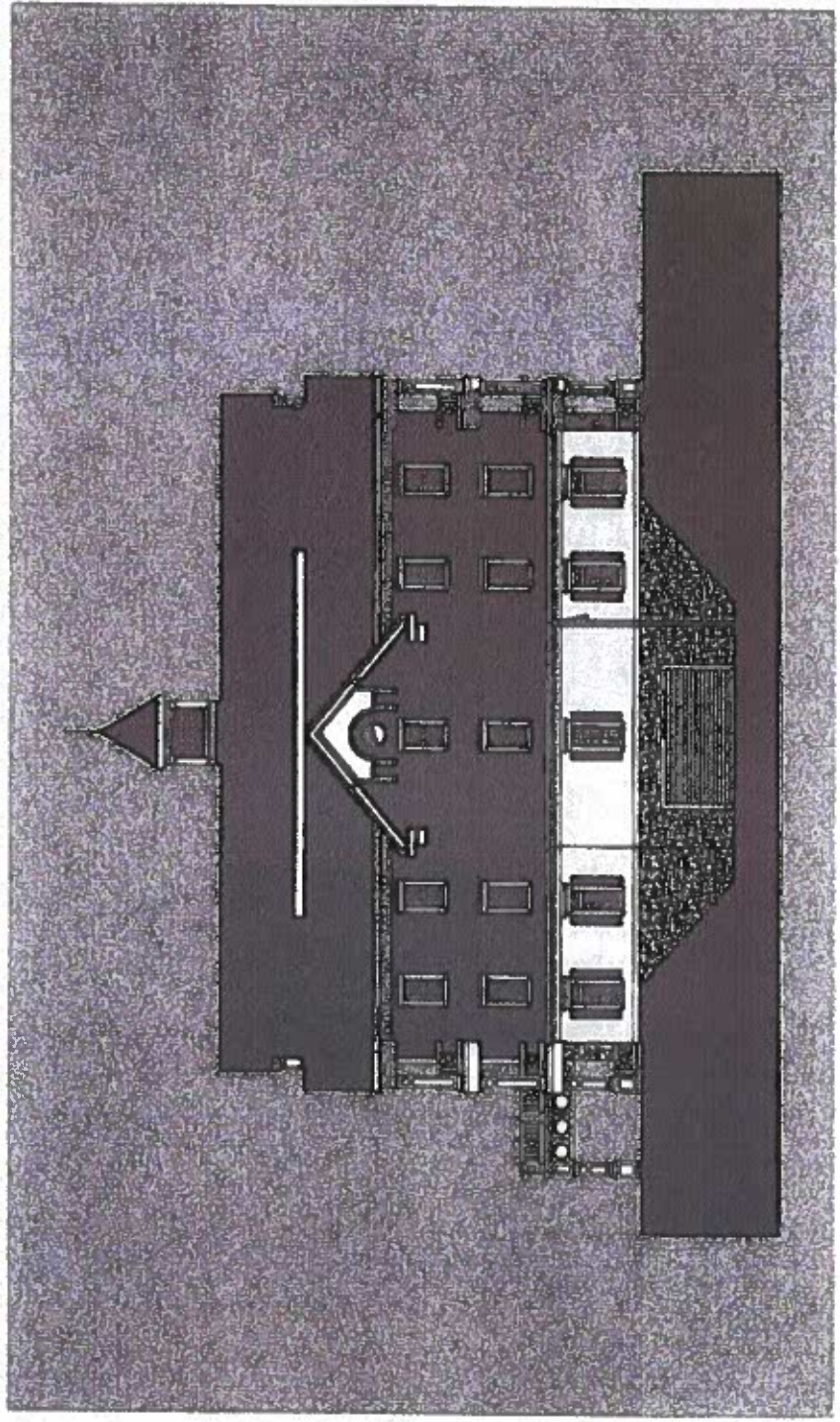
Tolland Apartments

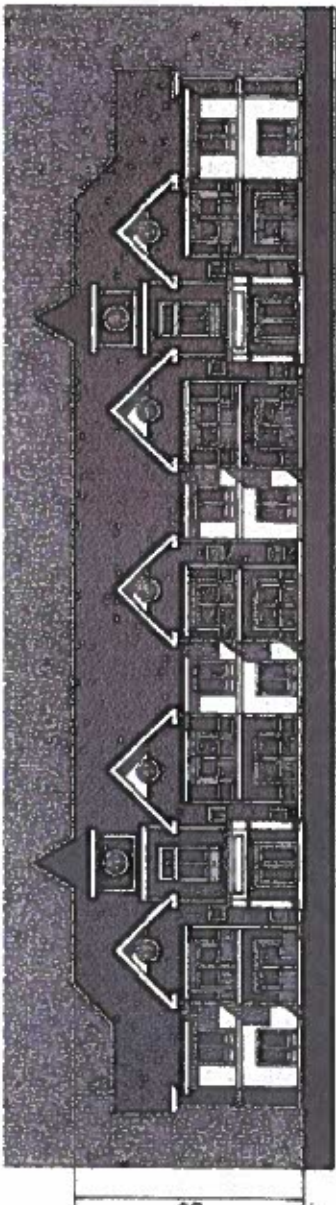
Tolland, Connecticut

10/18/21, 4:29 PM



Sutton Elevation.jpg





- BRACKETS AT DECK CORNERS
- 2 ENTRY TOWERS
- SINGLE CABLES
- SMALL GABLE EAVES HIGHER THAN MAIN ROOF

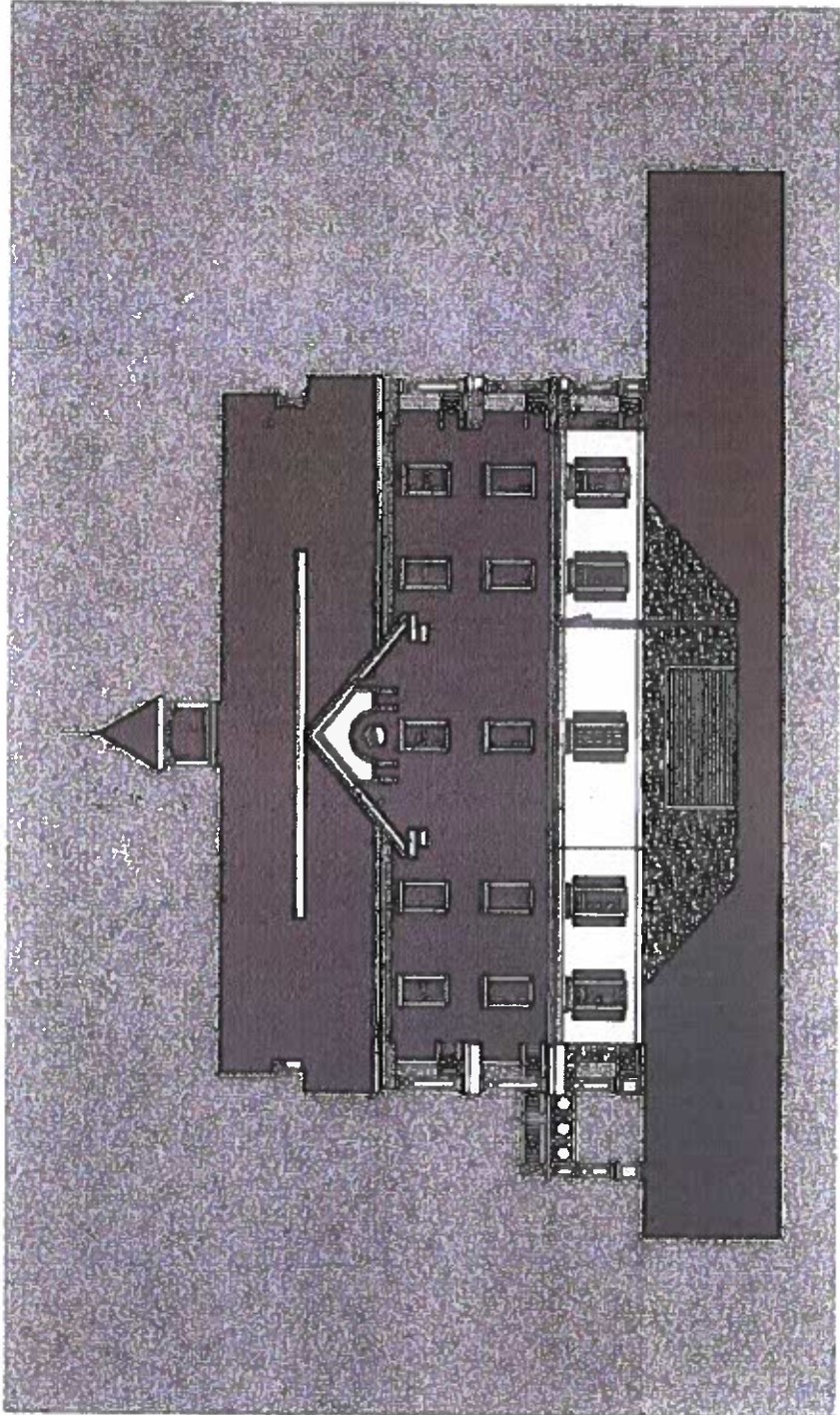
PROPOSED ENTRY ELEVATION
SCALE: 1" = 10'

Tolland Apartments
Tolland, Connecticut

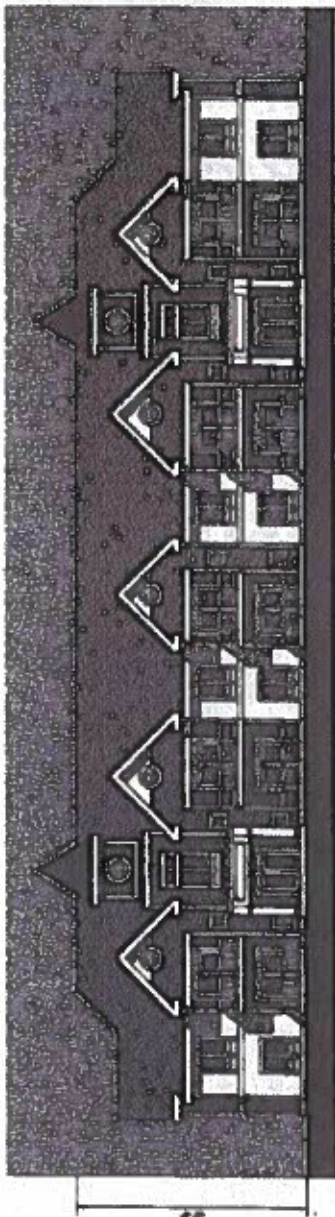
10/18/21, 4:29 PM



Sutton Elevation.jpg



- BRACKETS AT BECK CORNERS
- 2 ENTRY TOWERS
- SINGLE GABLES
- SMALL GABLE EAVES HIGHER THAN MAIN ROOF



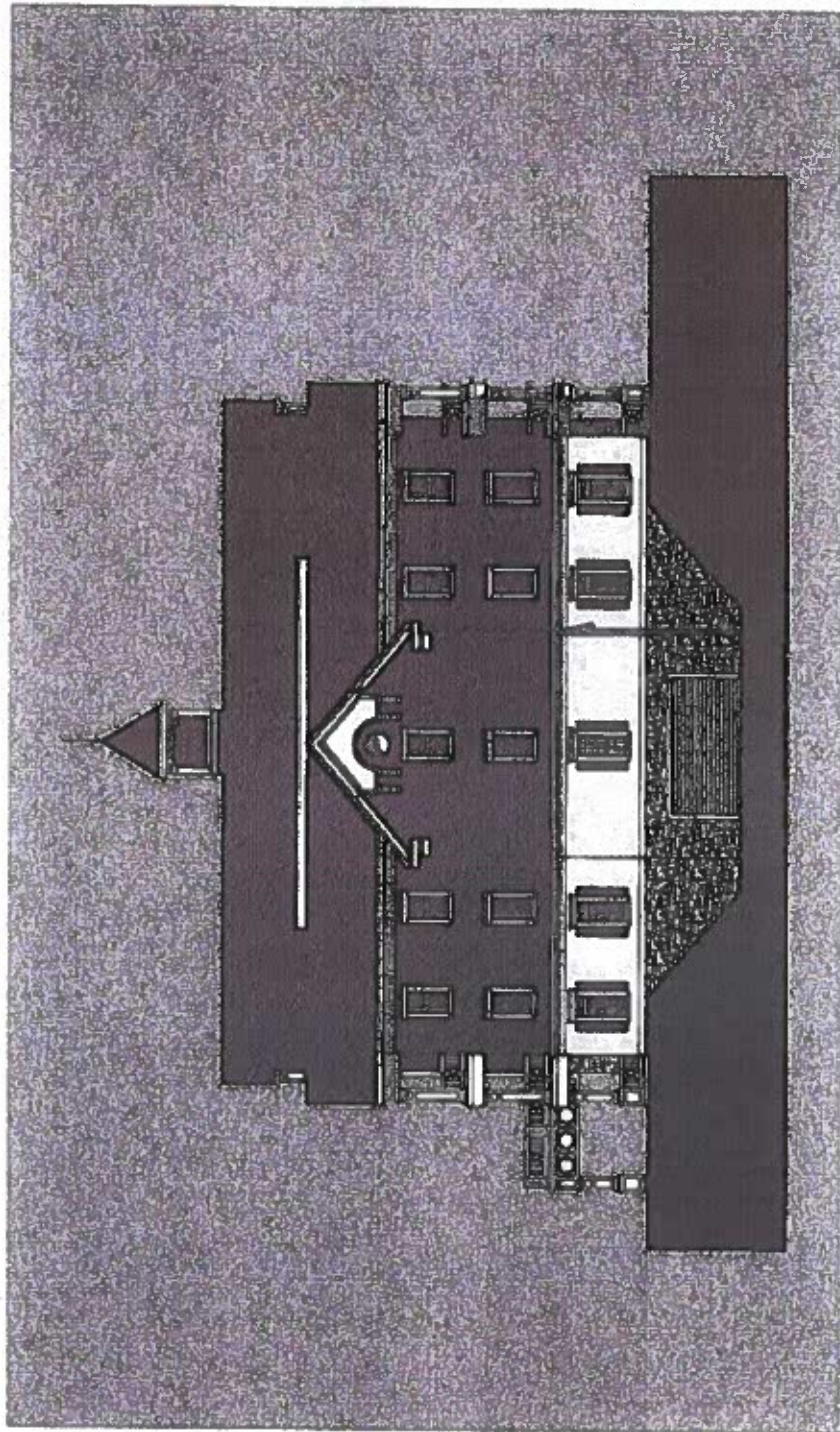
PROPOSED ENTRY ELEVATION
SCALE: 1" = 10'

Tolland Apartments **Tolland, Connecticut**

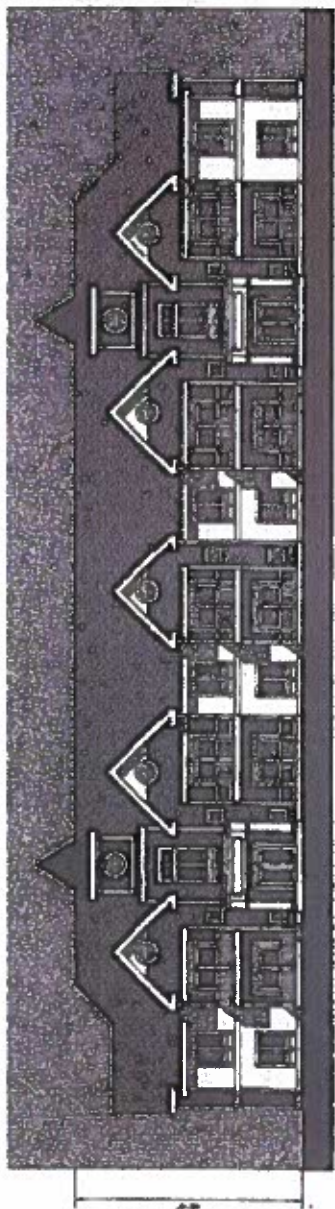
10/18/21, 4:29 PM



Sutton Elevation.jpg



- BRACKETS AT DECK CORNERS
- 2 ENTRY TOWERS
- SINGLE GABLES
- SMALL GABLE DAVES HIGHER THAN MAIN ROOF



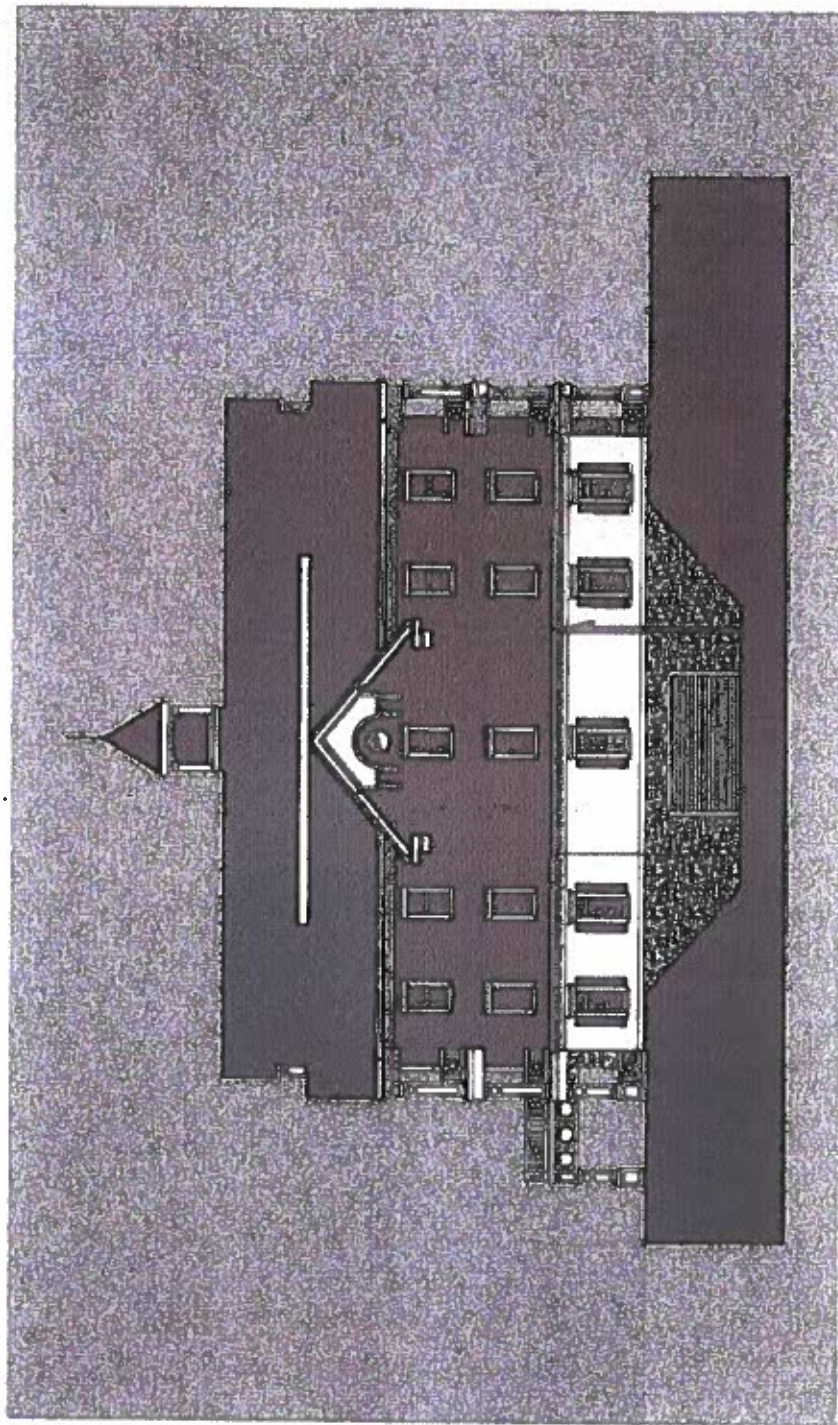
PROPOSED ENTRY ELEVATION
SCALE: 1" = 10'

Tolland Apartments **Tolland, Connecticut**

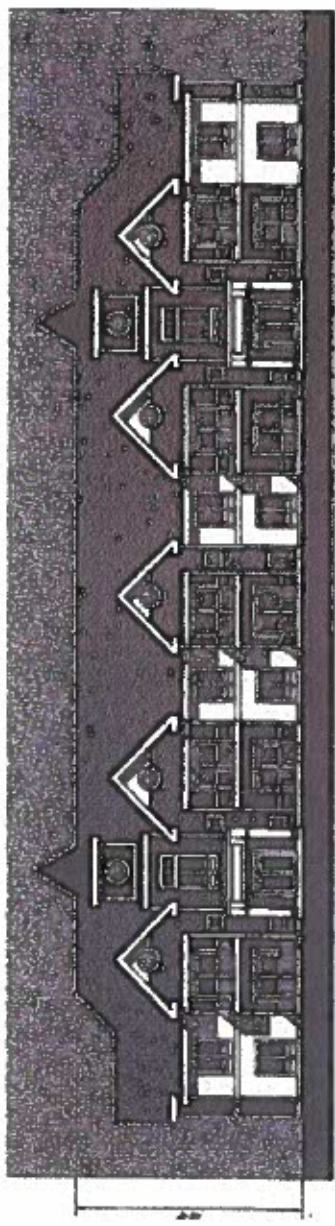
10/18/21, 4:29 PM



Sutton Elevation.jpg



- BRACKETS AT DECK CORNERS
- 2 ENTRY TOWERS
- SINGLE GABLES
- SMALL GABLE EAVES HIGHER THAN MAIN ROOF



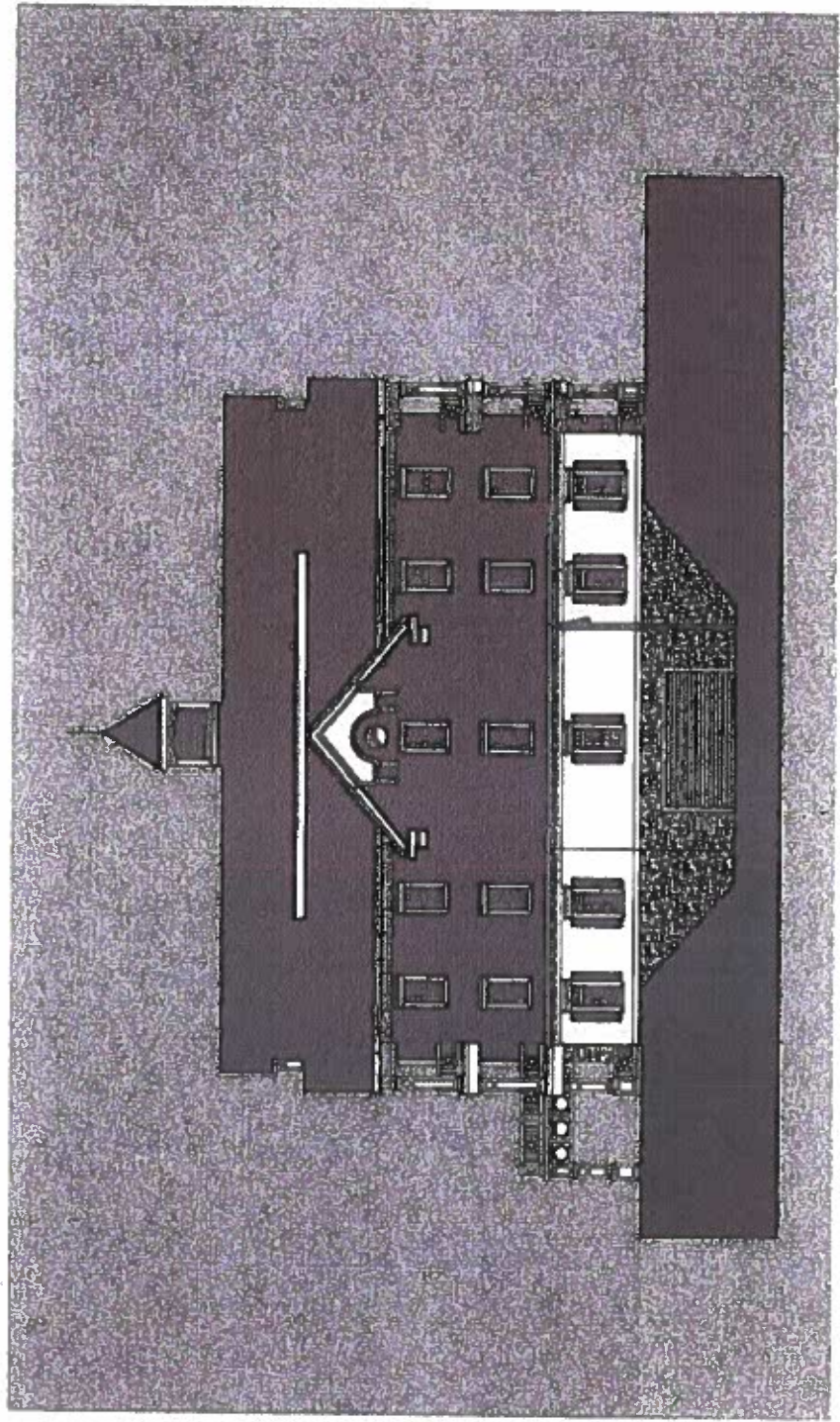
PROPOSED ENTRY ELEVATION
SCALE: 1" = 10'

Tolland Apartments **Tolland, Connecticut**

10/18/21, 4:29 PM



Sutton Elevation.jpg



Cassandra Santoro

From: Joel Johnson <jjohnson@johnsonbrunetti.com>
Sent: Sunday, October 17, 2021 7:05 PM
To: Public Hearing
Cc: Linda Byam
Subject: [EXTERNAL]Proposed zoning changes

To: Tolland Planning and Zoning Commission
Re: Proposed zoning changes.

Dear members of the commission.

I am writing this letter on behalf of my wife Wendy Johnson who is the property owner of the home we live in at 52 Woodfields Drive.

We understand the goal of the development of the TVA is to enhance the appeal of our town by encouraging development that will make Tolland more attractive to new residents as well as new businesses.

We have lived here for 17 years and our family has enjoyed the "feel" of Tolland, we have benefited from our schools as three of our boys graduated THS and we continue to enjoy our parks and open spaces.

As we review the proposed changes in the zoning regulations I have mixed feelings. As you can imagine this is a difficult time for those of us that own property abutting the TVA. We appreciate the proposed change to a 35 foot setback for development however we would strongly urge the commission to create a buffer between commercial development and residential property of an additional 100 feet.

The TVA is a project that can certainly enhance the towns appeal. That said, we would respectfully suggest that such a small setback without a buffer has a profoundly negative impact on existing property owners as well as future property owners on Woodfields Drive. This change would have a very small impact on a developer but not putting in the buffer would have a very large negative impact on homeowners.

In a sense you could be helping the town's future by hurting the existing residents. Sort of like when companies treat new customers better than existing customers.

We appreciate the work that you all do. At times we know it can be a difficult and thankless job.

We would ask for your thoughtful consideration of our request as we believe it would result in a good outcome for all interested parties.

Joel and Wendy Johnson



T: [\(860\) 372-4800](tel:(860)372-4800)

| F: (860) 436-4768

Investment Advisory Services offered through JB Capital, LLC. Insurance Products offered through JN Financial, LLC.

Cassandra Santoro

From: Jennifer Lange <Jennifereroth@comcast.net>
Sent: Monday, October 18, 2021 9:29 AM
To: Public Hearing
Subject: [EXTERNAL]Public hearing 10/18/2021

Dear Zoning Board members,

We reside on Woodfields Drive. We feel that a 100 foot rear setback from a residential area would be appropriate as opposed to the proposed 35 feet. The proposed zoning changes will make it easier for a much greater variety of development. The homes on this street are set very far back from the street toward the rear property lines, making any proposed development very impactful to these property owners.

We also would prefer single family residential still be allowed as a potential use. We have plenty of vacant commercial space in town. Single family homes however are in high demand as evidenced by the housing market and will provide reliable tax income for the town.

Respectfully,

Jennifer & Jonathan Lange

Sent from my iPhone

From: bfulusi@aol.com,
To: dcorcoran@tolland.org,
Subject: Fwd: Failure Notice
Date: Mon, Oct 18, 2021 10:43 am

There is a failure notice whenever I try to send to the public hearing email.

-----Original Message-----

From: MAILER-DAEMON@aol.com
To: bfulusi@aol.com
Sent: Mon, Oct 18, 2021 10:42 am
Subject: Failure Notice

Sorry, we were unable to deliver your message to the following address.

<publichearinglanduse@tolland.org>:
554: rejecting banned content

----- Forwarded message -----

Thank you for your continued hard work.

MPOZ Considerations - Adult Day Care and Group Day Care - I believe this should be a SP. I do not believe this use fits with the transition of our Historic Town District into the 84 corridor. Same with Laundromat.

I would like to see Cultural Center/Art Center and Museum be added as a P or SP. We already have both in the Tolland Arts Center on the Green. Makes sense to me to allow more.

Commercial Rec Facility - I think small specialized rec facilities could be a benefit to this area. Yoga, personal trainers, come to mind as something that could be acceptable in that area and add benefit to mixed uses.

Page 14 of your last packet - Minimum Building Size is 1k. I know this is small, but I think that smaller sizes should be allowed by SP. A collection of small boutique shops in tourist areas come to mind. Artist studios/stores. Specialized shopping.

Page 38 A Siting

1. Comma after buildings
5. Comma after Street
6. I feel the Or should be an And

Page 41

6. Minimum rear yard set backs at 35 feet. - Does the provision of abutting a residential zone apply here.

Page 43

- 3 Comma after merchandise and sold.
- Also, does this preclude kiosks, farm stands etc?

Other requirements section - should this also note residential zones. For example a dumpster behind a building but visible by a backyard.

Page 45

C Affordable Housing

1. Why is Max permitted density. Was that supposed to be a heading?
- 2 B. Replace persons and families with persons or families. (Otherwise both would be permitted at same time?)

Page 46.

C Should section be labeled as S?

- 2a. The Person(s) instead of person

page 49

11A-2 SEction C - comma after parking demand

Page 50

Section F approved by simple majority or by a 4 vote of commissioners?

C "The applicant may to proceed" - this phrase doesn't make sense.

Page 52 Should references be made to lots abutting residential zones.

Page 67 where discussing lights should spot lights, laser lights and colored lights be mentioned.

Cassandra Santoro

From: Mike Byam <mkbyam@gmail.com>
Sent: Saturday, October 9, 2021 10:26 AM
To: Public Hearing
Cc: Mike Byam
Subject: [EXTERNAL]Letter to PZC

To: Planning and Zoning Commission
From: Michael & Linda Byam
70 Woodfields Dr. Tolland, CT

I would like to recommend that wording be added to the new TVA regulations that include a 100 foot buffer zone between the TVA (commercial) and RDD (residential.) The current TVA zoning regulations states in section 7.2.B.4, the intent of the TVA zone and approval process is to provide buffers to adjacent residential development, but I could find no wording in the existing TVA regulations for a defined buffer distance.

The new regulation does include enhanced setback definitions for buildings, but I strongly support the addition of a defined buffer area.

I would reference wording in the pre-site development section 16.5.C.8 that limits excavation to 100 feet from RDD and remain consistent to that distance.

Thank you

Cassandra Santoro

From: Chuck Mayer <charliemayer@sprintmail.com>
Sent: Wednesday, October 13, 2021 3:32 PM
To: Public Hearing
Subject: [EXTERNAL]Public Hearing on Oct. 18, 2021
Attachments: PZC Letter.doc

Members of the PZC:

Please read the attached memorandum into the record at the hearing on Monday.

Thank you.

Chuck Mayer

MEMORANDUM

Date: October 13, 2021
To: Tolland Planning and Zoning Commission
From: Charles B. Mayer
Subject: Public Hearing; October 18, 2021
Tolland Village District

As a Tolland resident for over 50 years, I vehemently oppose the proposal to create a Village Gateway District on the North side of Interstate 84 at Exit 68. The same or a similar proposal was the subject of several public hearings a few years ago and the proposal met with a great deal of citizen opposition, so much that even after the Commission made some of the modifications requested by the developer at that time, the developer finally backed out. What's different now? There is certainly no need to add more commercial store space since a short distance south on Route 195 already has at least 6 vacant storefronts. There are 2 in Fieldstone Commons, the former Mattress Firm and a store front at the opposite end of the row that Camille's is in. There are 2 more in the next plaza, the former Cardio Express and a very small one that used to house a Chinese restaurant and take out store. And a little further south is the empty, for more than a year, 7-Eleven and a gas station and convenience store at the corner of Goose Lane, also empty and looking like a derelict disaster for more than a year.

With all of these empty storefronts within a quarter mile of the I-84 exit, why would we want to create more opportunities for empty stores in Tolland? Bricks and mortar businesses are rapidly becoming entities of the past, especially following the pandemic which accelerated people's use of online buying and helped Amazon become even more powerful than it had been before the pandemic. Even Buckland Hills Mall, a premier shopping venue when it opened, has many empty stores, including Sears which was one of its anchor stores at one end of the mall.

Such a Village Zone will certainly create more traffic congestion which Tolland doesn't need so close to the Tolland Green Historic District. Pulling out of the NAPA lot, the Mobile station, the Gulf station, Dunkin Donuts and Subway is difficult enough now at certain times of the day without increasing the congestion any more.

Some people believe that such a development will be a tax boon for the town, but it won't! Fieldstone Commons and Big Y only comprise about 2% - 3% of the Grand List and the proposed development isn't supposed to be that big according to the newspaper article of last week. Whole Foods or some other grocery store was mentioned in that article. We certainly don't need another grocery store, since when it opened, Big Y put Roland's IGA, located where Cardio Express is now gone from, out of business.

Tolland is not now and has never been a shopping Mecca. So why create more bricks and mortar empty facades? I was opposed to the earlier proposal for a Village Zone at that location and I'm just as opposed, and maybe more opposed to this proposal for the reasons stated above. Hopefully logic and reason within the PZC will prevail and the proposed zone changes and other developer wishes will be denied. Let him sue you if he's so inclined.

Thanks for listening.

Charles B. Mayer
123 Old Stafford Rd.
Tolland, CT 06084

Inclusionary Zoning Ban Complicates State's Affordable Housing Crisis

By MEGAN MYSCOFSKI (/PEOPLE/MEGAN-MYSCOFSKI) • MAY 5, 2021

 [Share \(http://facebook.com/sharer.php?u=https%3A%2F%2Ftinyurl.com%2Fyg6bah6a&st=Inclusionary%20Zoning%20Ban%20Complicates%20State%27s%20Policy%20On%20Housing%20Development%20In%20California%20-%20The%20New%20York%20Times\)](http://facebook.com/sharer.php?u=https%3A%2F%2Ftinyurl.com%2Fyg6bah6a&st=Inclusionary%20Zoning%20Ban%20Complicates%20State%27s%20Policy%20On%20Housing%20Development%20In%20California%20-%20The%20New%20York%20Times)

 [Tweet \(http://twitter.com/Intent/tweet?](http://twitter.com/Intent/tweet?text=https%3A%2F%2Ftinyurl.com%2Fyg6bah6a&text=inclusionary%20zoning%20ban%20complicates%20state%20policy)
[url=https%3A%2F%2Ftinyurl.com%2Fyg6bah6a&text=inclusionary%20zoning%20ban%20complicates%20state%20policy](https://tinyurl.com/yg6bah6a&text=inclusionary%20zoning%20ban%20complicates%20state%20policy)

 **Email (mailto:?)**



ISTOCK



Listen

5:43

Inclusionary Zoning Ban Complicates State's Affordable Housing Crisis

A new law in Montana prohibits local governments from requiring builders to include housing units for low- and moderate-income families in new projects. The restriction comes as some communities were getting programs off the ground.

Michelle Nequette is a horseshoer in the Flathead Valley. She and her partner moved in with his parents on their farm in Whitefish in January of 2020, only planning to stay as long as it took to buy their first home together. They brought along their dogs, cats and even a few horses. But they weren't planning on staying this long, with no clear end in sight.

"It's been a blessing to be able to come here," Nequette says. "And at the same time, you know, we're adults: We would really love our own living space."

Employment has never been a concern for the couple, even through the pandemic. Horses still need to be shod, and her partner works at FedEx, whose services have been in high demand (<https://www.wsj.com/articles/for-fedex-covid-19-pandemic-keeps-delivering-profit-11616102719>) as people chose to shop from home.

Nequette says housing options are limited and expensive. When they see something they like, it goes quickly.

She says they have considered renting but have found very few rentals available. Plus, open rentals rarely take pets — or charge high fees for them.

"I love it here because my work is absolutely taking off," Nequette says. "I love my clients. I have great horses to work on. It's gorgeous here. But gosh darn it, it would be really nice to find a place to live."

Housing scarcity has been an issue in Whitefish for years. In 2017, a task force of local leaders and consultants drew up a report (<https://www.cityofwhitefish.org/Faq.aspx?QID=72#:~:text=The%20Legacy%20Homes%20Program%2C%20also,incomes%20who%20w>

that recommended inclusionary zoning as one of several steps the city could take to manage the problem.

Inclusionary zoning

(<https://www.huduser.gov/portal/periodicals/em/spring13/highlight3.html>) is a policy that requires developers to set aside for low- to moderate-income residents a certain percentage of the housing units they build inside certain zoned areas. Those units are usually priced below market rate.

State Rep. Dave Fern, D-Whitefish, took part in the task force. He says the goal was to fold the program in as part of a larger city effort to get more people into homes.

"It's really interfering with our ability to grow jobs in our state successfully because housing is limited and the affordability issue is quite profound," Fern says.

But with Gov. Greg Gianforte's signature on HB 259

([http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=259&P_BILL_DFT_NO=&P_CHPT_N)

[P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=259&P_BILL_DFT_NO=&P_CHPT_N](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=259&P_BILL_DFT_NO=&P_CHPT_N)

Whitefish must now roll back its inclusionary zoning policy before people like Nequette can even use it. The law prohibits inclusionary zoning across Montana.

Whitefish and Bozeman were the only Montana towns running inclusionary zoning programs, but other cities facing affordable housing trouble had considered it before the policy was banned statewide.

Opponents of the inclusionary zoning programs say they drive up costs for builders.

Rep. Sue Vinton, a Republican from Yellowstone County and a member of the Home Builders Association of Billings, sponsored the bill to ban the programs.

"Everyone in Montana is dealing with issues of how to make housing more affordable, but I don't believe that inclusionary zoning effectively deals with that issue," Vinton says.

She says inclusionary zoning puts a hefty burden on developers at a time when building costs are up and skilled workers are hard to come by. She says the costs lifted from low- and moderate-income buyers through inclusionary zoning are unfairly put onto other homebuyers in the process.

"We have wide open spaces, right?" Vinton explains. "But that land comes at a cost and there are many people across the state that are in favor of inclusionary zoning but they don't necessarily want it in their backyard, either."

Vinton says she supports finding other means of promoting affordable housing in the state.

Before the end of Montana's 2021 legislative session, lawmakers passed a bill

([http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=SB&P_BILL_NO=269&P_BILL_DFT_NO=&P_CHPT_N)

P_SESS=20211&P_BLTP_BILL_TYP_CD=SB&P_BILL_NO=269&P_BILL_DFT_NO=&P_CHPT_N that would increase opportunities for mobile home owners to buy mobile home parks.

Another bill allocated COVID-19 relief funds

([http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=632&P_BILL_DFT_NO=&P_CHPT_N)

P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=632&P_BILL_DFT_NO=&P_CHPT_N that would help some residents make rent and mortgage payments.

Lawmakers rejected a bill that would have allocated \$15 million from the state's Coal Tax Trust Fund ([http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=21&P_BILL_DFT_NO=&P_CHPT_N)

P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=21&P_BILL_DFT_NO=&P_CHPT_NC to a program providing housing loans to low- and moderate-income families, as well as a bill restricting single-family zoning

([http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=134&P_BILL_DFT_NO=&P_CHPT_N)

P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=134&P_BILL_DFT_NO=&P_CHPT_N

Bryce Ward is the founder of ABMJ Consulting and an economist at the University of Montana, he says the state faces an issue with affordable housing. But as policy makers search for solutions, he says inclusionary zoning policies rarely lead to much new housing (<http://anpha.ca/wp-content/uploads/2017/08/Cities-produce-more-affordable-housing-Cityscape.pdf>).

Ward says there's another option that would work better.

"The unpopular one, which is you've got to give people money to pay their rent," he says.

Ward says raising the minimum wage and the earned income tax credit — or giving out housing vouchers — would probably go further in helping people into homes. He says Montana communities also need to build more housing by removing single-family zoning. But that's hard to do because people who already have homes don't want to see the rules change.

Tolland

Board creates zone, applies it to subdivision

By LEE FOSTER
Courant Staff Writer

TOLLAND — In a meeting that extended to early Tuesday, the zoning board decided to create a new zone designation for affordable two-family housing, and applied it to a proposed 17-lot subdivision off Old Stafford Road.

Before adopting the zoning regulation, the board made several changes, including changing the name of the designation from "affordable housing" to "one- and two-family residence" zone — OTR for short, board Chairwoman April Teveris said. She explained that the term "affordable housing" has a negative connotation for some.

"We did not want any stigma to be attached to living in the zone," she said.

The regulation says at least 20 percent of the single-family houses, two-family duplexes or apartments in an OTR zone would have to be set aside as affordable housing — sold below market price to low- or very-low-income buyers.

The board also limited the number of duplexes allowed to half the total development, and it lowered the minimum lot size for single-family dwellings in the zone to three-quarters of an acre. Duplexes will have to be built on at least 1 acre.

The regulation was proposed by developer Stephen D. Williams, who owns the Old Stafford Road subdivision. It clears the way for two-family houses, which, until now, were not allowed under zoning regulations.

The board approved Williams' request to apply the new designation to his 28-acre Settlers Ridge subdivi-

sion on Old Stafford Road. Of the 17 lots in the subdivision, Williams said he was not sure how many would be designated affordable, but each half of the affordable duplexes would sell to eligible buyers for about \$133,000.

The board's decision followed public hearings at which a few residents expressed concern about how increased population density in such developments would affect their semirural neighborhoods and town services. The hearings had been continued from two previous meetings.

Francis Nyirjesy of Plains Road argued that a majority of residents surveyed in 1990 said they opposed low-cost housing in town.

Teveris replied that the town was responding to a state push for affordable housing. The town has promised to build between 65 and 88 units of affordable housing in the next five

years.

A state law putting towns on the defensive if they turn down affordable housing developments encourages developers to propose them and pressures towns to approve them, she said.

The board also approved a separate application for Settlers Ridge as a standard residential subdivision. However, if Williams wants to proceed with an affordable-housing project, he now must apply for zoning approval for that plan.



Tolland meetings

Town Hall, 21 Tolland Green, 871-3600.
All meetings are in town hall unless noted.
Public meeting today:
Board of education, 7:30 p.m.

Mansfield



Mansfield news notes

Revised plan slated for nursing home

After two public hearings this month, developers of a proposed nursing home told the planning and zoning commission they will make some changes in their plans and present a revised proposal at a hearing April 20.

Mansfield Retirement Communi-

ty Inc., affiliated with the nonprofit group New Samaritan, has proposed a 51,500-square-foot building for an 18-acre parcel off Silo Road, adjacent to the Juniper Hill senior housing project.

If constructed, the building would be the first nursing and rehabilitative care facility in town. The project has support from local seniors, churches and the University of Connecticut.

The nursing home would be run by a for-profit group, Mariner Health Care, based in Mystic, which oper-

ates eight nursing homes in Connecticut and Massachusetts.



Mansfield meetings

Audrey P. Beck Building, 4 S. Eagle-

ville Road, 429-3302. All meetings in town hall unless noted.

Public meetings today:

Region 19 school board, 7:30 p.m., E.O. Smith; region 19 school board finance committee, 7:15 p.m.

Michael Manganello, M.D.

Eye Physician and Surgeon

announces the opening of his practice of Ophthalmology

Main Office

FINANCE THE WORLD'S MOST COMFORTABLE ADDITION TODAY

New Text in Yellow**Section 3-11. Height Restrictions****A. Principal Structure**

In all zones, the maximum principal building height shall be 35 feet or 40 feet to ridge, whichever is more restrictive. The following exceptions apply:

1. In the Tolland Business Park:
 - a. Maximum principal building height shall be 45 feet or 50 feet to ridge, whichever is more restrictive.
 - b. The Commission may grant a Special Permit for an air supported building up to 80 feet in height after considering visibility and impact from properties not in the Tolland Business Park including topography and elevation of the building site and vegetative buffering.
2. The applicant may request and the Commission may grant a height up to 55 feet in the Gateway Design District by four (4) votes depending on the building design, Site Plan and topography of the site.
3. In the Tolland Village Area – Gateway District: the height provisions stated within the district regulations shall apply (Article 14).
4. In the Master Plan Overlay Zone for the TCZ District: the height provisions stated within the district regulations shall apply (Article 11-A).

B. Appurtenant, Roof Top, and Miscellaneous Structures

1. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building and fire or parapet walls, skylights, towers, domes, bulkheads, individual domestic radio and television antennae, church steeples, spires, belfries, cupolas, stage lofts and screens may be erected above the height limits herein prescribed provided that such roof structure:
 - a. Shall not be erected to exceed the height limits of the zone in which it is located by more than 15 feet.
 - b. Shall not have a total area greater than 10% of the horizontal roof area of the building or structure on which it is located.
 - c. Shall not be used for any purpose other than a use incidental to the principal use of the building or structure on which it is located.

2. Flagpoles, chimneys, smokestacks, water tanks or similar structures may be erected above the height limits herein prescribed.

C. Agricultural Structures

1. Structures used for the storage or protection of agricultural crops may not exceed 40 feet in any zone.
2. The Commission may allow agricultural structures to exceed this height limit, in any zone, by Special Permit.

Article 7: Tolland Village Area – Gateway District (TVA-GD) - Repeal current Article 7 (Tolland Village Area) and replace with the following

Section 7-1. Purpose

The Tolland Village Area Gateway District (TVA-GD) zone is a gateway to Tolland's historic town center and green. The purpose of the TVA-GD is to create an attractive entrance to Tolland and the Town Green while encouraging coordinated commercial retail, service, office, hospitality, multi-family, and mixed-use residential development that incorporate high standards of design at the interchange gateway entrances to the community. The goal is to promote walkable compact development—while recognizing auto-oriented utility and character of the area—having scale and form consistent with the natural landforms of the site, the character of the town, and is sensitive to the historic character of the Town Green area.

Section 7-2. General Concepts/Design Guidelines

These standards and guidelines require a basic level of architectural variety, compatible scale, and mitigation of negative impacts. They are not intended to limit creativity. The purpose of these standards and guidelines is to augment existing criteria with more specific interpretations that apply to the design of commercial developments. This district is intended to encourage smaller sites to combine with other sites in order to provide larger-scale sites and developments.

A. Siting

1. Depending on the overall site design, and where otherwise practicable, buildings should be sited toward the front of the lot and should maintain a pleasing spatial relationship with other buildings and public and interior-access roadways.
2. Structures should be sited in small groups wherever feasible.
3. The use of additive massing (the bulk of the building is broken into smaller sections and horizontally offset) to provide visual interest is desired.
4. All effort should be made to preserve and enhance historic structures, unique landforms, rock outcrops, stone walls, vegetation, views, etc. and incorporate them into site design.
5. Siting should not be detrimental to scenic vistas of the gateway from any public street including I-84. Items of special concern include the placement of dumpsters, loading docks, roof-mounted mechanical units, and antennas.
6. The design of the storm water treatment system shall contain strategies associated with low impact development to the maximum extent possible (MEP) as outlined in the Town of Tolland Design Manual. This provision shall also apply to improvements or

redevelopment of existing commercial sites. If stormwater detention/retention basins are necessary, provisions shall be made for shared structures and shared maintenance to the maximum extent feasible.

B. Access

1. Access management will be required on all sites, in order to reduce the number of driveway cuts onto adjacent roads and mitigate the deterioration of traffic flow generally caused by driveways on public roads. Access management techniques include shared driveways (or provisions for future shared driveways for the first site in the area) or interconnected driveways.
2. Use shared parking with abutting properties wherever feasible.
3. Provide safe, convenient pedestrian circulation, which also provides access to off-site sidewalks, trails, parks and other public places.
4. Locate large parking areas at the side or rear of building where practical with landscaping designed to create visual assets.

C. Site Amenities

1. Create pedestrian spaces such as plazas, "greens", commons and terraces within the development.
2. Add or create amenities such as benches, fountains, sculptures, art, bike racks, sitting walls, planters, period-style lighting or banners.
3. Use creative landscaping design, with plantings of sufficient size and quantity to clearly enhance the site.

D. Architectural Guidelines

The purpose of architectural design review is to provide insights regarding Tolland's design objectives, to encourage aesthetically pleasing commercial structures, to reduce massive scale and uniform impersonal appearance, to provide visual interest and scale consistent with the Town's identity, size and character. All applications for Site Plan or Special Permit shall require design review with consideration given to the following guidelines:

1. Facades.
 - a. No uninterrupted length of any facade shall exceed 100 feet and shall incorporate wall plane projections or recesses.

- b. The ground floor facade facing a public street should incorporate display windows, awnings or other such features to create visual interest.
 - c. Windows should be recessed and should include visually prominent sills, shutters or other such forms of framing.
 - d. All building facades that are visible from a public street, including I-84 and its ramps, should be attractively designed with windows and other architectural elements so that no visible elevations look like the back of a building.
- 2. Roofs.
 - a. Variations in roof lines should be used to add interest and complement the character of the Town.
 - b. Rooftop equipment such as HVAC units shall be screened from public view with parapets featuring three-dimensional cornice treatments.
- 3. Materials, colors and detail features.
 - a. Building facades and public-facing building sides should include a repeating pattern including color, texture or change of materials.
 - b. Predominant exterior building materials should be high quality materials such as brick, wood, sandstone and other native stone or tinted textured, concrete masonry units.
 - c. Facade colors should be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is discouraged.
 - d. Predominant exterior building materials should not include smooth-faced concrete block.

Section 7-3. Uses

A. Permitted Uses

The Table of Uses identifies those uses permitted by zoning district. All commercial, mixed-use, residential uses, developments, and new construction, except for changes in use and minor changes specified in Section 20-8 and 20-9, require approval by the Commission. Any use not expressly permitted by these Regulations shall be prohibited unless the Commission, upon request by an applicant, makes a finding of similar use to other uses permitted in the zone. The Commission retains the right to determine if any use meets the intent of the regulations.

B. Allowable Uses.

The uses allowed in the TVA-GD are provided in the Table of Uses in Article 14, Section 14.2.

C. Accessory Uses

Customary accessory uses shall be subject to the provisions of Article 17.

Section 7-4. Requirements

A. Dimensional Requirements

1. Minimum lot area: one (1) acre.
2. Minimum lot frontage on a public street or private street with legal access and maintenance rights: 50 feet to 200 feet depending on existing or proposed development pattern and ability to provide safe access. The frontage of two (2) or more lots, which share a single joint entrance and a single joint exit to a public street, may be computed as a single frontage.
3. Minimum front yard setback: 50 feet from existing public streets.
4. Maximum lot coverage: 50%, including principal and accessory structures and impervious surfaces. The Commission may, by four (4) concurring votes:
 1. Permit lot coverage up to 65%. This increased coverage shall be permitted only in special instances where special attention has been given to access management through linkages to abutting properties, special provisions for non-motorized transportation or site sensitivity.
 2. Permit lot coverage up to 80%, not including the area of public access management roadways. This increased coverage shall be permitted in unique circumstances where a public roadway will be provided to link abutting properties to promote public safety and meeting the lot coverage requirement limits lot development design.
5. Minimum side yard setback: 50 feet. The side yard for parking areas and driveways may be reduced depending on the nature of the adjacent land-uses and the proposed landscaping/screening plan, by a majority vote of the seated Commission members, per Section 10-4.B. Required side yard setback may be eliminated if the parcels that share that side property line share a single joint entrance and single joint exit to a public street or share parking facilities and do not contain a residential use.
6. Minimum rear yard setback: 35 feet.

7. Minimum separation between buildings on the same site: 20 feet, unless sharing a common wall.
8. Minimum distance from residential zones (RDD & VCZ). The principal buildings shall be located at least 150 feet and uses shall be 75 feet, from the boundary of any residential zone, unless modified by a majority vote of the seated members of the Commission due to the nature of adjacent land uses and the proposed landscaping/screening plan. The Commission shall require screening and landscaping of the setback area.
9. Minimum building floor area: 1,000 square feet.
10. Residential Density: 9-bedrooms per developable acres.
11. Maximum Height: 40 feet or 4 stories, whichever is more restrictive.
12. No individual retail business establishment may exceed 20,000 square feet. The Commission may, by four (4) concurring votes, increase the maximum size up to 45,000 square feet, not including mezzanines that comprise no more than 10% of the total square footage, if the applicant provides one (1) or more of the following criteria:
 - additional buffering,
 - linkages to abutting properties,
 - minimum front-field parking,
 - special site sensitivity, and
 - a special architectural design.

B. Reductions in Dimensional Requirements

Reductions in dimensional requirements will be considered by the Commission only in special instances when the development pattern will do at least one (1) of the following:

1. Provide pathway connections and promote walkability within the area.
2. Improve overall compatibility of the site to surrounding or connecting property.,
3. Give special attention to one or more of the following: landscaping, building orientation, New England style architecture, linkages to abutting properties and other site amenities.

Such reductions require four concurring votes of members

C. Other Requirements

1. All business establishments shall conform to the environmental and performance standards specified in Section 19-7 and to the requirements of all other applicable town regulations.

2. Except as otherwise permitted, all production, repair, treatment, storage and display of goods shall be accessory to the principal use of the premises.
3. No outside storage of goods or merchandise and no goods or merchandise shall be sold from a trailer or truck situated on a lot unless permitted by the Commission.
4. Loading docks and receiving areas shall be carefully located for accessibility and designed as an integral part of the building and shall not detract from the building and site.
5. All dumpsters shall be placed on a concrete pad, and suitably screened with trees, shrubs, fencing or other appropriate means (e.g., the building itself). Their placement with respect to buildings shall be as approved by Public Safety personnel.
6. Areas for truck parking, recycling, trash collection and compaction shall not be visible from abutting streets including I-84 and the ramps.
7. The areas and facilities listed in 4, 5 and 6 above, if not totally enclosed, shall be at least 50 feet from any public road, public sidewalk or pedestrian way.
8. Loading docks, truck parking, utility meters, HVAC equipment, trash collection, trash compaction and other service functions, shall be incorporated into the overall design of the building and landscaping.

Section 7-5. Consolidated Parcels

For the purpose of integrated development, any number of contiguous parcels may be consolidated and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements, and permitted uses, provided:

1. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the office of the Town Clerk, the right of entrance, exit, passage, parking and loading.
2. The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading, landscaping and common areas, etc.
3. The Commission may require or limit use of access driveways to one or more parcels, whether or not under separate ownership, in accordance with access management policies and plans.

Section 8-2 Uses - Repeal current Section 8-2 regarding uses in the NCZ Zones and replace with the following

The allowable uses for these zoning districts are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.

Section 9-2 Uses - Repeal current Section 9-2 regarding uses in the CCZ Zone and replace with the following

The allowable uses for this zoning district are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.

Section 9-4. Multi-Family Development

C. Affordable Housing

The purpose is to promote the development of affordable housing to meet local housing needs and to increase the diversity of housing within the town in accordance with Section 8-2g. of the General Statutes.

1. Maximum permitted density. The maximum permitted density (number of bedrooms) of multi-family affordable developments may be increased by up to 40% subject to approval by the Commission.
2. To receive the additional density, residential developments shall be in conformance with the following conditions:
 - a. For each dwelling unit constructed in excess of the number permitted by applicable density limits, the developer shall construct one (1) unit of affordable housing within the proposed development.
 - b. The affordable units shall be reserved for sale or rental to persons and families of low and moderate income, as defined in Section 8-39a of the General Statutes for a period of a least 30 years.
 - c. In conjunction with an application for approval of Site Plan and Special Permit, the applicant shall submit an affordability plan.
3. Certification. The developer or his or her successors shall certify to the town on an annual basis that the units developed as affordable housing are being leased or have been sold to eligible persons or families, at prices or rents consistent with the regulations of the General Statutes.
4. This section (9-4.C) shall become void on July 1, 2022 and shall be replaced by Section 16-17. The remaining sections of 9-4 shall be renumbered to account for the removal of item C.

Section 10-3 Uses - Repeal current Section 10-3 regarding uses in the GDD Zone and replace with the following

The allowable uses for this zoning district are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.

Section 10-4. Requirements

C. Other Requirements

s. In order to promote the development of affordable housing to meet local housing needs and to increase the diversity of housing within the town in accordance with Section 8-2g of the General Statutes, the Commission may authorize an increase in density of up to 40% when a developer proposes to construct a minimum of 10% workforce housing in accordance with the following provisions:

1) The workforce housing units shall be subject to a deed restriction or other mechanism acceptable to the Commission containing covenants or restrictions which shall require that, for at least 40 years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as affordable to the workforce.

2) An Affordability Plan, prepared in accordance with General Statutes 8-30g and RCSA (Regulations of CT State Agencies) 8-30g-7 of the State regulations, rules and guidelines shall be submitted. The Plan shall provide all of the necessary information and documentation to ensure the construction and continued operation of workforce housing, including the following:

a) The person or organization responsible for administering the plan, including administration of the application procedures and screening criteria to determine the income eligibility of applicants, and reporting and enforcement mechanisms.

b) Affirmative fair marketing procedures governing the sale or rental of the workforce housing units in accordance with General Statutes 8-30ee and regulations promulgated thereunder.

c) Proposed sale or rental prices of the workforce housing units and the basis for determination.

d) Identification and timetable for the completion and even distribution of the workforce housing units among the market-rate units in the development.

e) Other information as may be required by the Commission.

3) Workforce housing units shall meet the following standards:

- a) Units shall be sited in no less desirable locations than the other units located on the same site.
- b) The exterior appearance of the units shall be comparable with the other units on the same site.
- c) The materials used and the quality of construction for the units, including heating, ventilation, and air conditioning systems, shall be comparable to those of the other units in the development.
- d) Basic features of a housing unit, including but not limited to flooring, plumbing fixtures, and appliances, shall be provided in the workforce housing units, but amenities or optional upgrades, such as designer or high end appliances and fixtures, need not be provided for workforce housing units.

4) This subsection (10-4.C.s) shall become void on July 1, 2022 and shall be replaced by Section 16-17. The remaining sections of 10-4 shall be renumbered to account for the removal of item s.

Section 11-2 Uses - Repeal current Section 11-2 regarding uses in the TCZ Zone and replace with the following

The allowable uses for this zoning district are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.

Article 11A – Master Plan Overlay Zone (MPOZ) Adopt New**Section 11A-1 Purpose and Intent**

The intent and purpose of the Master Plan Overlay Zone (MPOZ) is to create a flexible zoning mechanism designed to enable the land area within the designated areas or zoning districts to be developed in a responsible and efficient manner consistent with the Plan of Conservation and Development. The MPOZ requires the submission and approval of a conceptual master plan as part of the zone change application. The MPOZ can be utilized for any property or properties located within the Technology Campus Zone (TCZ). The MPOZ is proposed to create comprehensively designed site developments, including industrial, commercial, multi-family residential, and mixed-use developments. When the MPOZ is applied to a parcel or parcels of land, the underlying zoning designation remain intact and existing properties are not required to utilize the MPOZ designation and related provisions and requirements, unless specifically stated.

Section 11A-2 General Requirements

The following are general requirements for proposed MPOZ master plan development applications.

- A. It is the intent of these regulations that standards pertaining to the MPOZ shall be those specifically set forth in these MPOZ regulations and those which are approved as part of the Master Development Plan (MDP) and Site Plan hereunder. Accordingly, the provisions of these Tolland Zoning Regulations, including, without limitation, those set forth in the underlying zone shall continue to govern any MPOZ adopted by the Commission unless otherwise addressed by a specific standard contained in these MPOZ regulations or a standard approved by the Commission as a part of an approved MDP or Site Plan. If any provision of MDP or Site Plan for a MPOZ as approved by the Planning and Zoning Commission conflicts with other provisions of these Tolland Zoning Regulations, the provisions of the approved Master Development Plan and/or Site Plan shall govern.
- B. The MDP as approved shall set forth the permitted uses of the specific MPOZ approved by the Commission and in approving the MDP, the Commission is authorized to regulate and promulgate standards to which an approved MDP shall be subject. The approved uses in the MDP shall be consistent with Section 11-A.5.D *Permitted Uses*.
- C. All buildings, structures and site improvements in a MPOZ shall conform to all applicable dimensional standards proposed in the Master Development Plan, Site Plan, Parking Demand and Management Study, and should seek to achieve high quality site and architectural design standards.
- D. All site improvements, unless otherwise modified by the Commission as part of the MDP approval, shall comply with the requirements of Article 19 (Basic Standards).
- E. All development in MPOZ(s) shall be served by public water and sanitary sewer facilities.

- F. All new utilities shall be installed underground, unless demonstrated as not feasible by the applicant, and so may be waived by the Commission due to physical constraints or other special circumstances. Utilities that are not customarily installed underground, such as transformer boxes and other facilities, are not required to be installed underground.

Section 11A-3 Submission Requirements

The Master Development Plan for a parcel or combination of parcels within the proposed MPOZ shall include the submission requirements as set forth herein and once approved, shall require the submission and approval of a Site Plan (Section 20.9). Each parcel or combination of parcels included in the Master Development Plan shall be conceptually presented and later developed in accordance with an approved Site Plan. The proposed Site Plan for any parcel or combination of parcels shall be in the level of detail necessary to demonstrate compliance with the Master Development Plan for the area submitted by the Applicant.

The following are procedural requirements for development applications within the MPOZ(s):

- A. *Pre-Application Conference:* Applicants are required to initiate a pre-application conference with the Commission to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan. All pre-application conferences are intended to be informal and consist of non-binding discussions that establish a dialogue about the proposed development aimed at creating high quality design and investment that meet the needs of community and applicant.
- B. *Application for Master Development Plan (GDP):* For any development proposing to establish an MPOZ, the applicant shall submit a Zone Change application in accordance with Section 20.7 of the Zoning Regulations. The application for Zone Change shall include a Master Development Plan in accordance with the requirements set forth in Section 11-A-4 below. The MDP, when approved, will supersede any provision of the underlying zones and regulations where the MDP describes or delineates their subject matter. If the MDP does not delineate or describe the subject matter of the regulations for the MPOZ, the provisions of the underlying Zone shall apply.
- C. *Site Plan Approval:* If the application establishing the MPOZ and Master Development Plan are approved, the applicant may to proceed to the submission of a Site Plan application in accordance with Section 20.9. The Site Plan shall provide, in greater detail, the specific development and uses approved in the MDP. After the approval of the MPOZ and MDP, no permits shall be issued for uses permitted therein until the Commission has approved a Site Plan for the uses and development approved in the MDP.
- D. *Special Permit Uses:* A Master Development Plan (MDP) can be approved for general use categories (i.e. commercial, residential, mixed-use, etc.) without any specific uses based on permitted uses and permit type. However, if specific uses are known, they should be included in the MDP. Any special permit use or uses requested as part of the Zone Change and MDP

application shall not require a special permit application and approval in accordance with Section 20.8. Once an MPOZ and MDP are approved, any subsequent use requiring a Special Permit in the underlying Zone or the MPOZ zone, shall require a Special Permit application in accordance with Section 20.8 of these Regulations.

Section 11A-4 Master Development Plan

The purpose of the Master Development Plan submission is to determine whether the proposed uses, architectural massing, and site design conform to the intent and requirements of the MPOZ and to the Plan of Conservation and Development. The Master Development Plan, once adopted, shall establish the use or uses and the dimensional requirements of MODZ.

The MDP shall consist of one or more maps (conceptual plans) at a scale of not less than 1" = 100', prepared by the applicable State certified design professional, and supportive documents, and shall show or indicate:

- A. Existing structures, existing topography at ten-foot contours, existing roads and paths, major topographic features, slopes of greater than 10% grade, the location points of scenic interest, and wooded and open areas.
- B. The location of adjoining properties, the names of the owners of such properties as these appear on the latest records in the office of the Assessor, and the existing structures and land uses within 500 feet of the boundaries of the proposed development.
- C. Present and proposed land uses within the boundaries of the entire proposed MPOZ zone/development, whether residential, commercial, industrial, mixed-use, open space, or other, and the acreage assigned to each. Proposed square footage of building or floor area for all proposed uses shall be shown and described in sufficient detail to clearly indicate the nature and scale of the proposed uses. The proposed square footage as shown shall establish the maximum building sizes and the areas within which it will be permissible to construct such buildings. As part of the site plan application, minor modifications of not more than 10% increases or decreases in building sizes and areas may be approved by the Commission. Major modification, as determined by the Commission, shall require a Zone Change application in accordance with Section 20.7 of the Zoning Regulations to modify the MDP.
- D. Architectural renderings of the proposed development and buildings. Renderings should include three dimensional images that provide context to massing and form.
- E. The location of proposed public and private road, proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets, and proposals for linkage of roads within the zone to the Town and State Highway system, accompanied by a traffic impact and access analysis study.
- F. Dimensional requirements of the underlying zones shall be shown on the MDP and a zoning

table including existing and proposed dimensional requirements shall be provided. This comparison shall include all parking, loading, buffer, and signage requirements. The intent of this zoning table is to show the differences between existing and proposed requirements and to establishment the proposed requirements as the approved dimensional requirements for the approved MDP and MPOZ.

- G. Whether property within the entire zone is to be developed in phases, and if it is to be so developed the anticipated location and acreage of such phases, and a proposed timetable for development.
- H. The intended means of providing utility services to the development, including domestic water supply and fire protection, stormwater drainage management (including area for detention, if applicable), sanitary sewage disposal, and solid waste disposal.
- I. All site design shall be consistent with Article 19 (Basic Standards). This does not mean that such designs shall be done to the scale, detail, or completeness of the requirements for Site Plan (Section 20-9).
- J. The location of any "flood zone" as defined and regulated in these Regulations.
- K. A statement regarding anticipated municipal fiscal impacts to the Town of the proposed land uses and development.
- L. Such other relevant information as the applicant may wish to submit or may be requested by the Commission.

Section 11A-5 Site Design Requirements

- A. *Site Design:* The general requirements of Article 19 (Basic Standards) shall govern the conceptual design of the Master Development Plan and the specific design of the Site Plan (Section 20-9).
- B. *Dimensional Requirements:* The following standard shall apply to MPOZ:

| Requirements | MPOZ (TCZ) |
|------------------------------|-------------------|
| Minimum lot area: | 1 acre |
| Minimum lot frontage: | 125 feet |
| Minimum front yard setback: | 30 feet |
| Maximum lot coverage: | 70% |
| Minimum side yard setback: | 25 feet |
| Minimum rear yard setback: | 25 feet |
| Minimum Building Separation: | Flexible |

| | |
|----------------------------------|---------------------------------|
| Minimum Distance to Residential: | Flexible |
| Minimum building floor area: | Flexible |
| Retail Maximum: | Flexible |
| Maximum building height: | 38 feet, modified up to 58 feet |

- C. *Building Height Adjustments:* Buildings shall conform to the height requirements of the underlying zone unless the applicant makes a specific request to the Planning and Zoning Commission for flexibility in the height requirements. The granting of such a change to the height requirement is part of the legislative authority of a zone change application and is at the sole discretion of the Planning and Zoning Commission, where unique features of the site and location (such as topographical considerations) permit a change in height requirement and negative impacts on surrounding properties can be mitigate. The Commission limits their own authority to permit an increase in the building height to a maximum of 58 feet. In those instances where an increase in building height is requested, the applicant shall demonstrate a corresponding reduction in lot coverage. A majority vote of the seated members of the Commission is required to grant such a request.
- D. *Permitted Uses:* The Master Plan Overlay Zone allows for more flexibility in uses than is permissible in the underlying zone. These uses are intended to be in harmony with the natural features of the land, economic conditions, and the needs of the community, both present and future. Any uses permitted in the underlying zone, as a permitted use, a special permitted use, or otherwise as specified herein, shall be permitted to continue, and shall not be considered non-conforming regarding the MPOZ requirements. All new development proposals in MPOZ shall comply with the uses permitted below.

Single-family detached residential uses are not permitted in the MPOZ unless they are part of a mixed-use development and account for no more the 10% of total residential units. Mixed-use developments are encouraged and favored for proposed MPOZ development but are not required. Proposed uses within the MPOZ shall be located with consideration for compatibility and reasonable transition between such uses and other uses existing in areas adjacent to or in the immediate vicinity of the proposed MPOZ.

Any use not expressly permitted by these Regulations shall be prohibited unless the Commission, upon request by an applicant, and as part of its legislative authority decides that the use is like (similar) a use expressly permitted in underlying zone or the MPOZ. Customary and incidental accessory uses are permitted.

The allowable uses in the MPOZ-TCZ district are shown in the Use Tables in Article 14, Section 14.2.

- E. *Circulation:* No interior street or drive shall be less than 20 feet in width. The Commission may, where in its judgment traffic circumstances merit, require primary streets to be designed and constructed in conformance with the Town of Tolland road specifications. Sidewalks are encouraged and may be required if the Commission deems them necessary.
- F. *Utilities and Public Improvements:* Public water and sewage shall be provided, except that alternate sewage disposal systems may be considered and permitted by the Commission upon favorable recommendation of the Health District.

Public improvements, such as traffic improvements, drainage improvements, water and sewer improvements, utility installation and similar improvements shall be designed in accordance with the provisions of Article 19 (Basic Standards). Such improvements may be phased in as distinct phases of an approved Master Development Plan are implemented. Each Site Plan submitted pursuant to an approved Master Development Plan shall state specifically what, if any, portion of the public improvements are to be constructed in connection with such Site Plan and shall contain such information necessary to confirm that the improvements to be constructed will be adequate to support the development set forth in the site plan.

G. *Subdivision into Lots:*

1. A MPOZ may be subdivided or re-subdivided into lots by an applicant in accordance with the requirements of the Tolland subdivision regulations.
2. Nothing in the subdivision regulations or process shall restrict or prevent the lot from being developed in accordance with the intent of MPOZ.

Section 11A-6 Action on Master Development Plan

The Commission shall approve, modify and approve, or deny applications for the MPOZ and the MDP. No permits shall be issued, nor shall any construction activity of any kind commence, for any work depicted on an approved MDP until such time as a Site Plan or other required permits have been approved.

The Commission may approve, approve with minor changes or modifications, or deny any Site Plan required as part of an approved MDP within the MPOZ. In considering any site plan approval within the MPOZ, the Commission shall make a finding that the MDP, Site Plan, and Parking Demand and Management Study are consistent with the intent of the MPOZ Regulations and are adequate to ensure safe and appropriate implementation of permitted uses.

The Commission may impose conditions on the MDP, as deemed necessary, to achieve the purpose and intent of the MPOZ and to protect the public health, safety, and welfare of the community.

Section 11A-7 Site Plan Approval Required

In addition to the MDP approval, no building shall be constructed or altered, and no land shall be used prior to approval of a Site Plan which shall be consistent with the conceptual design of the approved MDP. The Site Plan application shall comply with Section 20-9 of these regulations and, without duplication, the following:

- A. Architectural renderings and perspectives of all proposed structures and their interaction with existing on and off-site structures;
- B. Proposed use categories of all proposed buildings. When multiple uses are proposed, percentages of floor area for each use shall be shown;
- C. Concept building plans, including schematic floor plans and exterior elevations;
- D. Traffic impact report of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be analyzed by a professional traffic engineer licensed to practice in the State of Connecticut;
- E. Identification of vehicular and pedestrian circulation patterns, including location and dimension of private and public streets and common drives;
- F. Location of proposed on and off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, and walkways;
- G. Proposed pedestrian walks, malls, and other paths, public and private;
- H. Priority schedule of construction of the building's landscaping, infrastructure, and other elements of the plan;
- I. A proposed utility service concept plan including electric, telephone, sanitary sewage disposal system, storm drainage, potable water supply, and water supplies for fire protection.
- J. Landscaping (including the number, sizes, and species of proposed trees and/or shrubs, lawn and other groundcover, and other landscape features and natural terrain not to be disturbed). Existing tree growth shall be shown on the plan and preserved to the maximum extent possible.
- K. All other requirements for Site Plans in accordance with Section 20-9.

Section 11A-8 Parking Demand and Management Study

A statement, prepared by a licensed or certified professional with expertise in parking and parking demand, shall be provided to determine and demonstrate the need for required parking. The methods, standards, and approach shall be reasonable consistent with the following documents that are to be considered as part of the site plan approval process:

- A. Parking Demand and Management Study developed in accordance with the standards set forth in the following documents: (a) the Urban Land Institute, Shared Parking; 2nd Edition, as amended; (b) the Urban Land Institute, the Dimensions of Parking, 4th Edition, as amended; or (c) Institute of Transportation Engineers, Parking Generation Manual, 4th Edition, as amended, (or) other standard reference agreed to and approved by the Town Engineer.
- B. Such a study and proposed parking, if specifically requested and approved by the Commission, may establish the required parking for the MDP and Site Plan at levels above or below those required in Section 19-1 (Parking).
- C. On-street parking may account for up to 15% of required parking on local street contained within the development.
- D. Parking structures, preferable below grade, are permitted, provided they are included in Parking Demand and Management Study.

Section 11A-9 General Review Criteria

- A. *Site Appropriateness:* In considering the appropriateness of development within the MPOZ, the Commission shall consider the following:
 - 1. The proposed use, density, and intensity of development and that the designs are reasonably compatible with the character of the area, adjacent properties, and purpose and intent of the MPOZ regulation.
 - 2. That all development exhibits a high standard of quality in construction detail materials, design, and appearance. That development reflects accepted professional standards of architecture and site design.
 - 3. That quality site planning is an essential criterion of the MPOZ. Sites developed in the MPOZ(s) are intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties.
 - 4. That all development be sensitive to environmentally regulated areas within the MPOZ. That effort be made to retain and integrate significant natural features into the development proposal wherever possible.
 - 5. The Commission may impose conditions on the Site Plan, as deemed necessary, to achieve the purpose and intent of the MPOZ and to protect the public health, safety, and welfare of the community.
- B. *Site Appearance:* Development proposals for the MPOZ will be reviewed for appearance and compatibility with surrounding areas. The following are general guidelines:
 - 1. Development is encouraged (when appropriate) to conform to the principles of traditional neighborhood design (higher density, mixed use, and pedestrian friendly).
 - 2. Relationships to land uses in abutting zones and adjacent developments within the zone

(compatibility) are important considerations that will be critically reviewed by the Commission. Concerns in this regard will include buffers (e.g. vegetative, topographic, and architectural), building scale/massing/configuration/ height, light spill, emissions, noise, use intensity/frequency, and signage.

3. Building height, size, and scale shall be considered as part of the overall design and should be designed in such a way that is compatible with the site and general area, even if the buildings are taller than those of the surrounding properties.
- C. *Recording the Master Development Plan:* The applicant shall, within sixty (60) days of approval of MDP, record notice thereof in the Tolland land records under the name of the record owner of land affected thereby giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s); and, further, the applicant shall comply with all other applicable requirements of the Tolland Zoning Regulations and Connecticut General Statutes regarding the filing of approved applications. The Commission may grant an extension up to sixty (60) days for the filing.
- D. *Changes to the Master Development Plan:* Changes or modifications to an approved MDP may be subject to the approval of the Commission. Material changes to any plan shall require a Special Permit in accordance with Section 20-8 of the Tolland Zoning Regulations. A material change shall be (a) a 15% or more change in land use types or (b) a 10% or more increase in floor area, or (c) a 10% increase in parking. Non-material changes shall include changes in the location of buildings, parking areas, landscaped areas, or open space areas provided the area, height and bulk criteria of the regulations and the approved plan are not exceeded. Non-material changes may be permitted by the Commission or staff as an administrative matter provided the general intent and scope of the MDP has not been changed.

Section 12-2 Uses - Repeal current Section 12-2 regarding uses in the CIZ-A and CIZ-B Zones and replace with the following

The allowable uses for these zoning districts are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.

Section 13-2 Uses - Repeal current Section 13-2 regarding uses in the TBP Zone and replace with the following

The allowable uses for this zoning district are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.

Repeal current Article 14 (Aquifer Protection Zone) and replace with Article 14 (Commercial and Industrial Uses)

Article 14 – Commercial and Industrial Uses

Section 14-1 Allowable Uses

The table in Section 14-2 identifies those uses permitted within each of the commercial and industrial zoning district. All commercial and industrial uses, developments, and new construction, except as explicitly stated otherwise, require site plan approval by the Commission. Any use not expressly permitted by these Regulations shall be prohibited unless the Commission, upon request by an applicant, makes a determination of similar use (that the use is similar to uses permitted in the zone). In addition, the Commission retains the right to determine if any use meets the intent of the regulations.

Section 14-2 Table of Uses

| | | |
|---------------------------|---------------------|------------------|
| P = Permitted – Site Plan | SP = Special Permit | --- = Prohibited |
|---------------------------|---------------------|------------------|

| Retail, Personal, & Professional Service Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|---|--------|-------|-------|-----|-----|-----|------|-------|-------|-----|
| Retail & Service Establishment | P | --- | --- | P | P | SP | P | P | P | --- |
| Retail & Service Establishments – Over 20,000 sf. | SP | P | P | SP | P | SP | P | P | P | --- |
| Financial Institution | P | P | P | P | P | SP | P | P | P | --- |
| Drive-Thru Service – Pharmacy & Financial Institutions | P | P | P | P | P | --- | P | P | P | --- |
| Child & Adult Day-Care Centers, or Group Day-Care Homes. | --- | P | P | P | P | --- | P | SP | SP | --- |
| Veterinary Hospital (without outdoor animals) | SP | P | P | P | P | --- | P | P | P | P |
| Veterinary Hospital, Commercial Kennels & Stables (5-acre min.) | --- | --- | --- | P | --- | --- | SP | --- | --- | --- |
| Laundromat (public sewer required) | P | P | P | P | P | P | P | P | P | --- |
| Self-Storage Facility | --- | P | P | P | --- | --- | SP | P | P | --- |
| Roadside stand, regional. | --- | P | P | P | P | --- | P | P | P | --- |
| Funeral Home | --- | SP | SP | SP | SP | --- | SP | --- | --- | --- |
| Adult-Oriented Establishment | --- | --- | --- | --- | SP | --- | | --- | --- | --- |

| Hospitality Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|--|--------|-------|-------|-----|-----|-----|------|-------|-------|-----|
| Restaurant (without liquor sales) | P | P | P | P | P | SP | P | P | P | --- |
| Restaurant (with liquor sales) | P | SP | SP | SP | P | --- | P | P | P | P |
| Drive-Thru Service – Fast Food & Fast-Casual | SP | --- | --- | --- | SP | --- | P | SP | --- | --- |
| Restaurant – Brewpub | P | --- | --- | --- | P | --- | P | SP | --- | SP |
| Micro-Brewery, Micro-Distillery, or Micro-Winery | SP | --- | --- | SP | SP | --- | P | --- | --- | P |

| | | | | | | | | | | |
|-------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Brewery, Distillery, or Winery | --- | --- | --- | --- | --- | --- | --- | SP | --- | P |
| Hotel (internal access guest rooms) | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| Bed & Breakfast Establishment | P | P | P | P | SP | --- | --- | P | P | --- |
| Retail Food Service Establishment | P | P | P | P | P | --- | P | P | P | --- |
| Catering Facilities | SP | P | P | P | SP | --- | P | --- | P | P |
| Banquet Facilities | SP | SP | SP | SP | SP | --- | P | --- | --- | --- |
| Commercial/Shared Kitchen | P | P | P | SP | P | --- | P | --- | P | P |

| Commercial Office Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|---------------------------------|---------------|--------------|--------------|------------|------------|------------|-------------|--------------|--------------|------------|
| Office (Professional & General) | P | P | P | P | P | P | P | P | P | P |
| Office (Medical) | SP | SP | SP | SP | SP | SP | P | P | P | SP |

| Commercial Laboratory & R&D Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|--|---------------|--------------|--------------|------------|------------|------------|-------------|--------------|--------------|------------|
| Medical, Dental, & Optical Laboratory | --- | --- | --- | --- | --- | P | P | P | P | P |
| Laboratory (Research, Experimental, & Development) | --- | --- | --- | --- | --- | P | P | P | P | P |
| Technology or Computer-Based Facilities (Data Processing Center) | -- | --- | --- | --- | --- | P | P | P | P | P |
| Manufacturing (Biotechnology, Medical, & Pharmaceutical) | --- | --- | --- | --- | --- | SP | SP | SP | SP | SP |
| Educational, Scientific, & Research Activity | --- | --- | --- | --- | --- | P | P | P | P | P |
| Training and/or Conference Center | SP | SP | SP | SP | SP | SP | P | SP | SP | SP |
| Licensed Medical Marijuana – Dispensary | --- | --- | --- | SP | --- | --- | --- | SP | SP | --- |
| Licensed Medical Marijuana Production Facility | --- | --- | --- | --- | --- | SP | SP | SP | SP | SP |

| Residential & Mixed-Use Developments | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|---|---------------|--------------|--------------|------------|------------|------------|-------------|--------------|--------------|------------|
| Single-Family Residential | --- | --- | --- | SP | --- | --- | --- | --- | --- | --- |
| Mixed Use – Residential | SP | --- | --- | P | SP | SP | SP | --- | P | --- |
| Multi-Family Residential | SP | SP | SP | SP | SP | --- | SP | --- | --- | --- |

| Institutional, Public, & Recreational Uses | TVA-GD | NCZ-G | NCZ-T | CCZ | GDD | TCZ | MPOZ | CIZ-A | CIZ-B | TBP |
|---|---------------|--------------|--------------|------------|------------|------------|-------------|--------------|--------------|------------|
| Cultural Institution, Art or Music Center, & Museum | P | P | P | P | P | --- | --- | P | P | --- |
| Public & General Assembly | SP | SP | SP | SP | SP | | --- | --- | --- | --- |
| Places of Worship & Religious Institution | P | P | P | P | P | P | P | P | P | SP |
| Utilities – Public/Private: Structures, Substation, or Office | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| School – Private | --- | --- | --- | P | --- | SP | P | SP | SP | --- |

Section 16-16. Motor Vehicle Sales & Repair (Adopt)

Motor Vehicle Sales and Motor Vehicle Repair establishments are not permitted in the TVA-GD zone and such uses cannot be applied for in the TVA-GD zone. However, for the purpose of the TVA-GD zone, an existing Motor Vehicle Sales or Repair use or structure in existence as of July 1, 2011, when the original TVA zone became effective, shall be considered conforming uses and structures after the effective date of this Section. Changes in use or modifications to existing structures shall be subject to Section 3-8 of these regulations. Site Plan and or Special Permit shall be required under the following conditions:

1. Expansions equal to or less than 10% of the gross floor area in existence as of July 1, 2011 shall require a Site Plan.
2. Expansions that result in a gross floor area that is 10% greater than the gross floor area in existence as of July 1, 2011 shall require a Special Permit.
3. Major site or building exterior renovations to the extent that more than 10% of the site will be modified or where more than 10% of the building exterior will be structurally altered may require the submittal of a Special Permit application, pursuant to staff determination of impacts that the Commission should consider. Such 10% alterations to the building exterior shall not include item of maintenance, such as the replacement of a roof, windows, or other maintenance required in the upkeep of a building.

Section 16-17. Affordable (Inclusionary) Housing (Adopt)

To forward the recommendations of the Plan of Conservation and Development, to promote the development of affordable housing to meet local and regional housing needs as required by Connecticut General Statutes (CGS) Section 8-2 and Section 8-23, and to promote and increase housing choice, housing diversity, and economic diversity in Tolland, this section requires the inclusion of affordable housing units in all residential developments.

In accordance with CGS, Section 8-2i (Inclusionary Zoning), all residential development of five units or more that require site plan, special permit, or subdivision approval shall include a minimum of 5% of the proposed units as Qualified Affordable Housing. Said Qualified Affordable Housing shall be sold or rented to households with incomes at or below 80% median household income as determined and defined in CGS Section 8-30g and RCSA (Regulations of CT State Agencies) 8-30g-8.

Any application including affordable housing shall be accompanied by a Housing Affordability Plan, prepared in accordance with CGS 8-30g and RCSA 8-30g-7. The Plan shall provide all the necessary information and documentation to ensure the construction and continued operation of the Qualified Affordable Housing units.

In accordance with CGS, Section 8-2i (Inclusionary Zoning), the applicant can satisfy the inclusionary affordability requirements by:

1. Providing 5% of the total proposed units as Qualified Affordable Housing units.
2. Paying a fee-in-lieu of affordable housing equal to \$50,000 per each required unit of Qualified Affordable Housing that will not be constructed. Said fee shall be deposited in the Town of Tolland Affordable Housing Trust Fund.
3. Providing more than 10% of the total proposed units as Qualified Affordable Housing to receive a density bonus equal to one additional market-rate unit for each unit of Qualified Affordable Housing provided.

If a minimum of 10% Qualified Affordable Housing units are to be constructed, the applicant may request to purchase a density bonus up to an additional 10% of the total proposed units, by paying a fee-in-lieu equal to \$50,000 per unit for each additional market rate unit. The Commission reserves the right not to accept a fee-in-lieu of affordable housing or not to grant a density bonus and require that the 5% Qualified Affordable Housing units, as required by this Section, be constructed. The amount (percent) of affordable units shall be evenly distributed throughout the development and evenly distributed across phases. Affordable units shall be proportionate to each phase, and the fee-in-lieu shall be paid before the Certificates of Occupancy are issued more than 50% of the units in the phase or the affordable units shall receive a Certificate of Occupancy before such Certificates are issued for more than 50% of the units in the phase.

In the interest of Fair Housing and the need to promote and encourage affordable housing, the Commission may modify specific requirements of the Zoning Regulations, as part of an application for site plan, special permit, or subdivision, that would otherwise prevent the density bonus from being realized. In doing so, the applicant must make specific request for the necessary modification and list said modifications on the approved plans of the density bonus is accepted.

This inclusionary zoning provision shall become effective on July 1, 2022.

Section 16-18. Outdoor Dining (Adopt)

Outdoor dining areas that are accessory to restaurants can create a vibrant, unique, and enjoyable environment that is an asset to the restaurant and Town. Diversity in the design of the furniture and outdoor dining areas is encouraged, therefore, provided they complement the overall establishment and site. While the operation of outdoor dining areas should contribute to the vibrancy of the area, they must not be allowed to create a nuisance, either by loud music, unruly customers, or disorderly premises. Where outdoor dining areas will further these goals without unduly impacting upon

adjoining businesses or residential properties and neighborhoods, they may be permitted as an accessory use on the premises of an existing or proposed restaurant, subject to the following requirements:

1. Space definition/location.

- Outdoor dining areas shall be identified by a barrier, such as fencing or planters to define their boundaries. Barriers that preserve the open appearance of outdoor dining areas should be used whenever possible. The use of permanent structural walls or any vertical screening device of more than four feet in height to define the boundaries of outdoor dining areas is discouraged but may be approved where necessary to attenuate noise reaching residential neighborhoods or in other unique circumstances.
- When an outdoor dining area is located on property adjoining a residential district, it shall be subject to a minimum setback of 50 feet or the equivalent setback of the zoning district setback, whichever is greater. When adjacent to a residential district, screening, fencing, or landscape buffering is required to mitigate potential impacts on residential properties.
- Where outdoor dining areas abut the public street, no permanent structure shall be erected between the building that houses the restaurant and the abutting street except a retractable awning located at least seven feet above the ground. In all other locations, permanent structures may be used to provide shade or shelter from inclement weather. In such cases, structures that preserve an open appearance should be used to the extent possible.
- Fire hydrants and fire hose couplings and/or connections on buildings shall not be obstructed. Underground utility facilities such as cabinets or vaults shall be identified on all plans, and arrangements shall be made to ensure continued access to utility providers for maintenance of any such facilities.
- If alcoholic beverages are to be served at the outdoor dining area, the enclosure of the outdoor dining area must also meet the requirements (if any) of any agency having jurisdiction over the service of such beverages.
- When an outdoor dining area is located adjacent to a public pedestrian walkway, it shall be maintained flush with said walkway.

2. Operations.

- Outdoor seating capacity cannot exceed 40% of the indoor seating capacity.
- Outdoor dining areas shall be ADA accessible.

- Any door used to deliver food from the restaurant to an accessory outdoor dining area shall be self-closing.
- Cooking and food preparation shall not be permitted outside.
- Any applicant seeking approval of an outdoor dining area shall demonstrate to the Planning and Zoning Commission—with written assurance from the Health District, if need be—that:
 - The kitchen facilities in the restaurant are adequate to service the entire restaurant, including the outdoor dining area.
 - Any outdoor service areas, including storage areas for both clean and dirty plates and utensils, condiments, drinking water and similar supplies, are appropriately protected.
 - Refuse receptacles appropriate to the use shall be provided for patrons and/or wait staff.
- If an applicant seeking approval of an outdoor dining area proposes to provide any source of heat for the benefit of patrons, it shall so state in its application and shall provide the staff with a plan, approved by the Fire Marshal, for the placement and operation of said heaters as well as for the storage of fuel for the heaters.
- Public address systems or other systems intended to convey verbal messages using amplified sound shall be prohibited. If an applicant seeking approval of an outdoor dining area proposes to provide any form of music for the benefit of patrons, it shall so state in its application and shall provide the Planning and Zoning Commission with specific details regarding the way music is to be provided. The Commission may impose any restrictions upon the playing of music which it deems to be appropriate given the location of the proposed outdoor dining area or any other circumstances that the Commission deems to be relevant.
- Restaurant management shall ensure that the patrons of the outdoor dining area do not disturb persons beyond the premises of the restaurant through loud, boisterous or unreasonable noise, offensive words or disruptive behavior.
- Patrons must be seated at tables.
- Bar service, whether patrons are standing or seated at stools, is not permitted.
- The service of alcoholic beverages must be adjunct to the service of food.
- Outdoor dining activities are prohibited between the hours of 11:00 p.m. and 7:00 a.m.

- Animals shall not be permitted within outdoor dining areas, except for service animals.
- Lighting shall be limited to that level which is necessary to illuminate the outdoor dining area for patrons and staff. Flashing/blinking lights are prohibited.

3. Maintenance.

- When the outdoor dining area is in operation, it shall be kept clear of litter, food scraps or soiled dishes and utensils at all times. The entire floor/sidewalk surface in and around the outdoor dining area shall be swept as necessary, but not less frequently than daily, and cleaned to remove greases, oils and stains by steam cleaning or a similar process on a monthly basis. Spilled materials shall be cleaned promptly. Sweeping debris or spilled materials into the gutters of public or private streets shall be prohibited. This requirement shall also apply to any areas beyond the outdoor dining area which are traversed by restaurant staff and/or patrons.
- Trash receptacles shall be emptied whenever full and shall be emptied at the end of each business day.
- Umbrellas may be used to shade tables, provided that the drip edge thereof is located at least seven feet above the ground.
- Tables, chairs and umbrellas shall be of durable commercial-grade materials, sufficiently weighted to avoid displacement by wind.
- Where outdoor dining areas abut the public street, all furniture, fencing, shrubbery and other fixtures associated with outdoor dining areas shall be removed and stored indoors during months when the outdoor dining area is not in use. No permanent structures shall be permitted to remain between the building that houses the restaurant and the abutting street except retractable awnings located at least seven feet above the ground. In all other locations, a storage plan for all furniture, fencing, shrubbery and other fixtures associated with the outdoor dining area shall be submitted for review and approval by the Planning and Zoning Commission.

Section 16-19: Administrative Approval for Temporary Accommodation (Adopt)

- A. Notwithstanding any other provision of these regulations which may prohibit such modification and Pursuant to the Fair Housing Act, the Town Planner may issue a permit for modifications to be made to a dwelling subject to the following standards:
 - 1. Evidence has been provided which demonstrates that the proposed modification is necessary.
 - 2. The modification is demonstrated to be of a configuration and size so as to minimize any deviations from the standards set forth within these Regulations and is no more intrusive than necessary.
 - 3. The proposed modification does not obstruct sight lines, encroach into a Town or State Right of Way or create any other hazard.
 - 4. Any modification requested to be within 5ft of a property line or Right of Way shall require the issuance of a variance from the Zoning Board of Appeals.
 - 5. Any modification shall be temporary and shall be removed when circumstances which created the need for the proposed modification no longer exist.
 - 6. All other necessary permits shall be obtained.
- B. At a minimum, the Town Planner shall refer each accommodation request to the Building Official, Director of Human Services or Accessibility Coordinator and, Zoning Enforcement Officer for review. Following review of the request, a recommendation shall be provided to the Town Planner. If the above information required by subsection A has not been provided or the applicability of the Fair Housing Act has not been satisfactorily established, a variance from the Zoning Board of Appeals shall be obtained before the commencement of any work.

Section 17-6. Accessory Dwelling Unit **Repeal current Section 17-6 and replace with the following**

An accessory dwelling unit is allowed in a single-family dwelling unit or on a single-family residential lot in any zone pursuant to these regulations. Unless specified otherwise, an accessory dwelling unit is allowed with a zoning permit.

A. General Requirements

The following requirements apply to all accessory dwelling units:

1. At least one (1) of the occupants of either dwelling unit shall be the owner of record of said dwellings or heir.
2. The accessory dwelling unit shall be self-contained, with cooking, sanitary and sleeping facilities for the exclusive use of the occupant(s).
3. The accessory dwelling unit shall include no more than one (1) bedroom. Bedroom shall be defined by the building or health code, whichever definition is more restrictive.
4. Adequate off-street parking shall be provided.
5. A new driveway curb cut to serve the principal unit or an accessory dwelling unit shall not be permitted.
6. No more than one (1) accessory dwelling unit is allowed per parcel.
7. An accessory dwelling unit shall meet all applicable health, building and safety requirements.
8. An accessory dwelling unit shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.
9. Accessory dwelling units shall not be rented for durations of less than 90 days.
10. For an accessory apartment located entirely in a basement, there shall be no maximum size limit.
11. The maximum net floor area of the accessory dwelling unit for all units not located in a basement shall not exceed whichever is lesser:
 - a. 1000 square feet, or
 - b. 40% of the floor area of the total principal structure including attached garages and utility rooms but excluding seasonal unheated rooms.

12. Unless located in a detached garage, the accessory dwelling unit shall meet the required front, side, and rear yard setbacks for the principal structure.
13. If the accessory dwelling unit will be located in a detached garage, the structure shall comply with applicable setback requirements for a detached garage.

Section 20-8. Special Permit **Repeal current Section 20-8 and replace with the following**

The Special Permit uses as set forth in these Regulations are deemed to be permitted uses in their respective districts when granted by the Commission, subject to compliance with the requirements and standards set forth in this Section in addition to all other requirements of these Regulations. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.

A. Submittal Requirements: Special Permit

The following items shall be submitted when applying for a Special Permit.

1. A completed Special Permit application form.
2. Application fee.
3. Site Plan pursuant to Section 20-9. The applicant may choose to submit the Site Plan application concurrently with, or subsequent to, the Special Permit application. By a majority vote of members present, the Commission may waive this requirement when a Special Permit use does not entail exterior changes to the building, additional parking, and other such changes to the site.
4. Special Permit plan contents as required in Sections 20-8 and 20-10.
5. The application submission shall address all off-site and on-site impacts, requirements, improvements and considerations, including but not limited to building location, traffic, storm drainage, sanitary sewerage, water supply, parking and circulation, landscaping and environmental and aesthetic considerations. Sufficient information to address these major impacts shall be provided by the applicant, but such information may be shown in preliminary form except as hereafter noted. Detailed plans for facilities, structures and improvements shall not be required at this time.
6. Traffic Study:
 - a. The construction of more than 50 dwelling units, 100 parking spaces or 40,000 square feet of gross floor area or any proposal which, in the Commission's judgment, would generate high levels of traffic shall be accompanied by a traffic study prepared by a licensed traffic engineer.
 - b. At a minimum, the traffic study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak-hour traffic, adequacy of rights-of-way and travel ways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 1,000 feet of the development site, traffic lights and intersections and recommendations for safe pedestrian and vehicular circulation, including provisions

for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.

7. Additional information. At any time during its consideration of an application for a Special Permit, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations, including but not limited to information regarding soils, storm drainage, sanitary sewerage, water supply, streets or traffic circulation. All additional information requested by the Commission shall be submitted a minimum of 10 days prior to a public hearing, so that the Commission, staff, public and any consultants contracted by the Commission have adequate time to review the information before the expiration of the time limits set forth in the General Statutes. The Commission may choose not to accept any modifications to an application after it has been received, except those modifications specifically requested by the Commission.

B. Standards for Approval

1. Except as otherwise provided herein, a use allowed by Special Permit shall conform to all requirements of the zoning district in which it is proposed to be located and the standards contained herein.
2. The Commission shall consider the health, safety and welfare of the public in general and the immediate neighborhood in particular and the following factors:
 - a. The location and size of the proposed use; the nature and intensity of the operations associated with the proposed use; the size, shape and character of the site in relation to the proposed use; and the relationship of the proposed use and site to the adjacent and local land uses and sites.
 - b. The location, type, size and height of buildings and other structures associated with the proposed use in relation to one another and in relation to nearby development.
 - c. The impact of the proposed use on traffic safety and circulation on nearby streets and the ability of such streets to adequately accommodate the traffic to be generated by the proposed use.
 - d. The existing and future physical character of the area in which the use is proposed to be located and the compatibility of the proposed use with the area.
 - e. The impact of the proposed use on the natural characteristics of the site and the surrounding environment.

- f. The adequacy of and impact on water supply, sewer or septic facilities, drainage and other public facilities to accommodate the proposed use.
 - g. Where the proposed use involves the conversion of a structure designed and built originally for other uses, the adaptability of the structure to the proposed use, particularly in relation to the public health and safety.
 - h. The proposed use shall preserve important open space, views or vistas and other significant features of the natural environment.
3. Where it is projected that the additional traffic resulting from the proposal will reduce the Level of Service to C or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition.

C. Conditions and Safeguards

In granting a Special Permit, the Commission may attach conditions and safeguards to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:

1. A maximum number of employees.
2. Hours of operation.
3. Improvements to existing public facilities to accommodate the use allowed by the Special Permit.
4. Conservation restrictions necessary to protect and permanently preserve unique natural site features.
5. Soil erosion and sediment control measures in accordance with the provisions of Article 4.
6. A financial guarantee in accordance with the provisions of Section 20-9.F.

D. Limit of Special Permit

A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

E. Effective Date

No Special Permit shall become effective until it has been filed in the town's land records in accordance with the provisions of the General Statutes.

F. Duration and Expiration of Special Permit

1. Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit remains in operation. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.

2. A Special Permit shall expire if the required Site Plan associated therewith is not submitted and accepted within 12 months following approval of the Special Permit. An extension of not more than six (6) months may be granted by the Commission upon written request by the applicant prior to the expiration date.
3. If a building permit is not obtained for a special permit which was issued by the Commission prior to the enactment of these Regulations within two (2) years from the date of adoption of these Regulations and/or substantial construction has not begun on a building or structure or no use has been established on a lot for which building, structure or use within two (2) years from the date of issuance of said building permit, such special permit for said building, structure or use shall become null and void.

G. Noncompliance with Special Permit

Failure to strictly comply with the documents, plans, terms, conditions and safeguards approved as a part of the Special Permit shall be a violation of these Regulations. The ZEO shall notify the applicant, in writing, of the specifics of the noncompliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.

H. Amendments or Modifications

Amendments to an approved Special Permit which are determined by the Town Planner shall be in accordance with the provisions of Section 14-2 (Table of Uses).

Section 20-9. Site Plan **Repeal current Section 20-8 and replace with the following**

A. When Required

1. A Site plan shall be submitted as required throughout in these Regulations.
2. A Site Plan shall accompany the application for a Special Permit, unless staff or the Commission determine a Site Plan is not necessary for the proposed use or determine the Site Plan can be submitted separately after the Special Permit approval is granted.

B. Site Plan Application Requirements

1. The following shall be submitted as part of a Site Plan application:
 - a. A completed Site Plan application form.
 - b. Application fee.
 - c. Seven (7) full-size (24" x 36") paper copies for Site Plan and eight (8) paper copies for Special Permit. The application shall also provide a pdf of a Site Plan containing the information required Section 20-10. Staff may determine and require more or less than the total number of plans required above depending the circumstance of specific

applications. In addition, staff may determine and require that reduced-size (11" x 17" or 12" x 18") copies of plans be provided.

- d. Preparer. The Site Plan shall be prepared, signed and sealed by the appropriate design professional licensed by the State of Connecticut.
- e. Architectural elevations. The Commission may require the applicant to submit preliminary architectural drawings that show exterior wall elevations, roof lines and facade materials of proposed buildings and structures.
- f. Off-site information. This shall include off-site information that is applicable to the application. For example, open space and recreation areas, the location of buildings, parking areas and curb cuts on adjoining properties, including those across the street; traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and zoning district boundary lines.
- g. Impact analysis. If the Commission believes the proposed application, for reasons not foreseen in the creation of these regulations, may pose a threat to public health, safety, and welfare, the Commission may require the applicant to submit an impact analysis of water supply, stormwater drainage, sanitary sewerage, traffic, and site conditions.
- h. Additional information. During its consideration of an application for Site Plan approval, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the Site Plan with these Regulations.

C. Sites of Archaeological Significance

For all proposed development located within a high sensitivity area, as shown on the Town's official archaeological map available in the Planning Office, the State Archaeologist will be contacted to determine if there is evidence of sites of archaeological significance on the subject property. Any significant sites shall, where possible, be left undisturbed and recommendations by the State Archaeologist shall be complied with.

D. Phasing

In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant Site Plan approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases.

E. Site Plan Approval

- 1. Pursuant to Section 8-7d of the General Statutes, a decision shall be rendered not later than 65 days after the official day of receipt. The petitioner or applicant may consent to one or more extensions provided the total extension of all such periods shall not exceed

65 days. Additional extensions may apply if an application has also been submitted to the Inland Wetlands Commission, pursuant to General Statutes.

2. A Site Plan may be approved with modifications by the Commission or denied only if it fails to comply with the standards set forth in these Regulations. A decision to deny or modify a Site Plan shall set forth the reasons for such denial or modification.
3. To ensure that structures and the uses of land are arranged in a manner that enhances the public health, safety and general welfare, as a condition of approval the Commission may require such modifications of the proposed plans as it deems necessary to comply with the spirit as well as the letter of these Regulations.
4. Site plans shall be in conformity with Section 1.1 of these Regulations.

F. Guarantee Requirements

Unless otherwise prohibited by the General Statutes, the following provisions shall apply.

As a condition of Site Plan approval, the Commission or applicant may request that surety be posted with the Town to guarantee satisfactory completion of all proposed site improvements shown on the approved Site Plan if the applicant is requesting a Certificate of Occupancy prior to completion of all site work.

1. Such surety may be posted at any time before all modifications of the Site Plan are complete, except that the Commission may require surety for erosion control prior to the commencement of any modifications.
2. No certificate of occupancy shall be issued before a required surety is posted.
3. An itemized estimate of the cost of the site improvements shall be prepared by the applicant's engineer, including a separate inflation factor, which shall not be greater than 10% of the estimate, for the estimated construction period, and shall be submitted to the Town Engineer for approval.
4. The surety shall be posted with the town for an initial period of 18 months unless an extension of time shall be requested by the applicant and granted by the Commission, or until such time as the improvements are accepted by the Commission.
5. Reduction of surety. Upon the completion of at least 25%, 50% and/or 75% of the cost of the site improvements subject to the surety, the applicant may request in writing a reduction of the surety. Within 65 days of the date of such request, the site shall be inspected by the Town Planner, the Town Engineer or other appropriate town official to determine if the portion of the required site improvements for which the reduction is being requested has been satisfactorily completed in accordance with the approved Site Plan. Based upon these findings, the Commission may authorize the reduction of such

surety or deliver to the applicant a written explanation as to the additional modifications that must be completed before the surety, or portion thereof, may be released.

6. Release of surety. Before the release of a surety, the Commission:
 - a. Shall require the applicant to submit as-built drawings.
 - b. Shall not accept the landscaping portion of the improvements until such time as the vegetative cover and plantings have survived one complete winter and summer season or 12 months, whichever comes first. In such case, the Commission shall retain a portion of the surety to cover the mortality and/or poor performance of the required landscaping.
7. Form and type of surety.
 - a. Be in a form and surety type satisfactory to the Commission.
 - b. The Commission shall accept surety bonds, cash bonds, passbook or statement savings accounts and other surety including, but not limited to, letters of credit, provided such bond or surety is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit is acceptable to the Commission. In the case where a bank or insurance company is involved with the surety, the bank and/or insurance company shall be authorized to conduct business in the State of Connecticut.

G. Post Approval Requirements

1. A certificate of zoning compliance shall be issued by the Town Planner after all the site improvements have been completed in accordance with the approved Site Plan.
2. If the site improvements cannot be completed because of weather or if an alteration does not require the vacating of the premises or if a portion of a building or development is ready for occupancy before the completion of the entire building or development or for other pertinent reasons, a conditional certificate of zoning compliance may be issued by the Town Planner for a period not to exceed 180 days. Failure to complete the improvement within the time permitted, will result in a violation of the conditional certificate of zoning compliance and a violation of these Regulations. Appropriate enforcement action will be taken to ensure compliance.
3. Certificate of occupancy. A certificate of occupancy shall not be issued by the Building Official until the Town Planner or ZEO has determined that the site improvements have been completed in accordance with the approved Site Plan and has issued a certificate of zoning compliance. A conditional certificate of zoning compliance may be issued in accordance with subsection 2 above.

4. As-built drawings required:

- a. No certificate of zoning compliance or certificate of occupancy shall be issued until as-built drawings have been submitted to the Town Planner and are determined to be in substantial compliance with the approved Site Plan. If a conditional certificate of zoning compliance is issued in accordance with Section 20-9.F subsections (2) and (3), the as-built drawings shall indicate those improvements to be completed and revised final as-built drawing shall be submitted upon their completion.
- b. The as-built drawings shall:
 - 1) Be prepared at the same scale as the Site Plan by an engineer and/or surveyor, as appropriate, registered and licensed in Connecticut.
 - 2) Show the actual installation of all site improvements, the exact location of buildings and other required items at a level of detail at or exceeding that of the approved Site Plan.
 - 3) Include a certification by the engineer and/or surveyor as to substantial compliance with the approved Site Plan.
 - 4) List or show all deviations from the approved Site Plan.
- c. The Town Planner shall submit all as-built drawings which substantially deviate from the approved Site Plan to the Commission for its determination of acceptance or need for plan amendment.

H. Amendments

All site improvements shall be carried out in strict compliance with the Site Plan approved by the Commission. Minor amendments to the approved Site Plan may be approved only in writing by the Town Planner and/or Town Engineer upon the written request of the applicant. All other amendments or modifications to the Site Plan shall require the approval of the Commission.

I. Expiration of Site Plan

All site improvements in connection with an approved Site Plan shall be completed within the time period specified in the General Statutes. Failure to complete all site improvements within such period shall result in automatic expiration of the approval of such Site Plan.

J. Continuance

All conditions and improvements shown on the approved Site Plan shall continue in force as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.



TOWN OF TOLLAND
PLANNING AND ZONING COMMISSION
APPLICATION FOR SITE PLAN OR SPECIAL PERMIT APPROVAL

PZC # 14

What are you applying for? (check one):

☐ Site Plan (new)☐ Special Permit (new)*☒ Site Plan Modification☒ Special Permit Modification*

**Most special permit applications require submittal of a site plan, with no additional fee for site plan required.*

Property Information**Property Address:** Belvedere Dr., Woodside Dr., Ogden Ct., Alva CT., Marlen Way**Property Owner:** Tomlen, LLC**Zone:** RDD**Map/Block/Lot:** 20 / K / 9**Applicant Information****Applicant Name:** Tomlen, LLC**Mailing Address:** PO Box 1023, Rocky Hill, CT 06067**Phone Number:** 860-670-1642 **Email Address:** kjmartin080815@gmail.com**Applicable Section of the Zoning Regulations which pertains to the proposed activity:**5-5.D.6.b**Describe proposed buildings, site work, and use:**

Somerset Woods is an existing multi-family project off Old Post Road that is approved for (22) three-bedroom units and (44) two-bedroom units.

We request a modification to site plan / special permit to allow all units to be three-bedroom units.

Please submit the following with this form:

1. Required fee.
2. 7 paper copies and a pdf of the full plans, including all items required on the plans pursuant to Zoning Regulations.
3. The check list contained in Section 20-10 of the Zoning Regulations with an explanation of any submittal requirements for which the applicant seeks a waiver.

All of the above statements and the statements contained in any documents and plans submitted herewith are true to the best of my knowledge:

Applicant Signature: _____

Kyd

Date: _____

10/8/21

Property Owner Signature*: _____

Date: _____

*Or submit signed letter authorizing applicant to submit application on property owner's behalf.

OFFICE USE ONLY

P&Z # 14

| Administration | |
|---------------------------|------------|
| Town Fee: | \$300.00 |
| State DEEP Fee: | \$60.00 |
| Engineering Rev Fee: | |
| Form of Payment: | Check |
| Date Submitted: | 10/19/2021 |
| Date of Receipt: | |
| Legal Notice Dates: | |
| Date of Decision: | |
| Legal Notice of Decision: | |
| Extensions: (if any) | |
| | |

Stamp:

RECEIVED
OCT 19 2021

BY:

Description:

| |
|--|
| |
| |
| |
| |
| |
| |

Tomlen LLC

805 Third Avenue, 10th Floor
New York, NY 10022

Telephone (212) 888-2000
Fax (212) 888-2007

October 15, 2021

Town of Tolland Connecticut
21 Tolland Green
Tolland, CT 06084

Re: Ken Martin – Authorization

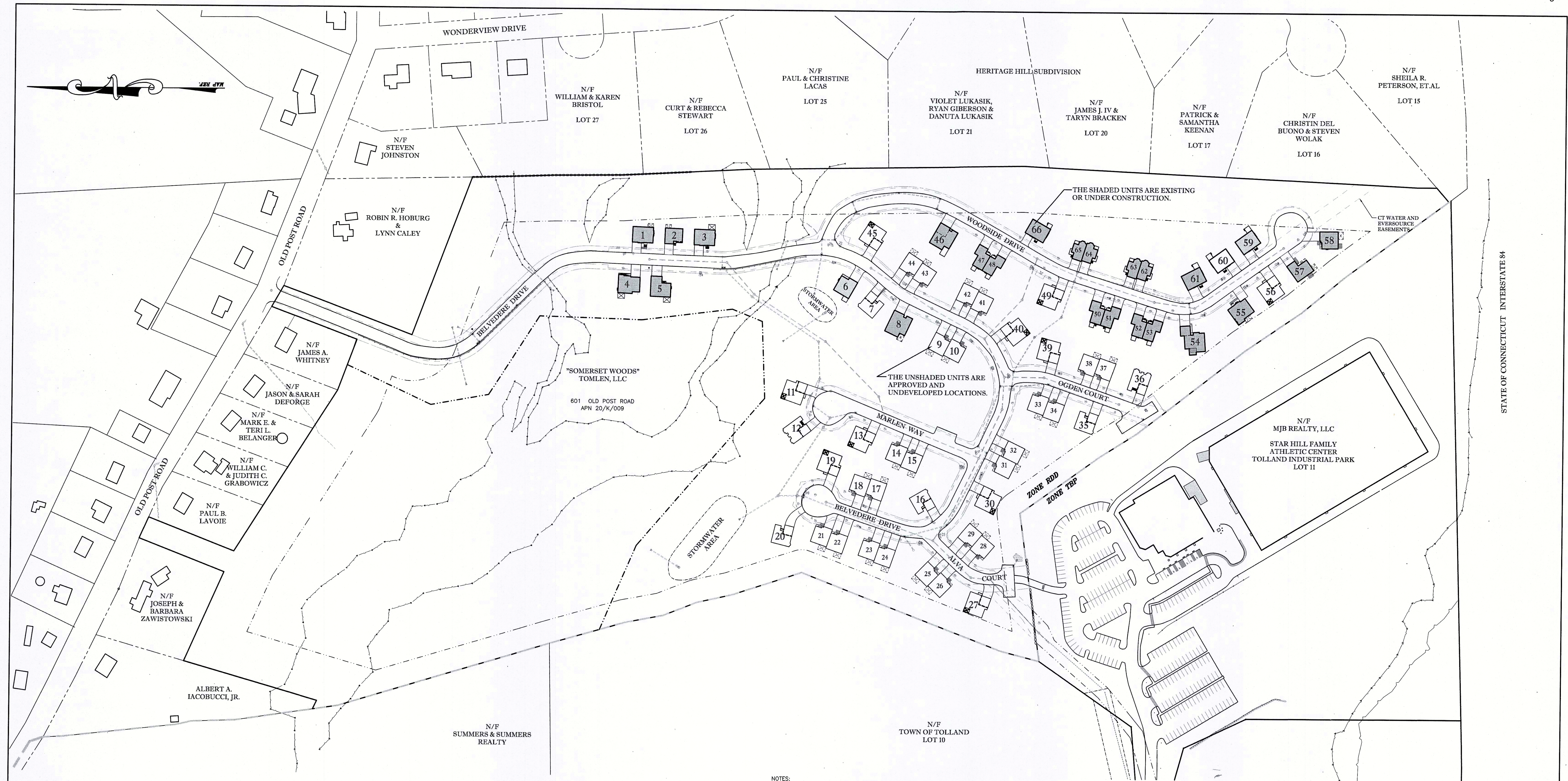
Dear Madam/Sir,

This letter authorizes Ken Martin, an employee of Tomlen, LLC, to act on our behalf and to sign submittals to the Town of Tolland.

Sincerely,
Tomlen, LLC

A handwritten signature in black ink, appearing to read 'Lenard Thylan', with a stylized, cursive script.

Lenard Thylan
Managing Member



DENSITY STANDARDS:
ZONING REGULATIONS SECTION 5-5.0.6.b

THE SITE IS SERVED BY SANITARY SEWER AND THE MAXIMUM DENSITY ALLOWED IS (8) BEDROOMS PER ACRE OF DEVELOPABLE AREA.

THE SITE CONTAINS:

| |
|--------------------------|
| 44.59 ACRES |
| AREA OF WETLANDS: |
| 5.2 ACRES |
| AREA OF SLOPES OVER 20%: |
| 9.2 ACRES |
| AREA OF LEDGE OUTCROPS: |
| 0.4 ACRES |

THEREFORE, DEVELOPABLE AREA IS: 29.79 ACRES

THE MAXIMUM NUMBER OF BEDROOMS ALLOWED IS:
29.79 ACRES x 8 BEDROOMS/ACRE or 238 BEDROOMS

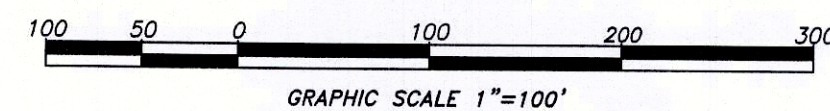
66 UNITS ARE PERMITTED AND 10 ARE EXISTING (2) BEDROOM UNITS.
IF THE REMAINING 56 UNITS HAVE (3) BEDROOMS EACH, THE SITE WILL HAVE 188 BEDROOMS WHICH IS (50) BEDROOMS BELOW THE MAXIMUM ALLOWED.

LEGEND

| | |
|------------------|--|
| BOUNDARY LINE | |
| ZONING SETBACK | |
| SANITARY MANHOLE | |
| STORM MANHOLE | |
| CATCH BASIN | |
| ZONE LINE | |
| INLAND WETLANDS | |

MAP REFERENCE

1. SITE PLAN "POST ROAD CROSSING" LEE & LAMONT REALTY TOLLAND, CONNECTICUT SCALE: 1"=200' DATED 10/7/02 REVISED TO 6/16/04 SHEETS 1 THROUGH 12 BY GARDNER & PETERSON ASSOCIATES.
2. "IMPROVEMENT LOCATION SURVEY PREPARED FOR POST ROAD CROSSING LEE & LAMONT REALTY HARTFORD TURNPIKE VERNON, CONNECTICUT" BY: GARDNER & PETERSON ASSOC. SCALE: 1"=40' DATED: 5-27-05
3. "COMPILATION PLAN MAP SHOWING EASEMENT AREA TO BE GRANTED TO THE CONNECTICUT LIGHT AND POWER COMPANY ACROSS THE PROPERTY OF LEE & LAMONT REALTY TOLLAND, CONNECTICUT" BY: GARDNER & PETERSON ASSOC. SCALE: 1"=100' DATED: 8-24-04
4. "COMPILATION PLAN MAP SHOWING EASEMENT AREA TO BE GRANTED TO YANKEE GAS SERVICES COMPANY ACROSS THE PROPERTY OF THE TOWN OF TOLLAND AND LEE & LAMONT REALTY TOLLAND BUSINESS PARK & 601 OLD POST ROAD TOLLAND, CONNECTICUT FILE NO. E4231" BY GARDNER & PETERSON ASSOC. SCALE: 1"=100' DATED: 9-10-04
5. "EASEMENT AREA GRANTED TO THE CONNECTICUT WATER COMPANY ACROSS THE PROPERTY OF LEE & LAMONT REALTY TOLLAND, CONNECTICUT" BY: GARDNER & PETERSON ASSOC. SCALE: 1"=100' DATED: 8-5-04
6. IMPROVEMENT LOCATION SURVEY RECORD DRAWING PREPARED FOR LEE & LAMONT REALTY TOLLAND CONNECTICUT SCALE 1"=40' DATE 5-27-2005, REVISED 2-22-2008 PREPARED BY GARDNER & PETERSON ASSOCIATES, LLC, TOLLAND CONNECTICUT
7. LIMITED PROPERTY SURVEY MAP SHOWING EASEMENT ACROSS LAND OF LOT 11-TOLLAND BUSINESS PARK AND LAND OF TOMLEN, LLC, GERBER DRIVE, TOLLAND, CONNECTICUT. DATE 2-25-2008, SCALE 1"=100' MAP NO. 9773-AE1, PREPARED BY GARDNER & PETERSON ASSOCIATES, LLC, TOLLAND CONNECTICUT



NOTES:

1. THIS SURVEY AND MAP HAVE BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT". THIS IS AN IMPROVEMENT LOCATION SURVEY AND CONFORMS TO HORIZONTAL ACCURACY CLASS A-2.
2. BELVEDERE DRIVE, WOODSIDE DRIVE, OGDEN COURT, MARLEN WAY, ALVA COURT AND UNDERGROUND UTILITIES HAVE BEEN PREVIOUSLY CONSTRUCTED. NO CHANGES TO THE UTILITIES OR ROADWAYS WITHIN THIS PROJECT ARE PROPOSED. REFER TO MAP REFERENCE 6 HEREON
3. BEARINGS DEPICTED ON THESE PLANS ARE BASED ON CGS.
4. THIS PARCEL IS SHOWN AS LOT 9, BLOCK K ON ASSESSORS MAP 20.
5. PARCEL AREA=44.59 ACRES.
6. LIMIT OF INLAND WETLANDS DEPICTED ON THESE PLANS ARE AS FIELD DELINEATED BY JOHN P. IANNI, CSS.
7. THIS PARCEL IS LOCATED WITHIN FLOOD ZONE "C" AREA OF MINIMAL FLOODING AS DEPICTED ON "FLOOD INSURANCE RATE MAP TOWN OF TOLLAND CONNECTICUT, TOLLAND COUNTY PANEL 15 OF 20 COMMUNITY PANEL NUMBER 090171 0015A EFFECTIVE DATE APRIL 1, 1982"
8. THIS PARCEL IS SERVED BY PUBLIC WATER AND PUBLIC SANITARY SEWERS.
9. PROPOSED DRIVEWAYS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE TOWN OF TOLLAND DRIVEWAY STANDARDS.
10. THIS SITE IS NOT LOCATED WITHIN THE AQUIFER PROTECTION ZONE OR THE SHENIPSIT LAKE WATERSHED.
11. THIS PARCEL MAY BE SUBJECT TO UTILITY EASEMENTS IN FAVOR OF CONNECTICUT LIGHT AND POWER COMPANY, THE CONNECTICUT WATER COMPANY, AND YANKEE GAS SERVICES COMPANY AS OF RECORD MAY APPEAR AND MAY NOT BE DEPICTED ON THESE PLANS. REFER TO THE APPROPRIATE UTILITY EASEMENT MAPS FOR REFERENCE.
12. BUILDINGS 1-5,8,46,47,48,50-55,57,58,59,61-66 ARE UNDER CONSTRUCTION OR COMPLETED. ALL OTHER BUILDINGS DEPICTED ON THESE PLANS ARE PROPOSED.
13. THE PURPOSE OF THIS PLAN IS TO OBTAIN APPROVAL FOR A MODIFICATION TO AN APPROVED SITE PLAN TO ALLOW ALL THREE BEDROOM UNITS.

TO THE BEST OF MY KNOWLEDGE AND BELIEF
THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON

KENNETH R. PETERSON, L.S.
LAND SURVEYOR

L.S. 10839
REGISTRATION NO.

IMPROVEMENT LOCATION SURVEY
EXISTING CONDITIONS PLAN

MODIFICATION TO SITE PLAN
PREPARED FOR
"SOMERSET WOODS"
601 OLD POST ROAD
TOLLAND, CONNECTICUT

GARDNER & PETERSON ASSOCIATES, LLC

178 HARTFORD TURNPIKE
TOLLAND, CONNECTICUT

PROFESSIONAL ENGINEERS LAND SURVEYORS

| | | | | | |
|-------------------------|--------|---------|------------|-----------|---------|
| REVISIONS 10-20-2021 | BY | SCALE | DATE | SHEET NO. | MAP NO. |
| | M.A.P. | 1"=100' | 10-10-2021 | 1 OF 1 | 9773-M |

**PLANNING & ZONING COMMISSION
TOLLAND, CONNECTICUT
SPECIAL MEETING MINUTES OF OCTOBER 18, 2021**

MEMBERS PRESENT: Andy Powell, Chair
Bruce Mayer, Vice Chair
Deb Goetz, Secretary
Joe Matteis (attended remotely)
Jon Crickmore (attended remotely)
Erin Stavens, alternate (attended remotely)
Ryan McCann, alternate (attended remotely)

OTHERS PRESENT: David Corcoran, Director of Planning & Development
Brenda Falusi,, Town Council Liaison (attended remotely)
Donald Poland, PhD, AICP, Goman & York (attended remotely)
Public (attended both in-person and remotely)

1. **Call to Order:** Andy Powell, Chair, called the meeting to order at 7:00 P.M. in Council Chambers.
2. **Pledge of Allegiance:** Recited
3. **Seating of Alternates:** None
4. **Additions to Agenda:** None
5. **Public Comment:** None
6. **Public Hearing**

- 6.1 **PZC #21-13, Zoning Regulation Amendments** – Request to repeal Article 7 “Tolland Village Area” and the TVA Zone and replace with a new Article 7 “Tolland Village Area Gateway District” and the TVA-GD Zone, adopt Article 11A “Master Plan Overlay Zone” (MPOZ), which will create new zoning district (floating zone) within the TCZ, repeal existing Article 14, “Aquifer Protection Area” and Amend Sections 8-2, 9-2, 10-3, 11-2, 12-2 and 13-2 and adopt a new Article 14 to identify “Commercial and Industrial Uses” in the TVA-GD, NCZ-G, NCZ-T, CCZ, GDD, TCZ, MPOZ, CIZ-A, CIZ-B, and TBP Zones, amend Section 3-11 “Height Restrictions,” Section 9-4.C “Affordable Housing,” Section 10-4.C.9.s pertaining to Affordable Housing in the GDD, Section 17-6 “Accessory Dwelling Units,” and adopt Sections 16-16 “Motor Vehicle Sales and Repair,” 16-17 “Affordable (Inclusionary) Housing,” 16-18 “Outdoor Dining,” and 16-19 “Administrative Approval for Temporary Accommodation, and amend Sections 20-8 “Special Permits” and Section 20-9 “Site Plan.” *Continued from October 4, 2021.*

Ms. Goetz reread the legal notice. Mr. Powell said the discussion would begin with a follow-up on a couple of points brought up in the first discussion. Dr. Poland had been asked to provide some research on whether commercial development abutting or near to residential development increases or decreases residential property values.

October 18, 2021 – Tolland Planning & Zoning Commission

Dr. Poland reviewed his October 7 memo which draws from academic research and industry studies on commercial and multi-family developments as it impacts single family residential property values. He said the research on multifamily development was fairly conclusive that there are no negative impacts on single family residential even when affordable housing is involved. With commercial development, the most intensive uses such as airports and landfills have been found to have negative impacts, but beyond that most studies find either neutral or positive impacts. He noted one study found a decrease in values during the construction phase and for a time afterwards of about two years but after that the amenity value of goods and services adds value to proximate residential properties.

In the context of the TVA-GD, Dr. Poland said some properties could fall into that last category description. He said it is unique about site and location but with the Woodfields development, they are truly behind and away with no direct access to the commercial area. Ms. Goetz noted that Woodfields is on one side of the TVA-GD and Cider Mill is on the other, something to keep in mind when considering detrimental effects.

Mr. Crickmore said it is important that people here understand that the Commission is not deciding if the adjacent property to Woodfields is commercial or residential as that was determined long ago. The Commission is addressing allowable uses.

Chris Cook of 60 Woodfields Drive asked Dr. Poland if his comments assumed Woodfields would remain a cul-de-sac. Dr. Poland said he was just referring to Woodfields as it is presently and discussing it in terms of its proximity to development. Mr. Cook also asked that he define amenities. Dr. Poland said they are retail goods and services. He gave Dunkin Donuts as an example. Mr. Cook asked if he considered the Electric Blue establishment an amenity. Dr. Poland said it is. Dr. Poland said he would prefer questions going forward be directed to the chair as he does not appreciate being cross-examined. He noted also that another amenity—an auto salvage business is also in close proximity to the Woodfields cul-de-sac.

Amy Raccagni of 21 Woodfields Drive said Bill's Auto Salvage is a good neighbor but development on another property that they are discussing would be an eyesore. She listed some types of businesses that she did not think would be detrimental to their property values and other types that would. She said they are not talking apples to apples.

Fred Valante of 203 Anthony Road noted on the last page of Dr. Poland's memo that the articles he referred to are 15 to 20 years old. He said he was not sure how valid the research would be today.

Jodie Coleman-Marzialo of 79 Tolland Green asked what types of businesses were included in the research that Dr. Poland referred to. She said the property owner on the adjacent property they are discussing has been taking down trees to build and so now people there can hear the highway more. She expressed concern for noise and air pollution when the trees are all cut down.

Mr. Powell said the studies look at intensities of use such as large box retail stores, apartments, landfills, and airports. Dr. Poland said the studies look at various classes of development as might be expected in any community. He referred to an MIT study across six residential communities of various sizes that had a lot of affordable housing in the mix. He noted it has often been cited for the lack of negative impacts.

Mr. Matteis said there appears to be a lot of discussion here about things that are not relevant. The Commission is not changing the zone from residential to commercial and that if anything, their proposals are even more restrictive than what exists now. He said the property in question is

already commercial property as it is in a commercial zone. Their proposal includes increasing setbacks and putting greater height restrictions on buildings.

David English of 28 Woodfields Drive said he feels their comments are relevant. He said his property and others near him are getting a lot of water because the trees that are being cut down on the neighboring property are now not there to drink up all the water. He said this summer his tractor was sinking in the mud, and he blamed it on the trees on the adjacent property that were cut down. Mr. English's comments led to some back and forth between him and Mr. Matteis. Mr. Powell said they need to provide their commentary one at a time and not let the discussion devolve into a shouting match.

Mr. English said he was not able to grow anything in his vegetable garden this year because of the excess water. He said his neighbor had to help him dig a drainage ditch to stop the water from flooding his basement. He said if Mr. Matteis is pushing for these changes, there must be something in it for someone. Mr. Matteis said he did not like being accused of "getting something out of it." Mr. English countered with comments about Agenda 21 and 23 and said he felt these proposals are an agenda to change the dynamics of small town America. He asked Mr. Matteis how he proposed to address these water issues.

Mr. Matteis said the regulation changes they are proposing don't change the type of zone. He noted the trees on the neighboring property have already been cut down even though the changes have not been approved, and you can't prohibit someone from cutting down trees on their own property. He also noted the tremendous rain the region has experienced this past year and that everyone has been impacted by it. Mr. Matteis said what Tolland has for undeveloped commercial land in town makes up about 1 percent of the town and the Commission is not adding any more commercial space to that. All they are proposing are new uses. If, however, the property owner does want to build something on his property, water runoff will be addressed by the town engineer.

Mr. Powell said he was also offended. He said the Commissioners are not in this to make money for themselves. He said he had no idea what Agenda 21 and 23 are, but there is no cabal to redesign Tolland. He made clear he did not like Mr. English's insinuations.

Ms. Goetz suggested Mr. Corcoran explain a little about the water issues Tolland has experienced this past summer. Mr. Corcoran clarified that his office was inundated all summer by calls from residents experiencing water issues. He said if the owner of the property adjacent to Woodfields decides to build on his property, he will need to go through the Inland Wetlands Commission, provide stormwater calculations and meet requirements around impervious surfaces.

Mike Byam of 70 Woodfields Drive said what he found important in one of the studies Dr. Poland referred to is that there is a risk of properties experiencing less value during the construction period and a couple of years after that. He estimated this might amount to a five-year period in total. He said they feel it is important to maintain a 150 foot setback with some kind of buffer zone in that setback area. He said there were similar types of things done in those neighborhoods Dr. Poland cited to protect them.

Mr. Mayer noted Dr. Poland's memo mentioned the value of buffering to protect adjacent properties.

Linda Berkowitz of 2 Cider Mill Road asked what amenities this project would bring to Tolland. She questioned if developers were allowed tax abatements, would Tolland benefit from it if they moved out after they no longer had an abatement. Mr. Powell said there is no specific project assigned to these proposed changes; rather, they are just proposing allowing additional goods and

October 18, 2021 – Tolland Planning & Zoning Commission

services uses along with more diverse housing stock options. He said tax abatements are outside the scope of the PZC and they cannot regulate based on tax revenues. He said they consider amenities to be things that various residents want in town, noting that what is considered an amenity changes over time. He provided tattoo parlors as one example. Ms. Berkowitz expressed concern that they still have empty buildings to fill. She questioned whether they need new buildings especially as the pandemic has reshaped how consumers shop.

Chris Cook said he was never under the misconception that the adjacent property to Woodfields was anything but a commercial property, but he is concerned about what might be developed on it. He said in looking at Dr. Poland's curriculum vitae, he has worked in many towns that have median incomes that are much lower than Tolland residents and that have much higher poverty rates. He said he does not want Tolland to end up with a high poverty rate like Canton, Ohio. He said he wants development in his backyard but the right kind of development, the type that is compatible with Tolland's median income of \$120,000. He said they need to make Tolland a destination town. He added that he wanted to make sure the research has no unconscious bias and said he is afraid where these recommendations are going.

Mr. Powell said the research also entails Boston and Salt Lake City, and communities that are similar to Tolland that are not experiencing high poverty rates. He said he did not see an unconscious bias in the research. Dr. Poland said he provided a summary memo based on academic research as was requested of him. He said he has no agenda. He noted he has also worked in New Canaan and Darien and other wealthy Connecticut towns.

Mr. Crickmore said this hearing is turning into a circus and they are talking about things they have no control over like trees and water. He said Dr. Poland's memo was prepared as a courtesy. They should be discussing uses and setbacks. Mr. Matteis agreed. He said he did not join the Commission to be berated and he does not like their paid consultant's credibility being questioned. He said it is out of line and unacceptable. He said there is no hidden agenda.

The Commission discussed the revised memo based on Ms. Falusi's recommendations. The revision suggests amendments to 1, 7, 8 and 9; numbers 5 and 6 are incorrect and should remain as is.

Linda Byam of 70 Woodfields Drive said she read through the revised regulations and appreciated that they are more restrictive. She added that she appreciated the work the Commission has done. She asked if someone could explain for her the difference between setbacks and buffers.

Mr. Powell and Mr. Mayer jointly explained that setbacks are a set distance from the property line whereas a buffer is a portion of the setback area that may include vegetation, hedges, fencing and other types of landscaping. These are some of the things under consideration this evening. Mr. Corcoran noted that while setbacks are set in stone, buffers are often more flexible.

John Hughes of 95 Tolland Green said it appears building heights can be up to 40 feet and units per acre increase from 8 to 9. He asked if they intended to allow taller and denser housing. Mr. Powell said it is actually bedrooms per acre and the heights proposed are 40 feet or four stories, whichever is more restrictive. Mr. Matteis noted that they are actually going more restrictive, reducing building heights from 55 feet to 40 feet. Ms. Goetz noted there was no density previously specified in the Tolland Village Area (TVA). They are copying what is allowed in the GDD, creating a limit where there was none before.

Brenda Falusi of 4 Laurel Ridge Road asked that the Commission consider including cultural and historical museums as uses in the TVA-GD. From a tourism viewpoint, this could bring positive

attention to Tolland. She asked about recreational facilities as well, questioning why they were not included as yoga studios might be welcome. And she brought up the Master Plan Overlay Zone (MPOZ). Ms. Goetz noted that cultural and historical museums are changing from Special Permit to being permitted uses, a less restrictive move. It was explained that the Commission was concerned about big recreational type facilities like bowling alleys being inappropriate for the TVA-GD but that yoga studios would fall under retail goods and services. It was also noted that the MPOZ is limited to the Tolland Campus Zone, and is not being proposed for the TVA-GD.

Jodie Coleman-Marzialo asked what a commercial shared kitchen is. Mr. Powell said this would be a space where people could do different types of cooking. They could perhaps teach classes as well. Ms. Coleman-Marzialo said she would not like to see laundromats allowed in the TVA-GD and people in the area tend to own their own washers and dryers anyway. She said she would not want one near the Historical District and it is not necessary they be allowed there. She also spoke in opposition of allowing drive-through restaurants in the TVA-GD as she felt it would invite crime to come closer to the historic homes in the District.

Sophia Johnson of 48 Crystal Lake Road said she was grateful for the suggestions being put forth. She noted that Tolland presently has crime in town and that's before any of these changes have been made. She said the conversation about a private landowner cutting down trees on his property is confusing, and it has deviated from what they should be discussing. She asked what the goal of the evening's discussion was supposed to be.

Mr. Powell said the goal is to extend the conversation from when it was started at their previous meeting—this is on uses, setbacks, the MPOZ, as well as reviewing the memo provided by Dr. Poland and the substantive text changes suggested by Ms. Falusi and staff. Mr. Mayer said it is important to note that the decisions made will affect all residents. He and Mr. Powell discussed the difference in requirements for uses that require SP (Special Permits) and those for P (Permitted) uses.

Steve Williams of 22 Rudansky Lane told Mr. Corcoran that he tried to send him an email earlier that day. Mr. Corcoran said he received it and put it up on the shared screen for all to see. Mr. Williams explained that the visual was of a set of apartments he had wanted to do behind the Dunkin Donuts property. He noted the longer building is 40 feet high to the roof but is only two stories. He said limiting buildings to no more than 40 feet is more restrictive for developers. He said since 2009 there were no buffers required in the zone with his property and so the 150 foot proposed setback is to him a clear taking of property. He said ever since the TVA was created he has not been able to do anything with his property there, and now this proposed regulation will limit people wanting to build apartments to only two-stories.

Mr. Williams said in the two-story drawing example, if a developer would be allowed to raise it up and allow parking underneath, it would be beneficial to everyone. This would result in less pavement. He said he spent a fortune on the land behind Dunkin Donuts and now they are creating a harder situation for him. He said the area was always commercially zoned and there was no required buffer all these years. He wants to be able to develop his land.

Ms. Goetz asked Mr. Williams about the top picture being displayed. Mr. Williams said it is over another building done somewhere else. It is three stories tall with a full basement and parking below it. He said he believed that to get three stories in an apartment building, you need at least 52 feet. It was noted that the pre-grading he did required a setback. He said, however, the 100 feet is only for pre-grading, but once a developer comes in with a full plan and it gets approved, then more work can be done outside that 100 feet. Ms. Goetz asked if he could work with a 100 foot

October 18, 2021 – Tolland Planning & Zoning Commission

setback like in the GDD. Mr. Williams said there was no setback required for 12 years and that he doesn't like the proposed change.

Mr. Crickmore asked Mr. Williams what numbers might realistically work for him. After some back and forth he said a 75 foot buffer might work. He said the PZC also has to decide how many stories they will allow for an apartment building, but noted a 10-foot story in a mixed use development is not possible to do.

Heather McCann of 62 Crossen Drive suggested a member-owned and -operated co-op food store would be welcome in the TVA-GD. Mr. Corcoran said that falls under general retail so would be allowed.

Fred Valante asked if Mr. Williams' land was always commercial. It was noted that the GDD once encompassed all of the TVA. Mr. Valante said that adding a 150 setback when nothing existed there before seemed unfair to the property owner. He added that he felt Dr. Poland's data in his memo was outdated and they should look at more recent data. He reiterated that the public should be made more aware via the Journal Inquirer notice that the proposed changes impact all zones and not just the TVA.

Chris Skinner of 160 Bald Hill Road said the Commission should be more flexible on overall building heights, as steeper roof pitches add to height but are not really usable space. He said they need economic development, so regulations should not be made to be more restrictive.

Linda Berkowitz of 2 Cider Mill Road said the heights of buildings and the setbacks are important and the Commission might want to look at how the original proposal for the TVA evolved over time.

David Raccagni, who was attending remotely, made some comments, but it was difficult to hear his audio. He was asked to send his comments to Mr. Corcoran in email form.

Linda Byam said when they purchased their property on Woodfields Drive 27 years ago, they looked at the abutting land and understood it was state owned property designated as open space. She said they were told the property abutting them was zoned residential. She said somewhere over the years the designation changed to split the land in two and make part of it commercial, but she doesn't know the exact time frame. Mr. Matteis requested that Mr. Corcoran research the history on the property so they can settle this issue.

Mr. Crickmore asked Ms. Byam what she might find as reasonable for the neighboring property. Ms. Byam said people on Woodfields Drive would probably want to see a 150 foot setback. She said she is probably not the best person to ask because her property is protected by wetlands, a natural buffer. She said she could see allowing a smaller setback but with substantial buffers—big, dense trees and bushes. She said the issue is privacy from a neighboring apartment complex.

Mike Byam said height is less a concern to him since Mr. Williams has graded his site to cut a lot into the hill. The setback and buffer are more important. He said he could possibly see a 75 foot setback to include a 35 to 50-foot buffer. That would be consistent with his research of other towns. Mr. Mayer said the proposed regulations call for screening and buffering in the setback and perhaps that needs to be more strongly defined. Ms. Goetz noted that was brought up in a number of the correspondences sent in.

October 18, 2021 – Tolland Planning & Zoning Commission

Marilee Beebe of 90 Rhodes Road said as a point of information that there are statutory requirements that must be met for public notifications. Her comment was in response to Mr. Valante's comment about public notification.

Ms. Goetz read into the record additional correspondences received. There was a letter from Charles Mayer of 123 Old Stafford Road who voiced his opposition to the proposed changes. Additionally, correspondence from Dave and Hollie Barnes of 31 Tolland Green outlined their opposition. There were concerns that the town has too many empty storefronts already.

Ms. Goetz responded to the letters read. She said they are trying to look at the TCZ, and proposed TVA-GD to expand allowable uses so hopefully something might come along that will go into those empty storefronts.

Mr. Powell noted that if someone wants to rent an empty storefront, they don't come to the PZC. That is outside their purview. He said if the use is permitted, they can move in. He said they have no say in dictating the terms and conditions of renting a facility. He added that the Commission does know that multi-family housing is in increasing demand and they have a definite need for it.

Mr. Crickmore said they also cannot stop a commercial developer from developing his property just because there are empty storefronts in town. Mr. Matteis agreed. He said they cannot punish one developer because another place has vacancies. He noted also that oftentimes if one business moves into an empty strip mall, other vacant spaces in the strip tend to fill up as well.

Mr. Corcoran read the email comments from David Raccagni of 21 Woodfields Drive. He proposed 150 foot setbacks, substantial buffering, and building heights of 40 feet or four stories, whichever is more restrictive. However, he was open to some flexibility such as allowing greater heights to buildings if the setbacks are increased.

Ms. Goetz asked how severe changes can be in deliberations before something might have to be re-advertised. Mr. Corcoran said if they stay within the confines of their discussion, it should be okay. Tweaks can be made to such things as building heights, etc. Ms. Goetz asked if there is a 50 foot setback on Merrow Road, could anything else go in that setback area such as a driveway or parking. Mr. Corcoran said parking can't be in a front setback (with the exception of a driveway). It was assumed that businesses on Merrow Road would consider their front setback to be from Merrow Road.

MOTION: Jon Crickmore/Joe Matteis to close the public hearing for PZC #21-13. Before voting on the motion, Mr. Mayer asked about the clarifying information they wanted to get on whether the property abutting the Woodfields Drive development was always commercially-zoned. Mr. Corcoran said that he felt this is just a clarifying fact so it could be asked and answered during deliberations.

A vote was taken on the motion. Mr. Matteis, Mr. Crickmore, Ms. Goetz, Mr. Mayer, and Mr. Powell voted in favor. Motion carried.

7. Old Business

- 7.1 **Possible action on:** PZC #21-13, Zoning Regulation Amendments – The Commission discussed whether to deliberate now or at their next meeting. Mr. Corcoran said the next meeting has a fairly light agenda.

October 18, 2021 – Tolland Planning & Zoning Commission

MOTION: Joe Matteis/Bruce Mayer to table action on PZC #21-13 to the next meeting. Ms. Goetz, Mr. Mayer, Mr. Crickmore, Mr. Matteis and Mr. Powell voted in favor. Motion carried.

8. **New Business:** None

9. **Reports**

9.1 Town Council Liaison – Brenda Falusi, Town Council Liaison, provided a recap of the last week's Town Council meeting. The Council issued a citation to Steve Clark recognizing him for his 30 years of service to the town. There was a discussion on Ordinance 60, Tolland's tax relief program. They saw a presentation from the Tolland Library Foundation. There were some appointments to Boards and Commissions. There was also a first discussion on amending the code for smoking vaping, and using cannabis. There was also a discussion on the Miracle Field.

9.2 Capitol Region Council of Governments – No report.

9.3 Zoning Enforcement Report – Mr. Corcoran said his office has received complaints about an illegal school on Mile Hill Road, and a complaint about non-enforcement of sign enforcement. He said they may have a possible resolution of the water issue at Senior Moments. A trench is to be dug that may help alleviate the problem.

9.4 Planning Update – Mr. Corcoran said they heard back from the Department of Energy and Environmental Protection about expanding the Sewer Service Area for the Santini development. They are letting Tolland decide the issue. Mr. Corcoran also said they need to decide if the conversation on the Village Center Zone should be next week or in November. Mr. Mayer said it might be better if this discussion is held on November 8th after the elections as the Commission will have a new makeup. Mr. Corcoran said he is working with the Economic Development Commission to try to put together a list of vacant commercial properties both developed and undeveloped to market.

10. **Other Business:** None

11. **Correspondence:** None

12. **Public Participation:** Sophia Johnson said some of the empty storefronts are blighted which turns people off from a town. She asked if Tolland can impose a fee to the property owners if they don't fix up their properties. Mr. Corcoran said the town has a blight ordinance but it only applies to residential properties. Mr. Powell said she could take her concerns to the Town Council as the Blight Committee answers to the Council. Mr. Matteis said he understood Ms. Johnson's point, but imposing a fee would open the town up to a lawsuit and cast the town as not being business friendly.

Ms. Goetz asked if there was anything happening at the gas station at the corner of Merrow Road and Goose Lane. Mr. Corcoran said an application for a text amendment change might be coming soon.

Brenda Falusi said there are a number of things they can do to make empty spaces more attractive, such as invite artists to decorate the windows. She said DeSegregate CT asks property owners to put up paper in the windows after a certain period of time and make them look neat and clean inside.

Erin Stavens of 211 Charter Road said she was in Putnam over the weekend and they do something similar with local artists in their downtown area.

October 18, 2021 – Tolland Planning & Zoning Commission

Mr. Powell asked Ms. Beebe, who is Vice Chair of the Zoning Board of Appeals, if the text changes they are recommending will be coming to the PZC soon. Ms. Beebe said they were endorsed unanimously by the ZBA at their last meeting. Mr. Corcoran said he is in receipt of them and will be sharing them once they are through this big public hearing.

13. **Approval of Minutes** – October 4, 2021 Special Meeting.

MOTION: Bruce Mayer/Joe Matteis to approve the October 4, 2021 Special Meeting minutes. Ms. Goetz referenced the last paragraph of the public hearing portion of the minutes where she was trying to get a visual of what a four-story building, 50-feet off Merrow Road might look like. She had asked Mr. Corcoran to provide some heights of buildings around town and distances some buildings are off Merrow Road, and while he provided them, those details were not outlined in the minutes.

Mr. Corcoran agreed to send them to the clerk after the meeting, and they are listed here:

- Mobil is 115 feet from Merrow Rd. Papa T's is 95 feet from Merrow Rd. Subway is 35 feet from Merrow Rd. Anderson Automotive is 85 feet from Merrow Rd. Dunkin' Donuts is 80 feet from Merrow Rd.
- The Subway building is 30 feet from the top of the roof to the street and 38 feet from the basement to the roof.
- The tallest building in Tolland is the "bubble" at more than 80 feet.

A vote was taken on the motion. Mr. Crickmore, Mr. Matteis, Ms. Goetz, Mr. Mayer and Mr. Powell voted in favor. Motion carried.

14. **Adjournment** – Mr. Powell reiterated his displeasure and dissatisfaction that anyone would suggest the Commission had ulterior motives for recommending the zone changes discussed this evening. He said suggestions of Agenda 21 and 23 is beyond the pale of legitimate comments. It is inflammatory, derogatory and wrong.

MOTION: Deb Goetz/Bruce Mayer to adjourn the meeting and pay the clerk at 10:38 p.m. Ms. Goetz, Mr. Mayer, Mr. Matteis, Mr. Crickmore, and Mr. Powell voted in favor. Motion carried.

Respectfully submitted,

Annie Gentile
Clerk