

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

**DATE: May 15, 2024**

**TIME: 7:30 pm**

Community Room @ 33 Route 37  
New Fairfield Conference Room  
New Fairfield CT

**Call to Order**

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

**Present**

John Moran, Kevin VanVlack, Mark Lamanna (absent), Jane Landers, Gabriel Gouveia, Tomas Kavaliauskas (alternate-absent), Ken Huwer (alternate), Town Official Zoning Enforcement Officer Evan White, and three members of the public.

**Business Items**

**Discussion on Zoning Regulations with Glenn Chalder from Planimetrics**

Glenn Chalder introduced himself. Stated that there is currently a budget of 300 hours of time. A scope of work was shared with the board (see enclosure). Glenn Chalder went over the scope of work and a discussion was held with the board members regarding the identified basic items listed below. The first goal is to define the scope of work that would include the overall objectives: address the issues identified by the community, strengthen user friendliness, modernize, consistency with the POCD, and reflect changes in statute case law. Glenn Chalder will meet with Evan White, the chair, vice-chair, and then move on to others as needed. The second phase will be preparing an initial draft. Areas will be addressed on a priority basis with peripheral items moved to a later date/time. Glenn Chalder stated that the numbering system will be changing to help avoid confusion in the future. The basic work items identified: storm water management, possible lake front overlay district to include regulation changes, lake front overlay water quality protection, non-conforming lots, excavation/grading removal of earth review to include community friendly parameters, FEMA flood regulations, Affordable Housing, elderly housing, short term rentals, parking regulations (number, modifications), solar panels (attached, detached), site plan standards, internal consistency, and consistency with Connecticut General Statutes. Glenn Chalder went over the calendar and overview. Ken Huwer inquired about strengthening zoning regulations in regards to municipal land use. John Moran stated some instances cannot be avoided and are often a case of misinterpretation and lack of communication and could not have been avoided even with strengthened zoning regulations. John Moran brought up 830G and a current application. Glenn Chalder stated that affordable housing can be addressed in a number of different ways. Glenn Chalder inquired about the preference of a full committee or a sub-committee. 4 steps of the process- scoping would be with the full committee, drafting and refining could be a sub-committee, adopting would be with the full committee. He would like one meeting per month for a full two hours with either the full commission or the sub-committee. The commission decided that the full commission will be involved. Materials will be given a week before the meeting for review to be done prior to the meeting. The meetings will be in-person (with a possibility of virtual, if needed), will be at least two hours in length, from 7-9 pm, and the meetings will be structured in approach. Glenn Chalder stated that there is a possibility for there being a lot of research, the need for data for pervious and impervious coverage, an analysis could be run townwide but that was not included in the budget. Kevin VanVlack asked for an estimate for the additional work needed. This will be addressed when requested by the commission. A discussion was held regarding variances and it

was decided that the changes in the overlay district will address the large number of variances so no need to do more research at this time.

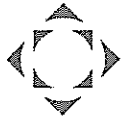
**Adjournment**

Kevin VanVlack made a motion to adjourn the meeting at 8:47 pm. Jane Landers seconded the motion. **All in favor.**

Respectfully Submitted  
Dana Ulibarri, clerk

**Enclosure**

Received by email on 05/17/2024 @ 8:30 a.m  
By Tricia Quinn, Asst. Town Clerk, New Fairfield



**Planimetrics**

70 County Road, Simsbury, CT 06070 860-913-4080

## MEMORANDUM

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**To:** New Fairfield Zoning Commission

**From:** Glenn Chalder, AICP

**Date:** May 10, 2024

**Subject:** **Kickoff Meeting – May 15**  
Zoning Regulation Revisions

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### Greetings!

I am looking forward to working with you to update and revise the Zoning Regulations for the Town of New Fairfield. At the kickoff meeting on May 15, I would like to go over the following topics with you:

1. Confirm project parameters and goals (process and outcomes)
  - a. Overall Objectives (page 1)
  - b. Anticipated Scope of Work (pages 2-3)
  - c. Anticipated Schedule (page 4)
2. Commission / Consultant discussion (pages 5-6)
  - a. Commission issues / concerns with the existing Zoning Regulations
  - b. Desired amendments
  - c. Desired / intended results

### Overall Objective

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Based on RFP materials, it is my understanding that the overall objective is to:

- address issues identified by the Commission or the community,
- strengthen the “user-friendliness” of the regulations,
- modernize the regulations in terms of best practices,
- increase consistency with the Plan of Conservation and Development, and
- reflect changes in state statutes and case law.

# ANTICIPATED SCOPE OF WORK

## A. Scoping

1. Review relevant documents (Zoning Regulations, Zoning Map, 2014 POCD, proposed 2024 POCD, and other plans and studies provided by Town staff).
2. Meet with Zoning Staff to discuss project parameters and regulatory issues.
3. Meet with the Zoning Commission (1 meeting) to:
  - 3.1. Confirm project parameters and goals (process and outcomes)
  - 3.2. Discuss issues / concerns with regard to the Zoning Regulations
  - 3.3. Discuss possible amendments to the Zoning Regulations and intended results
4. Possible additional meetings (*at Planimetrics discretion due to budget / schedule*):
  - 4.1. Meet with Town Staff / agencies / other interested parties (First Light, Candlewood Lake Authority, etc.) to identify regulatory issues
  - 4.2. Facilitate a “power users” meeting (1 meeting) to obtain input regarding the regulations and possible issues / changes from people most involved in using the Zoning Regulations
  - 4.3. Facilitate a public forum (1 meeting) to obtain community input regarding the regulations and possible issues / changes
5. Meet with the Zoning Commission (1 meeting), if needed, to discuss issues identified during the scoping process and possible strategies (*at Planimetrics discretion due to budget / schedule*):

## B. Prepare Initial Draft

1. Prepare an initial draft of possible changes to the Zoning Regulations

<b>Organization</b>	<ul style="list-style-type: none"> <li>• Re-organize and re-format the Zoning Regulations if needed</li> <li>• Change numbering system, if needed</li> </ul>
<b>Basic Work Items</b>	<ul style="list-style-type: none"> <li>• Update to address issues identified by Commission:           <ul style="list-style-type: none"> <li>• Stormwater management / MS4 requirements</li> <li>• Possible lakefront overlay district (bulk/area reqts.)</li> <li>• Water quality protection</li> </ul> </li> <li>• Non-conforming lots (R-88 and R-44)</li> <li>• Excavation/Grading/Removal of Earth</li> <li>• FEMA Flood Regulations</li> <li>• Affordable Housing</li> <li>• Elderly Housing</li> <li>• Short Term Rentals</li> <li>• Parking regulations (number, modifications)</li> <li>• Solar panels (attached, detached)</li> <li>• Site Plan standards</li> <li>• Internal consistency</li> <li>• Consistency with Connecticut General Statutes</li> </ul>

<b>Additional Work Items (dependent on adequacy of funding)</b>	<ul style="list-style-type: none"> <li>• Address other issues (if needed and if adequate funding available) which may include: <ul style="list-style-type: none"> <li>• Public Act 21-29</li> <li>• Non-conforming provisions (intent to abandon)</li> <li>• Child care</li> <li>• Aquifer Protection Overlay</li> <li>• "Procedures", if needed</li> <li>• Recommendations from the POCD</li> <li>• Definitions if needed</li> <li>• Review / revise for user-friendliness</li> <li>• Address comments from scoping phase, as appropriate</li> </ul> </li> </ul>
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### C. Review / Revise Initial Draft

1. Meet with the Zoning Commission to review the initial draft of changes
2. Work with Town Staff and Town's GIS vendor to depict zoning map changes (if any)

### D. Prepare / Review / Revise Second Draft

1. Prepare second draft of changes based on feedback from the Commission
2. Meet with the Zoning Commission to review the second draft of changes
3. Prepare third draft of changes based on feedback from the Commission
4. LEGAL REVIEW – By Town's Attorney at Town expense
5. Provide Town with draft of regulation changes for posting on the Town web site

### E. Community Input / Feedback

1. Conduct a public meeting to present possible regulation changes and get feedback
2. Meet with the Zoning Commission to review comments and finalize changes
3. Prepare document containing the proposed regulation changes

### F. Adoption

1. Assist Town Staff with preparations for public hearing on adoption
2. Present proposed Zoning Regulations at public hearing on adoption
3. Meet with the Zoning Commission to review public hearing comments / adopt changes
4. Provide the Town with final work products in electronic format

# CONCEPTUAL SCHEDULE

Based on at least one (1) meeting per month dedicated to the Project

	2024							2025						
	M	J	J	A	S	O	N	D	J	F	M	A	M	J
Project Initiation	■													
<b>SCOPING / FIRST DRAFT</b>														
Kickoff Meeting with ZC	■													
Meet with Town Staff / Stakeholders	■	■												
Background Research	■	■												
Informational Meeting(s) [if any]		■												
Prepare first draft (whole or in parts)			■	■	■	■								
<b>REVIEW FIRST DRAFT / ZC</b>														
Review meeting(s) with ZC					■	■	■							
Prepare second draft					■	■	■							
<b>REVIEW SECOND DRAFT</b>														
Review meeting(s) with ZC							■	■	■	■				
Prepare recommended draft							■	■	■	■				
Legal review by Town's Attorney							■	■	■	■	■			
<b>FINALIZE CHANGES</b>														
Informational meeting										■				
Review meeting with ZC										■	■			
Finalize proposed regulations										■	■	■		
<b>ADOPTION</b>														
Public hearing on adoption												■	■	
Review comments / Adoption												■	■	■

## Items Identified By Commission As Part Of RFP Process

1. **Candlewood Lake Overlay Zoning / Nonconforming Lots Both in R-88 (2ac) & R-44 (1ac) Zones -**
  - 1.1. Establish a new zoning district for the lake communities. The regulations include Section 3.3 Waterfront Residential District WR, but there are no regulations, and it is not mapped. This regulation could include different area and bulk requirements as well as some potential methods to protect the water quality of the lake, such as requiring permeable driveways, grading standards, or a more nuanced requirement for stormwater management planning.
  - 1.2. Should there be special zoning established within the lake drainage basins?
2. **Stormwater Management –**
  - 2.1. New Fairfield's SWMP Regulations seem to be one of the more, if not the most restrictive and most regulated Storm Water Mitigation Regulations out of the surrounding towns. (Initially intended and designed for ... proposed WFD (Waterfront District Overlay Zone) with most Lots being 3/10ths of an acre or less. After lake community backlash and public turnout demanding the regulation be enforced upon the entire town, but never modified or revised SWMP for larger lots and conforming lots in 1ac and 2ac zones not in the lake overlay).
  - 2.2. Needs to be more specific for existing properties and mitigation for increased impervious surfaces.
3. **Floodplain**
  - 3.1. Meeting Current FEMA Flood Regs
4. **Excavation/Grading/Removal of Earth, Gravel, Loam, etc. -**
  - 4.1. Under Section 6.4 - needs definitions and more specific standards.
5. **Affordable Housing / Elderly Housing –**
  - 5.1. Changing needs, attitudes, and State Regulations
  - 5.2. 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.
6. **Short Term Rental Regulations / Rental Zoning Permits –**
  - 6.1. As it becomes more prevalent in New Fairfield, more challenges with enforcement
  - 6.2. Commission may wish to review and/or amend the current regulations.
7. **Parking -**
  - 7.1. Parking regulations need to include different peak periods and changing uses.
  - 7.2. Unused paved parking areas do not benefit from promoting beneficial development and have adverse environmental impacts.
8. **Solar Panels -**
  - 8.1. Ground placement of solar panels • Access to sunlight
9. **Consistency -**
  - 9.1. Between different sections of the regulations • With State Statute

## **Reasons From RFP Process For Review By A Land Use Professional**

1. Regulations have not had any professional legal review since the early 2000s
2. Updates to items (for example: Storm Water Management; Site Plan standards; Aquifer overlay; and FEMA Flood Regulations) that should be reviewed by legal counsel or a professional land use consulting firm to in fact ensure regulations meet current state statutes.
3. Keeping and ensuring regulations are in similar harmony with towns located in the upper greater Fairfield County area.
4. The current regulations have been updated and revised for the most part through the Zoning Commission with occasional guidance, support, and input from town legal counsel.
5. Examples of services that take precedence -preservation of Candlewood Lake to make sure the regulations include every necessary practice and are regulated to create the best management practice with the least amount of pollution or contaminants from development including site plan review, proper storm water mitigation, drainage, floodways, etc.
6. Creating a lake front overlay district.
7. State's requirement on Municipal Separate Storm Sewer Systems (MS4).