

**Agenda**  
**Tolland Planning & Zoning Commission**  
21 Tolland Green, Tolland, Connecticut  
Monday, March 11, 2024 at 7:00 p.m., 6<sup>th</sup> 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**
8. **New Business**
  - 8.1. Large Lot Accessory Structures
9. **Reports**
  - 9.1. Town Council Liaison
  - 9.2. Economic Development Liaison
  - 9.3. Capitol Region Council of Governments
  - 9.4. Zoning Enforcement Report
  - 9.5. Planning Update
10. **Other Business**
11. **Correspondence**
12. **Public Participation**
13. **Approval of Minutes** – February 26, 2024 Regular Meeting
14. **Adjournment**

To join the Zoom meeting, either click:

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

**One tap mobile:** +13017158592,,4325402030#,,,,\*444555#

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

Meeting ID: 432 540 2030

Passcode: 444555

All public business will be conducted by 11:00 p.m. unless waived by a vote of the Commission.  
Any party needing an accommodation contact the Planning & Development Department at (860) 871-3601.  
*The Town of Tolland is an Affirmative Action/Equal Opportunity Employer.*



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

## MEMO

---

**TO:** Planning and Zoning Commission

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

**DATE:** March 6, 2024

**RE:** Large Lot Accessory Structures

---

At the request of the Commission, Staff has drafted some potential regulations to allow for larger lots to potentially have larger accessory structures for non-agricultural use. The attached draft regulations create a separate subset of accessory structure designed to allow lots of greater than ten acres to construct one structure that is in excess of the size of the principal structure of the home.

The draft regulations also clarify that farm structures are subject to the height restrictions for a principal use, and not to the height restrictions for a customary accessory use. The proposed draft does not include a change in the definition to "farm" or "agriculture" – the Commission may wish to consider revisions to those terms provided they are consistent with the definitions outlined in state statute. The Commission may also wish to discuss allowing taller buildings than the current principal height restrictions allow on large lots.

## **Section 2-2. Terms Defined**

AGRICULTURE – The cultivation of ground, including the harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture and forestry. Agriculture shall not include the cultivation or production of medical marijuana or recreational cannabis.

FARM – A tract of two (2) acres or more, used principally for agricultural activities, forestry, nursery or truck gardening or for raising, keeping or sale of livestock and fowl, but excluding the raising of fur-bearing animals. The cultivation or production of medical marijuana or recreational cannabis shall not be considered a farm.

BUILDING HEIGHT – The vertical distance of a structure measured from the mean elevation of the finished grade at the foundation along the side(s) of the building facing the street(s) to the highest point of flat or mansard roofs or the mean level between the eaves and the ridge of gable, hip or gambrel roofs, except as waived in accordance with these Regulations.

## **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 7).
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 17: Accessory Uses and Structures

---

### Section 17-1. General Requirements

#### A. Establishment of Accessory Structures and Uses

1. Accessory buildings, structures and uses shall be located on the same lot as the principal building, structure or use to which they are accessory or on a vacant adjacent lot under the same ownership of the lot with the principal use.
2. Accessory buildings, structures and uses shall not be located on a lot without the prior establishment of a permitted principal use except as permitted in Section A.1.
3. No new lot shall be created that has an accessory building, structure or use without a principal use except as permitted in Section A.1.

#### B. Prohibited Accessory Uses and Structures

1. Overnight parking of a commercial vehicle with a gross vehicle weight of greater than 20,000 pounds is not permitted on any property in the RDD or VCZ zones.
2. Outdoor wood burning furnace.
3. No accessory building or structure shall contain a dwelling unit or be used for residential, living or cooking purposes unless permitted otherwise by these Regulations.

### Section 17-2. RDD and VCZ

#### A. Allowed Without a Permit

The following accessory uses and structures are permitted as of right. Setbacks are not applicable unless otherwise specified.

1. Customary uses and structures: accessory uses and structures customarily and reasonably incidental to residential use including:
  - a. Swing set, child play structure, pergola and similar structures.
  - b. Garden house, dog house, tool house, membrane structure and similar structures provided such structure:
    - 1) Is not for commercial use.
    - 2) Does not house livestock.
    - 3) Is not on footings or a permanent foundation.
    - 4) Does not include electrical wiring or plumbing.

- 5) The size of the structure is no greater than 100 square feet.
2. Underground propane tank.
3. Tennis court, basketball court or other at-grade recreational facility for private use.
4. Deck or patio less than eight (8) inches off ground.
5. Fence or wall no greater than eight (8) feet in height. Where a fence is placed on top of a wall, the height of both combined shall count toward maximum height.
6. Hot tub located on an existing structure or new structure and such structure has obtained any required zoning permits.
7. Temporary use of a dumpster up to 30 days in a calendar year. If the dumpster is for use during a construction project on the premises with a valid building permit, the duration is extended until construction is completed. Such structure shall not impede traffic or sight lines.
8. One (1) temporary portable storage container no greater than 200 square feet or multiple containers totaling no more than 200 square feet cumulatively provided:
  - a. The following time limits are met:
    - 1) For no more than 90 days total per calendar year or 90 consecutive days, or
    - 2) For up to 12 months if related to an approved construction project on the premises and all necessary permits and approvals for the construction project have been issued.
  - b. Such structure shall not impede traffic or sight lines.
  - c. Such structure shall not exceed nine (9) feet in height.
  - d. Only materials in conjunction with the site may be stored in the container.
  - e. Any container not meeting these requirements will be considered similar to a shed and require a permit pursuant to Section 17-2.B.
9. Radio or television reception equipment attached to a structure, including satellite dishes.
10. Keeping of domestic pets including no more than six (6) dogs.
11. Family day care.
12. Off-street parking for the use of the occupants of the premises and their guests, in accordance with Section 19-1, provided that no more than one (1) business vehicle, other than a passenger car, shall be regularly parked on the premises.

13. Private parking or storage of unoccupied boat, trailer or motor home, provided that it shall not create a traffic hazard or nuisance and shall be owned by the owner or renter of the property on which such vehicle is parked.
14. Tag sale, provided that there shall be a maximum of three (3) tag sales on a property in a calendar year with the period of each tag sale not exceeding two (2) consecutive days. All goods and materials displayed for sale in the tag sale shall have been owned by the property owner prior to the sale with no goods and materials brought in specifically for the tag sale.
15. Display of private automobile for sale. No more than one (1) vehicle owned by the resident of the premise may be displayed for sale at any given time for a no more than one (1) month, with a maximum of two (2) vehicles displayed during a one (1) year period.

**B. Requires a Zoning Permit**

The following accessory uses and structures require a zoning permit and shall meet setback requirements:

1. Customary uses and structures. Shed, tool house, membrane structure, or similar structure that does not house livestock or fowl and exceeds one or more limitation listed in Section 17-2.A above.
2. Private detached garage.
3. Private swimming pool and related structures.
4. Fence or wall greater than eight (8) feet in height.
5. Certain signs, subject to the setback requirements of Section 19-2 and any other requirements in that Section.
6. Hot tub not located on an existing structure or a structure which requires a zoning permit. For example, a hot tub being placed on a new concrete pad would require a zoning permit.
7. Permanent generator or air conditioning equipment.
8. Above ground propane tank.
9. One camping cabin on lots of at least four acres, subject to the setback restrictions for "All Other Detached Structures"

10. Private amateur radio tower as an accessory use not to exceed 35 feet in height. Towers must be set back a distance equal to the height of the tower or customary accessory structure setback, whichever is greater.
11. Radio or television reception equipment not attached to a structure, including satellite dishes.
12. Temporary use of a dumpster or portable storage container for a period exceeding that in Section 17-2.A. Such structure shall meet required setbacks for an accessory structure unless located on an existing driveway and its placement does not impeded sight lines along the road. Such structure shall meet other requirements of Section 17-2.A.8.
13. Group day-care home.
14. Minor home occupation, pursuant to Section 16-8.
15. Any use not listed in Section 17-2.A, unless the ZEO determines such use is prohibited, requires Commission approval per these regulations, or is similar in nature to a use listed in 17-2.A and therefore the ZEO determines it does not require a Zoning Permit.



**C. Setback Requirements**

1. Unless otherwise specified in this Section or elsewhere in these regulations, the following minimum setbacks shall apply to accessory structures and uses:

	RDD		VCZ
	Regular Lot	Rear Lot	Regular Lot
<b>Minor Structure</b> - A detached structure or building, the use of which is customary and subordinate to that of the principal structure or use on the same lot, which does not exceed 10 feet in total height or two hundred and fifty (250) square feet in area and is not used for dwelling.			
Front Setback	Shall be in accordance with Front Yard Setback for Principal Structure	Shall be in accordance with Front Yard Setback for Principal Structure	Shall be in accordance with Front Yard Setback for Principal Structure
Side Setback	15 feet	15 feet	15 feet
Rear Setback	15 feet	15 feet	15 feet
Maximum Height	10 feet	10 feet	10 feet
<b>Accessory Structure</b> - A structure in excess of 250 square feet in area or more than 10 feet in height, the use of which is customarily incidental and subordinate to that of the principal structure or use on the same lot.			
Front Setback	Shall be in accordance with Front Yard Setback for Principal Structure	Shall be in accordance with Front Yard Setback for Principal Structure	Shall be in accordance with Front Yard Setback for Principal Structure
Side Setback	25 feet	25 feet	15 feet
Rear Setback	25 feet	25 feet	25 feet
Maximum Height	20 feet	20 feet	20 feet
<b>Large Lot Accessory Structure</b> – <u>An accessory structure no larger than 10,000 square feet located on a lot of at least ten acres in size with a footprint that exceeds that of the principal structure.</u>			
<u>Front Setback</u>	<u>200 feet</u>	<u>200 feet</u>	<u>N/A</u>
<u>Side Setback</u>	<u>150 feet</u>	<u>150 feet</u>	<u>N/A</u>
<u>Rear Setback</u>	<u>150 feet</u>	<u>150 feet</u>	<u>N/A</u>
<u>Maximum Height</u>	<u>Shall be in accordance with Building Height for Principal Structure</u>	<u>Shall be in accordance with Building Height for Principal Structure</u>	<u>N/A</u>
<b>Swimming Pools and All Other Detached Structures</b>			

Front Setback if located in side or rear yard	75 feet	75 feet	75 feet
Front Setback if located in front yard	200 feet	100 feet	200 feet
Side Setback	25 feet	25 feet	25 feet
Rear Setback	25 feet	25 feet	25 feet
Maximum Height	25 feet	25 feet	25 feet

2. Corner lots. For the purposes of determining the setbacks for accessory structures, only one of the front property lines shall be considered a front yard which must meet front yard setback requirements. The front yard shall be considered the side where the main dwelling entrance is located and the general direction in which the principal building faces. The ZEO shall make the determination of the front yard.
3. Detached Mechanical Units including Propane tanks, air conditioning equipment or permanent generator.
  - a. Setback and permitting requirements shall not apply if no component of the tank, air conditioning equipment or generator is located no greater than ten (10) feet from the principal structure. A plot plan shall be provided to verify location.
  - b. For any tank, air conditioning equipment or generator wholly or partially located more than ten (10) feet from the principal structure, the following setbacks shall apply:
    - 1) The front yard requirement shall be 75 feet. It may be reduced to the front yard requirement for a principal structure, provided the tank, equipment or generator shall not be located between the house and the street. For example, a propane tank on an arterial road in the RDD may be located 60 feet from the front property line, rather than 75 feet, provided it is located on the side or rear of the house.
    - 2) The side and rear yard setbacks shall be 15 feet.
4. Where an existing building legally exists within the front or side yard setbacks either by way of variance or as an existing nonconforming building, any addition or accessory structure to the rear of the principal building that will not encroach within the front or side yard setback requirement any closer to the property line than the existing principal building may be permitted by way of a zoning permit.

**D. Size and Quantity Limitations****1. Minor Structures, Accessory Structures, Swimming Pools, and All Other Detached Structures:**

The combined footprint of all customary accessory structures other than large lot accessory structures and farm structures shall not exceed the footprint of the principal building. An attached garage shall not be included when calculating the footprint of the principal building unless there is living space above the garage. The Commission may allow an accessory structure to exceed this size limitation by Special Permit if it determines that the design of the structure and its placement on the property minimize visual impact from the public way and from abutting residences.

**2. Large Lot Accessory Structures: Lots with greater than ten acres may construct one Large Lot Accessory Structure with a total square footage in excess of the footprint of the principal building by Zoning Permit. Such structures shall have a maximum size of 10,000 square feet.****E.-F. Height**

Customary accessory structures shall have a maximum height of 25 feet, unless they are large lot accessory structures or farm structures as defined in Section 17-4.

**F.-G. Lighting**

All exterior lighting in connection with an accessory structure or use shall be located at the minimum height from the ground and the maximum distance from property lines necessary to prevent glare or view of the lighting element from adjacent properties or from a public road. See recommended and acceptable lighting drawings in Appendix E.

**Section 17-3. Nonresidential Zones****A. Customary Accessory Uses and Structures**

The following accessory uses and structures shall be allowed in all nonresidential zones:

1. Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be applied for with, and included in, the Site Plan application.
2. Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for with, and included in, the Special Permit application.
3. Building mechanical equipment located outside the structure, including radio and television reception equipment, provided that such equipment shall be properly screened. A zoning permit is required if the equipment is ground-mounted (i.e., not on the existing building).

4. Off-street parking and loading subject to Section 19-1. This provision does not apply to parking structures unless permitted otherwise in these regulations.
5. Signs, subject to the setback requirements of Section 19-2 and any other requirements in that Section.
6. Detached accessory structures. Such structures shall require a Zoning Permit. If such structure exceeds 200 square feet, it may require Commission approval pursuant to items 1 and 2, above.
7. Fence or wall no greater than eight (8) feet in height. Where a fence is placed on top of a wall, the height of both combined shall count toward maximum height. Such a fence or wall does not need to meet the required setbacks and does not require a zoning permit.
8. Fence or wall greater than eight (8) feet in height. Such fence or wall shall meet setback requirements for accessory structures and shall require a zoning permit.

**B. Tolland Business Park Zone (TBP)**

The following accessory uses shall be permitted in the TBP, in addition to those of Section 17-3.A. These uses are allowed as of right and do not require a zoning permit unless otherwise stated:

1. Outside overnight parking of vehicles or equipment, provided that no vehicle or equipment shall be parked within any required yard. The Commission may require appropriate screening such as landscaping or fencing.
2. Clinics or cafeterias, for employees only, when conducted within the principal building.
3. Recreation facilities and day-care facilities, provided that such facility is only for the employees on the site and all such buildings and uses shall be planned as an integral part of the office building or research laboratory development and located on the same lot with the use to which they are accessory.
4. Assembly hall for meetings incidental to the business of the principal use.
5. Retail sales or service for employees on the site, provided that a maximum of 10% of floor area or 2,500 square feet, whichever is less, is used. If such retail sales or service is open to the general public, then a Special Permit is required.

**C. Requirements**

1. Customary accessory structures shall be located at least 25 feet from side and rear lot lines and 75 feet from any front property line.

2. Customary accessory structures other than farm structures shall have a combined maximum floor area not greater than the footprint of the principal building on the same lot as such accessory structures.
3. Customary accessory structures shall have a maximum height of 25 feet.

#### **Section 17-4. Farms**

The following accessory uses are permitted on a farm (see Article 2 for definition of farm).

##### **A. Allowed without a Permit**

1. Keeping of livestock and other farm animals. See Section 16-9.B for additional requirements.
2. Storage of vehicles and equipment accessory to the on-premise agriculture and farming operations.
3. Barn, shed, silo and similar building accessory to a farming operation, less than 200 square feet and not accessible to the public. The structure shall meet accessory structure setbacks for the zone it is located in.

##### **B. Requires a Zoning Permit**

1. Barn, shed, silo or similar building accessory to a farming operation greater than 200 square feet or accessible to the public. The structure shall meet accessory structure setbacks for the zone it is located in. Farm structures shall be subject to the height restrictions for a Principal Use in Section 3-11.
2. Road-side farm stand in RDD only. Setbacks are not applicable.
3. Temporary or seasonal events of limited duration on a farm which are accessory to agricultural uses, such as farm-to-table dinners, educational demonstrations, hay rides, petting zoos, or other similar uses if the event happens fewer than ten times per year and the applicant can demonstrate that there is adequate parking on the property for the event. Setback requirements apply to all parking areas. There shall be no amplified music or amplified sound.

##### **C. Requires a Special Permit**

4. Temporary or seasonal events of limited duration on a farm which are accessory to agricultural uses, such as farm-to-table dinners, educational demonstrations, hay rides, petting zoos, or other similar uses if the event happens ten or more times per year

and/or there is amplified music. The applicant shall demonstrate that there is adequate parking on the property for the event. Setback requirements apply to all parking areas. Music is allowed from 9 AM until 8 PM from Sunday to Wednesday and from 9 AM until 10 PM from Thursday to Saturday.



**CGS 1-1(q) – Definition of Agriculture and Farm**

Except as otherwise specifically defined, the words “agriculture” and “farming” include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, the production of honey, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The terms “agriculture” and “farming” do not include the cultivation of cannabis, as defined in section [21a-420](#). The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.



*Town of Tolland, CT  
Wednesday, March 6, 2024*

## Chapter 77. Farming

[HISTORY: Adopted by the Town Council of the Town of Tolland as indicated in article histories. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Agriculture Commission — See Ch. **1B**.

Zoning regulations — See Ch. **170**.

## Article I. Right to Farm

[Adopted 10-24-2017 by Ord. No. 92]

### § 77-1. Purpose.

- A. Agriculture plays an important role in Tolland's heritage, economy, and physical landscape and contributes to the overall character of the community. It is the purpose and intent of this article to promote and advance local agricultural activity by limiting circumstances under which such operations may be considered a nuisance. It is further determined that whatever impact may be caused to others through normal and generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community and society in general. It is a further intent to reinforce the Town's support for local farming.
- B. This article encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmland within the Town by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

### § 77-2. Definitions.

The terms "agriculture" and "farming" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

### § 77-3. Right-to-farm declaration.

- A. Notwithstanding any general statute or municipal ordinance or regulation pertaining to the contrary, no agricultural or farming operation, place, establishment or facility or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable:
  - (1) Odor from livestock, manure, fertilizer, or feed.
  - (2) Noise from livestock or farm equipment used in accordance with normal, generally acceptable farming procedures.
  - (3) Dust created during plowing or cultivation operations.

**Section 8.1 Page 17**

- (4) Use of chemicals, provided such chemicals and the method of their application conform to practices approved by the State Commissioner of Environmental Protection, the State Commissioner of Public Health, and/or local officials, as applicable.
- (5) Irrigation and water management associated with normally accepted farming practices.
- B. Inspection and approval of the agricultural and farming operation, place, establishment or facility by the State Commissioner of Agriculture or his/her designee shall be prima facie evidence that such operations follow generally accepted farming practices.
- C. The provisions of this article shall not apply whenever a nuisance results from the negligent, reckless or improper operation of any such agricultural or farming operation, place, establishment or facility or any of its appurtenances.
- D. Nothing contained in this article shall restrict the powers of Tolland's Inland Wetlands Commission, Planning and Zoning Commission, or Building or Health Department under Connecticut General Statutes.

### Planning and Zoning Two Month Look Ahead

Meeting Date	Upcoming Items			
<b>Monday, March 25, 2024</b>	Affordable Housing Discussion			
<b>Monday, April 8, 2024</b>	Affordable Housing Discussion			
<b>Monday, April 22, 2024</b>	Affordable Housing Discussion			
<b>Monday, May 13, 2024</b>	Affordable Housing Discussion			

**KEY**

- TO BE RECEIVED
- HEARINGS
- NEW/OLD BUSINESS
- OTHER

**Future Items:**

**Thu Mar 21, 2024**

**12pm - 12:40pm Basic Training Webinar Series - Virtual/online**

**Calendar:** CT Land Use Commissioner Training

**Created by:** david.dickson@uconn.edu

**Thu Apr 18, 2024**

**12pm - 12:40pm Basic Training Webinar Series - Virtual/online**

**Calendar:** CT Land Use Commissioner Training

**Created by:** donnadione.uconn@gmail.com

**Sat Apr 27, 2024**

**8:30am - 12pm CLEAR Land Use Academy - Basic Training**

**Where:** UConn Extension - Middlesex County Extension Center, 1066 Saybrook Rd, Haddam, CT 06438, USA

**Calendar:** CT Land Use Commissioner Training

**Created by:** donnadione.uconn@gmail.com

**PLANNING & ZONING COMMISSION  
TOLLAND, CONNECTICUT  
REGULAR MEETING MINUTES OF FEBRUARY 26, 2024**

**MEMBERS PRESENT:** Andy Powell, Chair  
Joe Matteis  
Erin Stavens  
Amanda Hickey  
Brian Mead, alternate

**OTHERS PRESENT:** David Corcoran, Director of Planning & Development  
Chris Moran, Town Council Liaison  
Larry Lemek and Jason St. Louis, applicants  
Kenneth Kaplan, applicant  
Public

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:** Andy Powell seated Brian Mead, alternate, for Marilee Beebe
4. **Additions to Agenda:** None
5. **Public Comment:** None.
6. **Public Hearing(s):** *Note: The two public hearings were heard out of order.*
  - 6.1 **PZC #24-2 – Zoning Regulations Amendment** – Request to amend Section 16-13 “Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery” to allow the sale of alcoholic beverages manufactured within 30 miles of the premises to be sold on site. Applicant: Larry Lemek and RJL Enterprises.

Mr. Powell read the legal notice. Applicants Larry Lemek and Jason St. Louis attended the public hearing.

Mr. Corcoran noted that the PZC approved some changes to these regulations last year and established a minor and a major category for farm breweries, cideries, distilleries and wineries. The applicant is proposing changing the major category to allow for the sale of some off-site alcohol. He reviewed the proposal. He also noted they received one piece of correspondence on this public hearing from Deb Goetz.

Mr. Powell asked the applicants if the requirements from the State of Connecticut would create a hardship for them. Jason St. Louis, 7 Roses Bridge Road in Columbia, CT said they do not. He said they have eight ciders on tap and would like to offer one or two draft beers from the South Windsor/Manchester area.

*February 26, 2024 – Tolland Planning & Zoning Commission*

Mr. Corcoran discussed the correspondence from Deb Goetz. He said he liked her first suggestion regarding Section 16-13.B.4. He said it sounds like the applicant is only sourcing from within Connecticut, so they could limit the sourcing to within 30 miles of the premises but to exclude Massachusetts. He said that would be up to the Commission. Mr. Matteis said they originally drafted the limitation as 30 miles only because they are so close to the Massachusetts border. He said what is currently allowed in the major category is 60 miles, so this would cut the distance in half. He said he felt it made sense because the additional alcohol choices would be completely outsourced.

Mr. Matteis asked what the State requirement is. Mr. St. Louis said they require sourcing to be from Connecticut, but with no mileage limitation. The Commission discussed limiting the sourcing to Connecticut only but also keeping within a 30-mile limit.

Mr. Corcoran said Ms. Goetz also suggested regulating total sales of the additional alcohol but he said that could be functionally difficult.

Mr. St. Louis said he wanted to reiterate that this is a part-time operation. They would have two beer taps and eight ciders. They are open 16 hours a week - Fridays until 9 p.m., Saturdays to 9 p.m. and Sundays to 6 p.m.

There was general agreement to allow the sale of some alcoholic beverages as there are often people in a couple or group who don't necessarily like cider and want another option. There were no further questions from the Commission nor from the public.

**MOTION:** Erin Stavens/Brian Mead to close the public hearing for PZC #24-2. Mr. Mead, Mr. Matteis, Ms. Stavens, Ms. Hickey and Mr. Powell voted in favor. Motion carried.

6.2 **PZC #24-1 – 398 Grant Hill Road** – Special Permit per Section 3-11.C.2 Height Restrictions to build a 45' – 8-1/2" barn for agricultural purposes. Zone: Residential Design District. Applicant: Kenneth Kaplan.

Mr. Powell read the legal notice. The applicant, Kenneth Kaplan, attended the public hearing.

Mr. Corcoran reviewed the height restrictions in the zoning regulations. Outbuildings for agricultural purposes may exceed the restriction if approved by Special Permit. Mr. Corcoran said the applicant wishes to expand his barn. He said also that he checked with the assessor and Mr. Kaplan has 30.31 acres of forest and 17 acres of farmland both in P.A. 490. Because the property is near the Coventry town line, they needed to notify Coventry. They heard nothing back from them. This application would also need to go before the Inland Wetlands Commission.

Mr. Corcoran said depending on how they interpret the zoning regulations, farm structures are permitted to go to 20 or 35 feet. The proposed structure would be 45 feet, 8-1/2 inches.

Mr. Kaplan said he purchased the property about 25 years ago from the Hannan family and has been developing it over the years. He hired landscape architect Donald Wirth to design the proposed barn to look like a carriage house and he said he expects it will well complement the property. He said his property is one of the last USDA listed Grade A soil farm fields left in Tolland and he wants the barn to store farm equipment and tools for farm-related activities. Mr. Kaplan said he is interested in possibly acquiring longhorn steer, which have been on Grant Hill Road in years past and which would also be housed in the barn. He offered to provide a tour to anyone who wanted to walk the property.

*February 26, 2024 – Tolland Planning & Zoning Commission*

Mr. Powell asked if he would be using any of the area of the property for feed. Mr. Kaplan said the whole front field. He said it is all fenced in with stone walls and the property is surrounded by farms all with big barns. The barn, he noted, would be much larger than the house.

Mr. Matteis asked what Mr. Kaplan did for agri-production. Mr. Kaplan said he does not yet have an income stream from farming/agriculture, but he has done much to beautify the property. He discussed the various aesthetic improvements from planting trees and flowers and how they benefit the wildlife. He said the concept was not to be a money-making endeavor but more to beautify the property.

Mr. Matteis said most of the agri-options for something this size requires that there be some type of agri-production. It can't just be a hobby farm. Mr. Kaplan said he did grow Christmas trees for a few years, but it turned out not to be a money maker.

Mr. Corcoran reviewed the definitions of farms and agriculture from the zoning regulations. He left it to the Commission to make their own interpretation. Mr. Matteis said there are income requirements for farmland to be listed in PA490. Mr. Corcoran said the assessor has determined 17 acres of the Kaplan land to fall into PA490 as farmland, so that is beyond their scope.

Ms. Hickey said she agreed with Mr. Matteis. She said the property sounds beautiful, but would this set a precedent for other property owners wanting to build extra-large barns without actually doing farming or agriculture.

Mr. Corcoran said it comes down to intent and how the Commission wants to weigh that.

Jason St. Louis of 7 Roses Bridge Road in Columbia, CT, said one has to make a minimum of \$2,500 to be an income-based farm. Mr. Kaplan said if that is what they are looking for, it would be an easy goal to reach.

Mr. Matteis said he does not see how the building is equipped to house livestock. There are no stalls and it is setup more like a very large hobby shop or garage. Mr. Kaplan said he could change the design if needed. Mr. Corcoran said if the Commission required that, they would need to keep the public hearing open so he could bring back new plans. Or, they could also do a conditional approval where the PZC would need to approve the final plans.

Mr. Matteis asked if they approved the proposal under the assumption that this structure would be for agriculture, then they found out it was not, what would happen? Mr. Corcoran said once it is built, it is built. However, if someone came in with a complaint regarding the use of the property, they could go through the Notice of Violation process.

Ms. Stavens asked what would be in the upper level—hay? She said it looks like it could be turned into an apartment. Mr. Kaplan said there will be an internal lift. There were no further questions or comments.

**MOTION:** Joe Matteis/Brian Mead to close the public hearing. Discussion: Ms. Stavens asked if they want to keep the hearing open. Mr. Matteis said there was no further information to obtain. A vote was taken. Ms. Hickey, Ms. Stavens, Mr. Matteis, Mr. Mead and Mr. Powell voted in favor. Motion carried.

**7. Old Business**

7.1 Possible action on PZC #24-2 – The Commission discussed the proposed text amendment.

**MOTION:** Brian Mead/Amanda Hickey to amend Section 16-13 “Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery” to allow the sale of alcoholic beverages manufactured within 30 miles of the premises to be sold on site but also amended to be product manufactured within the State of Connecticut, except as otherwise provided in these regulations under 16-13.B.4.

Mr. Mead, Ms. Hickey, Ms. Stavens, Mr. Matteis and Mr. Powell voted in favor. Motion carried.

7.2 Possible action on PZC #24-1. The Commission discussed the application. Mr. Powell said the expectation is that such a building is to be used for agricultural purposes. Mr. Matteis said he had concerns about approving a building of this magnitude when it is not an income-producing farm. He said it would set a precedent that anyone with a nice piece of property could do the same. He said this provision was made with actual working farms in mind. This is much larger and taller than the house on the property. He was uncomfortable approving something on the pretense that it might be used for agriculture down the road.

Ms. Stavens noted if they denied the application, the applicant could still come back with a smaller building. Mr. Corcoran said if they are going to deny the application, they need to articulate a reason for doing so. He said if they find that the property is not a farm, they need to be careful to stay within the written definition of a farm in their regulations. He reviewed the definitions of agriculture (Section 2-2) and farm (Section 2-7).

Mr. Powell noted there had been a forestry element on the property. Mr. Kaplan said they harvest apples, peaches blueberries and firewood, though not for sale. Mr. Powell said their regulations don't say they have to be sold. He said as he sees it, the property meets both the definitions of agriculture and farm.

Mr. Matteis said you have to provide a Schedule F to be recognized by the assessor. Mr. Corcoran said he has testimony from the assessor that the land is in PA490, so they can't dispute that.

Mr. Kaplan said his neighbor across the street has a huge barn also. Mr. Matteis noted they cannot consider this now because they are in deliberations.

Ms. Hickey asked if they could ask *how* the property got into PA 490. Mr. Corcoran said it is, so that has been determined.

Mr. Matteis said he has no objections to the barn as it is attractive, but there is no tillage being done, no livestock being raised, or any farming of any kind happening on the property. Ms. Stavens noted that not just anyone could put up a building of this size. It would have to be another property that was in the assessor's records as PA490.

Ms. Stavens asked if they could approve the barn if it was made smaller. Mr. Corcoran said they need an articulated reason for denying the height. He suggested also if they have a problem with these regulations, they may want to look at them again in the future. Mr. Matteis agreed.

Ms. Hickey said because at one point they sold Christmas trees and firewood, could that be the reason the land got into PA490? She questioned how often one has to file the form. Mr. Matteis said he made a mistake saying you have to file it annually. He said he has to show his farmer's tax exemption for equipment annually. However, the PA490 form only has to be filled out once. The



*February 26, 2024 – Tolland Planning & Zoning Commission*

only time it has to be done again is if the property changes hands or if there were changes to the property. Mr. Corcoran noted P.A. 490 is a state rule, but it is administered by the towns.

Ms. Hickey said this building looks to her like a barndominium, which have become popular in recent years. She said it has an open floor plan and an elevator. It has radiant heat floors. She said it does not appear to be set up to house livestock.

Mr. Powell said, however, that there do not appear to be lines in the building for bathrooms, etc. He said they could have left it open for other considerations. For example, he might change his mind about longhorn steer and want to go instead with alpacas. Ms. Stavens said that some horse barns have radiant heat also.

Ms. Hickey questioned whether they should approve something where they don't know what will be done with the barn.

Mr. Matteis said there is nothing in the proposal that spells out why the applicant needs the additional height. He questioned why they would need to approve a 45-foot tall building. He noted also that they don't allow buildings that large in some of their commercial zones. He noted also that the building has a cupola and they measure height to the peak of them. He said this adds even more height.

**MOTION:** Erin Stavens/Amanda Hickey to approve the Special Permit application as presented. Ms. Hickey, Ms. Stavens, Mr. Matteis, Mr. Mead and Mr. Powell all were opposed. Motion to approve was denied. Mr. Powell noted that it was denied because of the height.

Mr. Kaplan asked if he eliminated the second floor and got the building under 35 feet, would he need to come back for an approval. Mr. Corcoran said if he did so, then it could be approved at the staff level.

8. **New Business:** None.

9. **Reports**

9.1 Town Council Liaison – Town Council Liaison Chris Moran said they held a joint Town Council/Board of Education meeting last Thursday and the Town Manager's budget is expected on March 13, so they are well into the budgeting process. He briefly discussed funding for well contamination issues, and said there will be a discussion on the health insurance renewal at tomorrow night's meeting. They will also be considering an appointment to the Board of Assessment and Appeals.

Mr. Powell asked when the public hearing will be held on the budget. Chris Moran said it will be on April 2.

9.2 Economic Development Liaison – no report.

9.3 Capitol Region Council of Governments – Mr. Powell provided a handout with the meeting schedule. The meetings are all still held on Zoom. He noted they need to appoint a representative, but then others can attend in the representative's place if needed. After further discussion, Ms. Hickey said she would be willing to serve as Secretary for the Commission and as their representative to CRCOG.

*February 26, 2024 – Tolland Planning & Zoning Commission*

**MOTION:** Joe Matteis/Erin Stewart to appoint Amanda Hickey as Secretary to the PZC and as CRCOG Representative. Mr. Mead, Ms. Stavens, Mr. Matteis and Mr. Powell voted in favor. Ms. Hickey abstained. Motion carried.

- 9.4 Zoning Enforcement Report – Mr. Corcoran reported that things are fairly quiet, with no new complaints. He said riprap was put up at the property on Old Post Road where soil had washed downhill and into the road. The area appears to be stabilized. The woodchip issue is also under control.

Mr. Powell asked about the Starbucks project. Mr. Corcoran said their people are finishing up another project in the area and expect to start on their project soon. He said the Santini Development is also moving along. The stormwater plan has been certified, so they are good to go with that.

Mr. Matteis asked if Mr. Corcoran had gotten any feedback on the Tolland Commercial Zone. Mr. Corcoran said he had not heard anything yet, but the property owner was happy with the changes and feels his piece of land that has been difficult to sell will be more marketable. He also reported that a piece of property at Nerac is under contract.

- 9.5 Planning Update – Mr. Corcoran said the Gas Station at Merrow Road should start soon as they are finishing up another project right now. He said Tri-Town Gymnastics is close to breaking ground, and the car wash business is working out an issue with a water line but that should not hold up the process. Mr. Corcoran said the College View property is still on hold. They are waiting on the courts.

Mr. Powell asked if he had gotten any feedback from Steve Williams. Mr. Corcoran said he forwarded him his research, but he has not heard anything back from him. Mr. Powell also asked about the status on the spreadsheet he is putting together on town properties. Mr. Corcoran said he is slowly working through it and expects to share it with them and the Town Council in the next month or so.

10. **Other Business:** Mr. Matteis said they definitely should look at their Agriculture regulations and close loopholes. He said they should make a provision that allows larger buildings if you have a large property without having to pretend you're doing agricultural work. They would need to set parameters such as larger setbacks and require a certain minimum size property. Mr. Powell instructed the Director of Planning to look at this and add some clarity to the definition of a farm and to look at possible provisions for what Mr. Matteis brought up.

11. **Correspondence:** Mr. Corcoran reported that he received a petition from three residents on Charter Road who would like the unpaved portion of the road to be paved. He said he forwarded it to the Town Council. Ms. Stavens said she lives on this street and is in favor of it. She said the Public Works Department has to come out there regularly. She said at minimum some of the culverts need serious fixing. Mr. Matteis noted that paving the road would require a great deal of infrastructure. It would be very costly.

Mr. Powell also read a letter from Town Manager Brian J. Foley giving them early notice of three potential bridge replacements on Industrial Park Road East, Industrial Park Road West, and Gerber Drive over Gages Brook.

12. **Public Participation:** None.

**13. Approval of Minutes** – February 12, 2024 Regular Meeting

**MOTION**: Erin Stavens/Brian Mead to approve the February 12, 2024 Regular Meeting as written. Mr. Mead, Ms. Hickey, Ms. Stavens, Mr. Matteis and Mr. Powell voted in favor. Motion carried.

**14. Adjournment**

**MOTION**: Brian Mead/Erin Stavens to adjourn the meeting and pay the clerk at 8:58 p.m. Ms. Hickey, Ms. Stavens, Mr. Matteis, Mr. Mead and Mr. Powell voted in favor. Motion carried.

Respectfully submitted,

Annie Gentile  
Clerk