

THE ZONING COMMISSION
Town of New Fairfield
New, Fairfield, CT 06812
SPECIAL MEETING MINUTES

DATE: Tuesday, October 17, 2023

TIME: 7:30 pm

Community Room @ 33 Route 37
New Fairfield Conference Room

Call to Order

John Moran called the meeting to order at 7:32 pm.

Present

John Moran, Kevin VanVlack, Mark Lamanna (absent), Jane Landers, Joan Archer, Tomas Kavaliauskas (alternate), and Town Official Zoning Enforcement Officer Evan White. Also in attendance Brian Miller, Tom Perkins, Khris Hall, Amy Johnson, Melissa Lindsay, Claudia Willard

John Moran shared information on a mass being held for a former member of the Zoning Commission.

Business Items

Discussion to examine and discuss the necessary updates and revisions of New Fairfield's current Zoning Regulations in effect with Brian Miller.

Brian Miller summarized the plan in the Memo (see enclosure Memo1). The first part of updating zoning regulations to get perspectives of what is wrong with the current regulations. Brian Miller interviewed Evan White and went over the notes that he had received previously. A dozen or so issues have been identified. Some of the issues are easy to address and other issues will take some more time.

Brian Miller asked for additional input on what the board feels are the major concerns.

- Joan Archer stated that she thought the current list is a great list. She brought up a concern regarding cannabis. Brian Miller stated that retail cannabis options could be added to the list.
- John Moran stated there is a change in regulations for day care facilities and not having to have a special permit. Evan White stated that the Zoning Commission will take care of the daycare issue. Jane Landers inquired about other options for day care and what is or is not allowed. Brian Miller stated that there are specific limits that are state mandated and will check into impact mitigation options.
- John Moran stated a concern about solar in the yard. Brian Miller stated it can depend on how far the town wants to push. Kevin VanVlack stated that as the zoning regulations are modernized to keep in mind that solar is inevitable. The regulations will have to address the accessory to the house with specifications. Brian Miller will do research on solar panels and what can and cannot be done. Jane Landers raised a concern about solar farms and the responsibility for removal.

- Brian Miller inquired about wind mills. Evan White stated there have not been any inquires on wind mills.

Brian Miller would like to touch base monthly.

Brian Miller would like to begin with Stormwater Management, zero run off, and preserving water quality. He also brought up impervious surfaces. Evan White stated that there a lot of smaller non-conforming properties. Kevin VanVlack stated that the current impervious surface regulations were intended for the smaller non-conforming lots. John Moran stated that run off was a major concern before the current regulation were put into effect. Brian Miller questioned the setbacks for non-conforming lots. Evan White stated that these types of setbacks go to the ZBA but the ZBA cannot change the impervious surface. A discussion was held on setbacks, impervious surface, and what can be approved or waived by the ZBA vs the Zoning Commission. Kevin VanVlack stated that we need to tighten up the regulations and be more consistent. John Moran mentioned that the Town of New Fairfield has two big lakes and several ponds to take into consideration when updating the zoning regulations. Brian Miller will check with other towns that have big lakes to see what they are doing with their zoning regulations.

Brian Miller will put together a discussion and touch base with Evan White as needed during the process. John Moran stated that update meetings will be done monthly with a variation of in-person and Zoom.

Brian Miller brought up the flood plain. Evan White stated that the flood plain regulations are needed to be looked at and make sure they are up to par. Brian Miller stated that the flood plain regulations have changed and that he will do an analysis.

Brian Miller stated that if there are concerns and/or conflicts send them to Evan White. Evan White will forward items to Brian Miller.

John Moran stated that public input or concerns should be sent to the Zoning Enforcement Officer by either email, phone, or talking to him in person.

Brian Miller suggested that looking at what the town wants to do may take looking beyond the state parameters.

John Moran stated that there is a need for senior housing with one floor units. A discussion was held regarding open space land in the Town of New Fairfield. Jane Landers inquired about specific zones for senior housing and how that interlaces with state mandates. Brian Miller stated that elderly housing is different than affordable housing.

Adjournment

John Moran made a motion to adjourn the meeting at 8:35 pm. Kevin VanVlack seconded the motion. **All in favor.**

Enclosure

Memol

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The Miller Planning Group
Land Use Solutions

Zoning Update – Memorandum 1

Introduction and Issues

October 12, 2023

I am pleased to start the process of updating the New Fairfield zoning regulations. My recent discussion with Mr. White was extremely helpful in refining the issues to be addressed. These issues are summarized below.

I have attached a copy of the contractual work plan. The following is based upon this work plan. These issues are the initial listing. It is likely that the Commission will identify other issues during the process.

I would suggest that the Commission schedule monthly work sessions to discuss these issues. We can use this meeting to prioritize each issue, and I will prepare potential draft zoning regulations and/or discussions as to approach for each issue. We will attempt to address at least two issues each month, except for those more complicated issues, like affordable housing.

1. Candlewood Lake Overlay t Zoning
 - Should there be special zoning established within the lake drainage basins?
2. Stormwater Management
 - Needs to be more specific for existing properties and mitigation for increased impervious surfaces.
3. Floodplain Zoning
4. Aquifer Protection
5. Excavation
 - Needs definitions and more specific standards.
6. Affordable Housing
 - Changing needs, attitudes, and State Regulations
7. Elderly Housing
 - Although sometimes attached to Affordable Housing, it is a separate issue and needs to be addressed in a different way from Affordable Housing.

8. Short Term Housing

- Prominent in New Fairfield. As it becomes more prevalent, the Commission may wish to review and/or amend the current regulations.

9. Site Plan Standards

10. Signs

- Identify current and potential issues with the existing sign regulations.
- Regulation of colors?
- Compatibility with architectural character?
- How to address logos?

10. Parking

- Unused paved parking areas do not benefit promoting beneficial development and have adverse environmental impacts. Parking regulations need to include different peak periods and changing uses.

11. Non-conforming lots

- Should there be different setback and coverage requirements ?

12. Definitions

- Definitions are important components of regulations. Many of the issues to be addressed would require additional or revised definitions.

My function is to produce sound, legally defensible and realistic regulations to implement the policies of the Zoning Commission. I look forward to our discussion on October 17.



Work Program for Update Town of New Fairfield Zoning Regulations

1 Audit of Existing Zoning Regulations

The information derived above will be the basis of our review of the regulations. This will include an initial review by the consultant, and discussions with staff.

- 1.1 Staff provide a copy of regulations with markups of deficiencies and problems which they have identified.
- 1.2 Consultant meets with staff for clarification and consultation as required.

2 Analysis of Special Needs; Stormwater Management, Site Plan Standards, Flood Plain Regulations and Aquifer Protection

Consultant will analyze the current regulations concerning these concerns as to effectiveness, clarity, consistency with State Statutes and consistency with other regional zoning regulations. This will include consultation with Staff research into other zoning regulations as to “best practices” and discussions with Zoning Commission.

- 2.1 Workshop with Zoning Commission and staff to discuss initial findings.

3 Create a Candlewood Lake Overlay Zone

Consultant will draft a Candlewood Overlay Zone, with consultation with Staff.

4 Provide Drafts of Amendments Conserving Other Issues

The consultant will produce draft amendments concerning the other issues identified in Steps 1 and 2.

5 Production of Draft Amendments to the Zoning Commission.

- 5.1 Based upon the input, the consultant shall prepare a draft of the proposed changes in the regulations for review by Staff.
- 5.2. After review, these proposed changes will be presented to the Zoning Commission for discussion at a work session.

6 Finalization of the Draft Regulations

- 6.1 The draft regulations will be prepared and presented to the Staff and the Commission based upon the discussions and decisions made within the context of 5.2.
- 6.2 Present draft of final regulations to the Commission for a public hearing for discussion. We will make final changes based upon that discussion and prepare a final draft for consideration at the public hearing.
- 6.3 Present final draft to Planning Commission for their review. Amend draft based upon input from Planning Commission if directed by the Zoning Commission.

7 Public Hearing

The Consultant shall present the draft zoning regulations at a public hearing. The Commission shall consider the input received at the public hearing, and if any changes are required, the Consultant shall present to the Commission the completed regulations.

8 Amendments After Public Hearing

The Consultant will make any changes to the Final Draft resulting from the public hearing as directed by the Zoning Commission

9 Public Input

The Consultant will work with the Town to provide public awareness of the zoning revision process as follows:

- 9.1. Prepare memoranda/reports to the Commission as required, available for posting on the Town website. We should suggest that the Town includes a place where public comments could be made by the public concerning the overall process.
- 9.2. The consultant shall create a document explaining the process to the public for inclusion on the website.
- 9.3 The consultant shall create a document explaining the proposed amendments to the public of the final draft to be posted on the website and distributed as needed by the Town.
- 9.4. Present Final Draft to the Zoning Commission at public hearing.