



To: Planning & Zoning Commission

From: Jeremy DeCarli, Planning & Zoning Official

RE: June 2, 2021 Planning and Zoning Commission Regular Meeting – Staff Notes

Date: May 27, 2021

The following are staff notes and comments as they relate to agenda items. Additional information and documents are available on the website. The status of applications are subject to change between the date of this memo and the date of the meeting.

2. Communications, Liaison Reports, and Public Comments (Use the “Raise Your Hand” feature to speak)

- Comments from Ms. Faber regarding mailing requirements have been forwarded to you.
- Tim Puglielli has moved out of town and forwarded his resignation.

5. Public Hearings for May 5, 2021: (Use the “Raise Your Hand” feature to speak)

A. Application PZC-20-024: Paula Free, 249 West High St., for a special permit per Sec. 8.4 Motor Fuel Filling Station with a proposed convenience store in the Commercial Zone, Section 5.2. Map 06/Block 12/Lot 1B.

All documentation has been submitted to the State Department of Public Health for the Phase 1A site location approval for the well; however, an approval has not yet been given.

The Commission can reopen the hearing (it has been continued since February) and either issue a decision with appropriate conditions for Phase 1A approval or close the public hearing and delay an approval until the Phase 1A is approved.

Timeline: The Public Hearing was opened on February 3, and has been continued since then. With existing timeline extension provisions in Section 8-7d of the CT General Statutes and the extra 90 days per executive order 7I and (extended with EO 12B), the public hearing could remain open until August 12

B. Application PZC-21-012: Reno DeNovellis, 11 Daly Rd., for a Special Permit per Sec. 8.4.M for a 900 sq. ft. in-law dwelling Map 87/Block 26/Lot 9

The application proposes a 900 square foot attached accessory dwelling unit on the opposite side of the garage from the proposed single family dwelling. The ADU will be developed concurrently with the home.

This lot was approved by the IWWA and PZC in 2019. The property consists of 3.75 acres (163,289.44 square feet) and lies in the R-4 Zone. According to Section 8.4.M, an attached ADU requires the lot be one additional ½ acre beyond the minimum lot size (85,000 square feet). The proposal is consistent with the zoning regulations and meets the criteria set forth for attached ADU’s. The plan has been reviewed and approved by the Chatham Health District.

Recommendation: Approve the ADU for 11 Day Road.

6.2.2021 Staff Notes

C. Application PZC-21-009: Long Hill Estates, LLC., for a eight (8) lot subdivision on Long Hill Road Map 06/Block 12/Lot 8

The proposal contemplates an 8 lot residential subdivision on a 20.29 acre parcel in the R-2 Zone. The R-2 zone requires a minimum lot size of 60,000 square feet (rear lots must be 120,000 square feet). The proposal has received favorable comments from the Police Chief, Department of Public Works, and has received a permit from the Inland Wetlands and Watercourses Agency.

Revised plans have been submitted, dated 5/10/2021 which address the Town Engineers 5/4/2021 comments and a few other comments received from staff. The developer has made a good faith effort to address concerns that have been raised including combining driveways to limit curb cuts, rain gardens and infiltration chambers to handle stormwater, and adjusting drive way locations to deal with site line concerns. The house closest to the street is approximately 160 feet off the curb with the others all beyond 200 feet from the street. Revised comments have been received from the Town Engineer. *(As of 5/27/2021, I believe we will receive a revised plan set for the meeting with minor changes to address with Town Engineer's 5/26/2021 comments.)*

Open Space: The proposal includes an open space conservation easement on the rear portions of lots 2,3, and 6. The Conservation and Lake Pocotopaug Commission has endorsed this area for the open space. This will be a private easement over private land and not open to the public. The area shown for open space is adjacent to the open space area on private lots in the Hampton Woods Subdivision (Charles Mary and William Drives) which is contiguous to more undeveloped land and continues a corridor which reaches to the south and east to Pine Brook Preserve off of Hog Hill. The IWWA and the CLPC heard comments from the public about preserving the wetland on the property; however, the wetland is a small portion of the property and has inherent protections under state and local law. It is always advisable to preserve high and dry land in perpetuity, especially when it is contiguous with other preserved land. The wetland crosses a small portion of this property and quickly leaves the site and is not contiguous with other open space. It is my opinion that placing the open space over the wetland portion of the site would be inconsistent of the goals of the open space provisions found in the Subdivision Regulations.

Historic District: As has been discussed previously, this property lies within the Middle Haddam Historic District. While the Commission may consider that fact, the plan as shown complies with the zoning regulations and does not contemplate anything but allowable uses in the R-2 Zone. Once the subdivision is approved, the Middle Haddam Historic District Commission will have jurisdiction over the aesthetics of the house and the lot development. Proposals will need a Certificate of Appropriateness from the MHHDC prior to construction.

Decision: In determining the appropriateness of the subdivision, the Commission must follow the regulations, this is a ministerial action by the Commission. If the subdivision is found to meet the requirements of the regulations, the only factors that can impact an approval are life, safety, and welfare. The site has good access from Route 66, water is available nearby for fire-fighting, and easily accessed by EMS.

6.2.2021 Staff Notes

Many comments have been made by neighbors regarding the character of the area. The Commission does not have the ability to judge a Subdivision on its character. In fact, the word character is only used in the subdivision regulations with regard to land and topography characteristics when determining the proper placement for open space and runoff characteristics pre and post-development. No concerns have been raised by any of the emergency personnel in Town regarding this subdivision.

Recommendation: Open the Public Hearing to gather comments. If the Commission determines it necessary, the hearing can be continued or closed. If the Commission feels that all requirements have been satisfied, the hearing should be closed and a motion to approve should be made.

6. New Business:

A. Discussion: RiverCOG POCD

The Regional Plan of Conservation and Development is in draft form and the comment period is open. A Public Hearing will be held June 30 at 7:00pm. If you would like to register for the meeting, please click on this link: [Meeting Registration - Zoom](#)

The plan can be found here: [DraftRPOCD-050421.pdf \(rivercog.org\)](#)

Initial Staff Comments – Overall the Plan is consistent with the local POCD for East Hampton. Major goals include improving water quality and water supply, prepare for climate change, protection of the environment, and supporting land use development that contributes to sustainability while minimizing environmental impacts.

As with any POCD, the document boils down to the future land use map (FLUM). Within East Hampton, there is a heavy emphasis on preserving the undeveloped areas. There are several maps with specific topics which contribute to the FLUM. The Sustainable Composite Map on page 56 correlates with the Reserved Land zones as well as the R-3 and R-4 zones and is consistent with the goals of both the zoning regulations and the POCD. The Innovative Composite Map, or essentially a map of future job centers also aligns with the EH POCD, with a heavy focus on the Village Center and Route 66 commercial area with a focus heading east toward Marlborough and Route 2.

The final FLUM is found on Page 64 and is substantially consistent with the EH POCD focusing job and commercial growth where the infrastructure can support it; along Route 16 to the west, Route 66 to the East and the present commercial areas around the Village Center, while maintaining medium density housing throughout the Middle Haddam and Cobalt area as well as eastern areas of Route 16. Lower density areas are concentrated near the CT River and the southeast and northwest portions of town where more sensitive environmental conditions exist combined with a lack of infrastructure.

7. Old Business:

A. Application PZC-21-007: Atlantis Marketing, 157 Main Street, 1 Colchester Ave., and 5 Colchester Ave., for a zone change from R-2 to Commercial Map 07A/Block 56/ Lots 21,22,24

6.2.2021 Staff Notes

A question was raised at the last meeting regarding the presence of the house at 159 Main Street (Charles Strong House) on the National Register of Historic Places. A search of the National Registry Database shows that this structure is included as a “Contributing Building” of the Belltown Historic District, and was entered into the National Database on October 29, 1985. In addition, the State Registry also includes this property as inventory #9342. National Register Nominating Form is attached (Attachment A). I have included an email communication I have had with the State Historic Preservation Office attached below (Attachment B) which has clarified the issue.

As a reminder, this application is for a zone change only. The authority for considering a zone change is found in section 8-3 of the Connecticut General Statutes. *“In making its decision the commission shall take into consideration the plan of conservation and development, prepared pursuant to section 8-23, and shall state on the record its findings on consistency of the proposed establishment, change or repeal of such regulations and boundaries with such plan.”* The Town acts within its broad, prescribed police powers when it rezones a property. Conn. Gen. Stat. § 8-2; see *First Hartford Realty Corp. v. Plan & Zoning Comm’n of Town of Bloomfield*, 165 Conn. 533, 540 (1973) (“[C]ourts cannot substitute their judgment for the wide and liberal discretion vested in local zoning authorities when they have acted within their prescribed legislative powers.”).

In addition to the POCD, case law has determined that the Commission must consider the Town’s Comprehensive Plan, which is Zoning Regulation itself. Section 1.2 of the Zoning Regulation lists eleven (11) distinct purposes of said regulations. It is my opinion that the following are the most pertinent to the discussion and decision related to this application:

1. *Guiding the future growth and development of the Town in accordance with the Plan of Conservation and Development.*
3. *Protecting the character and the historic, social and economic stability of all parts of the Town and ensuring that development is orderly and beneficial.*
4. *Protecting and conserving the value of land and buildings appropriate to the various zones established by these Regulations and throughout the Town.*
5. *Bringing about the gradual conformity of the uses of land and buildings to the Comprehensive Zoning Plan set forth in these Regulations and minimizing conflicts among the uses of the land and buildings.*
6. *Promoting the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard for the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian circulation appropriate to the various uses of land and buildings throughout the Town.*
7. *Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services and for private enterprise in building development, investment, and other economic activity relating to uses of land and buildings throughout the Town.*
8. *Controlling development to an amount commensurate with the capacity of the land and the availability and capacity of public facilities and services, thereby facilitating adequate provision for vehicular and pedestrian circulation, water, sewerage, schools, parks and other public requirements.*

6.2.2021 Staff Notes

In addition to the overall stated purposes above, the Commission should consider the purpose of the Commercial Zone: *“The primary purpose of the Commercial Zone is to provide for the orderly development of those areas for commercial, professional and business uses. Its intention is to create an atmosphere conducive to the growth and maintenance of uses essential to serving the needs of the community.”* The Commission should also consider the purpose of the R-2 Zone: *“The purpose of this zone is to provide primarily for single family residential uses in those areas of the Town which have been predominately developed with single family dwellings and to provide a transition of density between those areas which shall remain rural in nature, due to environmental and topographical concerns (R-3 and R-4) and those areas more densely settled (R-1 Zone).”*

A commercial use has existed at 1 Colchester Avenue since 1947. The property was zoned Commercial from 1958 until 1990. Rezoning of this parcel would not be inconsistent with the either the Plan of Conservation and Development or the Comprehensive Plan in that would be restoring a conforming use on the parcel. It is unlikely that the parcel known as 1 Colchester Ave will ever be a residential use in the future regardless of its underlying zone simply due to its long history of being a fueling station. It is my opinion that rezoning 1 Colchester is easily justified and would be upheld in a court proceeding.

The other two parcels, 5 Colchester and 157 Main Street would require a more thorough review and a finding of consistency with both the Comprehensive Plan and the POCD. As we know, the use of 157 Main Street is not consistent with the regulations and requirements of the R-2 zone in its present condition.

It has been argued that the modernization of the current fueling station is nearly impossible without the inclusion of the surrounding properties. For context, I have prepared a chart provided below of several (somewhat) recent fuel station construction projects in the surrounding area for comparison sake. I’ve included the other stations herein East Hampton, including what was once a Valero in Cobalt. You’ll notice that of these locations, 1 Colchester is the smallest parcel. The current building at 1 Colchester is 39 feet from the front property line, 17 feet from the north side property line, and 20 feet from the east side property line, all are non-compliant.

6.2.2021 Staff Notes

Town	Address	Bldg Size (S.F)	# of Pumps	Property Size (Ac)	Brand
East Hampton	1 Colchester Ave	1800	4	0.34	Food Bag
East Hampton	100 Main Street	1932	4	1.43	Gulf
East Hampton	34 East High Street	3093	10	1.17	Food Bag/ Atlantis
East Hampton	368 West High Street	2268	[4]	0.39	Vacant
Colchester	327 South Main Street	3500	16	0.59	Food Bag/Atlantis
Cromwell	31 Berlin Rd	3120	12	0.61	Cumberland Farms
Deep River	173 Main Street	3510	6	0.68	Cumberland Farms
East Haddam	4 Falls Road	1789	6	0.8	Seven Eleven
Essex	82 Main Street	3742	6	0.8	Cumberland Farms
Essex	1 Saybrook Road	1769	4	0.36	Sunoco
Glastonbury	2875 Main Street	4158	8	1.06	Cumberland Farms
Haddam	1627 Saybrook Road	4048	8	1.38	Sunoco
Hebron	70 Main St	3224	12	1.54	Mobil
Portland	204 Marlborough St	4513	8	1.11	Cumberland Farms

Decision: The Public Hearing has closed and no more public comment or information from the applicant can be entered into the record. If the Commission feels it is ready, a decision should be made. It is my opinion that motions made should always be posed in the affirmative and voted on. (Motions to deny can lead to confusion.) The motion must include the finding of consistency with the POCD and the Comprehensive Plan and any other factors for approving.

As a reminder a petition has been filed in opposition signed by landowners of more than 20% of the abutting properties. As such, 5 affirmative votes are needed to approve the change. Any fewer, and the motion fails.

d. **Discussion:** Home Based Occupations

At the May 5 meeting the Commission asked that I prepare a schedule of workshops for eventual preparation and adoption of said regulations. I propose the following:

Mid to late June: Workshop specifically with EDC and open to the public to discuss ideas and pertinent items that should be included in the regulation. EDC meets next on Tuesday June 15. PZC can request a workshop be part of that agenda.

July 7 PZC Meeting: Discuss summary of workshop. Staff will begin to prepare draft document.

July 20 EDC Meeting: Staff can present draft document at a second workshop with EDC.

Early to Mid-August: Hold standalone workshop with focus being on the Public for review of draft and comments.

Early September: Hold standalone workshop to present any changes to initial draft and gauge public reaction.

October 6 PZC Meeting: Open Public Hearing on adoption of regulation.

6.2.2021 Staff Notes

e. Updates to the Official East Hampton Zoning Map

If decision is made on Colchester Ave application, PZC should schedule a Public Hearing to adopt new map on July 7.

8. Planner's Report

- The Main Street matter is proceeding to the court after several failed attempts with the Town Attorney to get compliance.
- 49 Oakum Dock is currently under construction and proceeding nicely. We have made several site visits and will monitor progress as well as compliance with all sound proofing measures.
- Work is just beginning on the Salt Pond Apartments project at Edgewater Hills. Tree clearing is just getting underway, followed by the beginning of site development. I have had several meetings with the developer and contractors and will be monitoring the progress closely to ensure we do not see a repeat of erosion issues encountered during the development of Town Hall.
- 77 North Main Street is for sale and I have had conversations with some interested parties. You'll recall that this is the residential parcel which contains an extra parking lot that was used by Angelio's Lakehouse. As long as that parking lot remains in place, there is nothing to prevent the use of that lot by the current restaurant operator if the owner is willing to rent it. If the conditions of approval are being adhered to, there is no action to be taken. Below is an excerpt from the minutes of the June 7, 2006 meeting where the parking area was approved:

*"A **motion** by Rowland Rux and seconded by Peter Aarrestad for the East Hampton Planning and Zoning Commission to approve the parking lot site plan modifications as presented with the stipulation that its sole purpose be for **valet parking only** and being strictly adhered to. The other condition of this motion is for **the lighting not to escape the lot and bleed out beyond the perimeter of lot. Vote: All in favor.**"*

- I am working with the Town Manager and Council to develop an RFP in an effort to sell and revitalize the property at 1 and 13 Watrous Streets. The RFP will also include the potential for other properties. As part of this effort, I have had conversations with the Brownfields Redevelopment Agency and I believe it would be beneficial for the Commission to have a liaison to that agency to assist in harmonizing efforts within the Village Center. If anyone is interested, please let me know.
- House Bill 6107 was approved by the Legislature on May 24 and includes a major revision and update to Section 8-2 of the Statute Statutes (Zoning Regulation enabling legislation) with some provisions that may force some changes of the current regulations. The bill in its entirety, along with a Fiscal Analysis and Office of Legislative Research report is below (Attachment C). My initial thoughts and reactions follow in Attachment D. Please read through the bill. A lot of misinformation seems to be circulating due to some other bills that had been proposed and have since died.

If time allows, I'd like to have a brief discussion about the proposed bill and if the Commission feels the need to send any comments or concerns to our local legislators.

Attachment A

NPS Form 10-900
(3-82)

OMB No. 1024-0018
Exp. 10-31-84

United States Department of the Interior
National Park Service

For NPS use only

National Register of Historic Places Inventory—Nomination Form

received JUL 23 1985
date entered 10/28/85

See instructions in *How to Complete National Register Forms*

Type all entries—complete applicable sections

1. Name

historic N.A.

and or common Belltown Historic District

2. Location

street & number See continuation sheet.

N.A. not for publication

city, town East Hampton

N.A. vicinity of

state Connecticut

code 09

county Middlesex

code 007

3. Classification

Category	Ownership	Status	Present Use	
<input checked="" type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture	<input type="checkbox"/> museum
<input type="checkbox"/> building(s)	<input type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input checked="" type="checkbox"/> commercial	<input type="checkbox"/> park
<input type="checkbox"/> structure	<input checked="" type="checkbox"/> both	<input type="checkbox"/> work in progress	<input checked="" type="checkbox"/> educational	<input checked="" type="checkbox"/> private residence
<input type="checkbox"/> site	Public Acquisition	Accessible	<input type="checkbox"/> entertainment	<input checked="" type="checkbox"/> religious
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input checked="" type="checkbox"/> yes: restricted	<input checked="" type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input checked="" type="checkbox"/> yes: unrestricted	<input checked="" type="checkbox"/> industrial	<input type="checkbox"/> transportation
	N.A.	<input checked="" type="checkbox"/> no	<input type="checkbox"/> military	<input type="checkbox"/> other:

4. Owner of Property

name Multiple Ownership

street & number See #2

city, town East Hampton

N.A. vicinity of

state Connecticut

5. Location of Legal Description

courthouse, registry of deeds, etc. East Hampton Town Clerk

street & number Town Hall, East High Street

city, town East Hampton

state CT

6. Representation in Existing Surveys See continuation sheet.

title State Register of Historic Places has this property been determined eligible? yes no

date 1985 federal state county local

depository for survey records Connecticut Historical Commission, 59 South Prospect Street

city, town Hartford

state CT

7. Description

Condition

excellent
 good
 fair

deteriorated
 ruins
 unexposed

Check one

unaltered
 altered

Check one

original site
 moved date _____

Describe the present and original (if known) physical appearance

The Belltown Historic District is located in the center of East Hampton, a town in central Connecticut. It contains an exceptionally large concentration of contributing historic buildings: 147 of the 176 buildings in the district (84%). Although settlement in this area dates from the early eighteenth century, ninety-four percent of the contributing historic buildings were built after 1800, the period associated with the industrial development of the town as a bell-manufacturing center. Seventy-four percent of this latter group were built in the nineteenth century, which includes the majority of the domestic, industrial, institutional, and commercial architecture in the district. Two historic sites, functioning stone dams, also dating from the nineteenth century, are also located in the district. One is part of a historic mill complex; the other is associated with a small number of industrial archaeological sites in the southwestern portion of the district.

In form and appearance the Belltown district is typical of many small New England mill towns and it appears today much as it did at the end of the nineteenth century. The central focus of the district is its nineteenth-century institutional and commercial core, located in a small valley surrounded by hills that crest 100-200 feet above the town center. Principal residential streets include Main Street, the north-south spine of the district, Barton Hill and Crescent streets on the slope of Barton Hill to the west, West High and East High streets, which form the northern border of the district, and Skinner and Watrous streets. Industrial activity is concentrated along Summit Street, a steeply sloping street which extends to the northeast up from the center of town, and Bevin Boulevard and Bevin Court, offshoots of this street to the north. The mill buildings clustered in this area historically utilized the waterpower of Pocotopaug Creek, the outflow from Pocotopaug Lake, which is dammed in several places as it flows in a southwesterly direction through the district, dropping 150 feet from the lake. Other historic mills are located below the center of town on the west bank of this stream.

The surviving historic architecture includes all the principal components of an industrial community. In addition to a large body of domestic architecture (120), the district also contains a number of representative examples of other types of buildings which still retain their historic function. Fifteen brick- and wood-framed mill buildings are located in four separate mill complexes.* Eleven commercial buildings, mostly of wood construction, four wood-framed churches, two schools, and two libraries are also included in the district. Only one of the library buildings, one church, and one school no longer serve their original purpose.

Although the mill buildings, as well as three of the churches and one school, are relatively large in scale, the remainder of the buildings, both domestic and commercial, are similar in size and style. A major exception is the Belleville Store/Carrier Block in the center at 80 Main Street, a three-story mansard-roofed, wood-framed building. This uniformity is intensified by their similarity of form and materials. The majority of the domestic and commercial buildings present their gable ends to the street. Virtually all of this group are constructed of wood--either post-and-beam or balloon-framed--and are two-and-one-half stories in height. (The exceptions are Inventory #85 and 116.) Rarely does the setback vary, which gives a pleasing uniformity to the streetscapes. Only along the west side of Main Street, along a steeply sloping area between the commercial area and West High Street, are the houses set back a distance from the street. These hill sites, however, provide an appropriate setting for the late nineteenth-century houses located there.

*Mill complexes, regardless of the number of buildings, are listed as one item on the inventory.

8. Significance

Period	Areas of Significance—Check and justify below			
..... prehistoric	..... archeology-prehistoric	..... community planning	..... landscape architecture	..... religion
..... 1400-1499	..... archeology-historic	..... conservation	..... law	..... science
..... 1500-1599	..... agriculture	X economics	..... literature	..... sculpture
..... 1600-1699	X architecture	..... education	..... military	X social/
..... 1700-1799	..... art	..... engineering	..... music	..... humanitarian
X 1800-1899	..... commerce	..... exploration/settlement	..... philosophy	..... theater
X 1900-	..... communications	X industry	..... politics/government	..... transportation
		..... invention		..... other (specify)
Criteria A, C				
Specific dates	1800-1935	Builder/Architect	Unknown	

Statement of Significance (in one paragraph)

The Belltown Historic District, which encompasses the industrial center of East Hampton, Connecticut, is historically significant as the only mill town in the nation known to be exclusively devoted to bell making, a highly specialized industry which prospered for over 100 years (Criterion A). A significant cohesive and distinguishable entity, the district contains a full range of historic resources which illustrate in their diversity of scale, function, or level of architectural style the social and economic development of the town. Exceptionally well-preserved buildings of all types dating from 1748 to 1935 can be found in the district (Criterion C). Examples of most of the major nineteenth-century architectural styles are represented, including a large group of late Greek Revival-style residential buildings. Several outstanding examples of Second Empire, Italianate, and Colonial Revival styles date from the late nineteenth and early twentieth centuries, the most prosperous period in the town's distinguished industrial history.

Industrial History

The catalyst for early industrial development was an outsider, William Barton. A native of Wintonbury (Bloomfield), Connecticut, Barton had been a munitions maker at the Springfield Armory during the Revolution. He came to East Hampton in 1807, arriving at a crucial period in the town's history. Land shortages created by a century of sustained population growth, combined with the decline of shipbuilding and trade at East Hampton's river port of Middle Haddam, had brought the town's economy to a standstill. Many farmers and their sons had already left town for upstate New York.

Barton, the first of three generations of bell makers in town, only remained in East Hampton for eighteen years, but he had a major impact on the future direction of the town. Not only did he have a specialized knowledge of brass metallurgy, which he shared with others through the apprentice system, but a process for making a specialized product. He is credited with inventing a one-piece, sand-mould casting process for brass bells which remained the basic method used by the industry for the rest of the century.

The early years of the bell industry had little impact on the appearance of the town. Because the early bell-making process was more of a craft than an industry, farmer-mechanics could easily set up shop in an outbuilding on the family farm. Hand tools were used exclusively; even the large bellows used to maintain the charcoal fire were operated by hand or foot treadles. Barton's first shop (no longer standing) was a small foundry near his gambrel-roofed house at 25 Barton Hill Street (Inventory #12; Photograph #1). His sons, along with several of the Bevin brothers, who later were to become the largest bell manufacturers in town, received their training there. The Bevin brothers were the first to utilize water power to make bells. Their extensive bell factory complex (Inventory #34; Photograph #7), which is still in operation, includes a small one-and-one-half-story wood-framed mill building dating from about 1830, their first shop on Pocotopaug Creek. It was moved to its present site when the Bevins' mill pond was enlarged and the factory was relocated to the present dam site.

The scale of production increased dramatically in the decade between 1840 and 1850 when other firms followed the lead of the Bevins and set up small factories on the creek, often

9. Major Bibliographical References

See continuation sheet.

10. Geographical Data

Acreeage of nominated property 145

Quadrangle name Middle Haddam and Moodus

Quadrangle scale 1:24,000

UTM References See continuation sheet.

A

Zone	Easting			Northing					

B

Zone	Easting			Northing					

C

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D

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E

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F

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G

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H

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Verbal boundary description and justification See continuation sheet.

List all states and counties for properties overlapping state or county boundaries N.A.

state	code	county	code
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state	code	county	code
-------	------	--------	------

11. Form Prepared By

name/title Jan Cunningham, Executive Director Edited by John Herzan, National Register Coordinator

organization Greater Middletown Preservation Trust date 2/24/85

street & number 27 Washington Street telephone (203) 346-1646

city or town Middletown state CT 06457

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

national state local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature



title Director - CT Historical Commission

date June 27, 1985

For NPS use only

I hereby certify that this property is included in the National Register

John Herzan
Keeper of the National Register

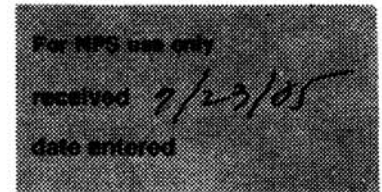
date 10/28/85

Attest:

date

Chief of Registration

**United States Department of the Interior
National Park Service**



**National Register of Historic Places
Inventory—Nomination Form**

Belltown Historic District

Continuation sheet East Hampton, Connecticut Item number 2, 6

Page 1

2. Location

2, 5-8, 11, 13, 14, 17, 19, 20, 25, 26, 29, 31-35, 38-45, 47, 48, 53 Barton Hill Street; 29 Bevin Boulevard; 4, 8 Bevin Court; 2, 4, 6, 8, 10 Crescent Street; 1, 2, 8, 14, 16 East High Street; 3, 6-8, 10-15, 18, 22, 24-30, 35-37, 39, 41-43, 46, 47, 50-52, 55-57, 60, 62, 64, 70, 72, 73, 75, 77, 80, 81, 87-89, 91, 93-95, 97, 101, 102, 107, 108, 111-113, 116, 118-24, 127-130, 132, 134, 137, 138, 141, 142, 145, 146, 148, 149, 151-154, 160-162 Main Street; 6 Niles Avenue; 2 Oak Knoll Road; 5, 25 Skinner Street; 4, 6, 7, 10, 11, 13, 15-18 Summit Street; 4, 9 Watrous Street; 2, 3, 7-11, 13, 16, 17, 22-29, 32, 33, 35, 36, 38-40, 42, 47, 49 West High Street. See also map/block/lot #6A/60/2; 2A/50/1; 20/50/23.

6. Representation in Existing Surveys

Historic Preservation Plan for Connecticut (Vol. II, The Inventory), 1974.

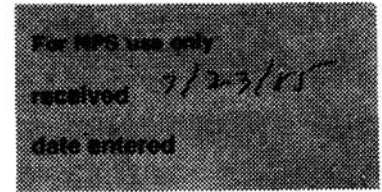
The History and Architecture of East Hampton, published by the Greater Middletown Preservation Trust, 1980.

Connecticut: An Inventory of Historic Engineering and Industrial Sites, Matthew Roth, 1981.

Industrial Archaeological Survey of Northern Middlesex County, 1978.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Inventory—Nomination Form**



Belltown Historic District

Continuation sheet East Hampton, CT

Item number 4,7

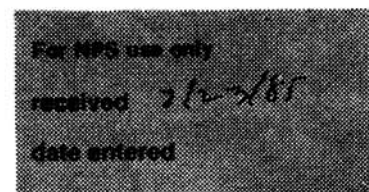
Page 3

Inventory #	Building/Site*	Contributing/Non-Contributing (C/NC)	Photograph #
1.	2 Barton Hill Street PUBLIC WORKS GARAGE 20th-century garage, ca. 1950	NC	
2.	5 Barton Hill Street EAST HAMPTON FIREHOUSE Modern, 1970	NC	
3.	6 Barton Hill Street B. B. HALL HOUSE Greek Revival, 1855	C	
4.	7 Barton Hill Street DANIEL NILES HOUSE Center-Chimney Colonial, ca. 1790-99	C	
5.	8 Barton Hill Street 19th-century Domestic, ca. 1870	C	
6.	11 Barton Hill Street Early 20th-century Domestic, 1915	C	
7.	13 Barton Hill Street 19th-century Domestic, ca. 1880	C	
8.	14 Barton Hill Street CONGREGATIONAL PARSONAGE Italianate, 1868	C	
9.	17 Barton Hill Street Residence Modern Cape, 1941	NC	
10.	19 Barton Hill Street Residence Modern, 1950	NC	
11.	20 Barton Hill Street Residence Modern, 1968	NC	

*Inventory numbers for this nomination only.

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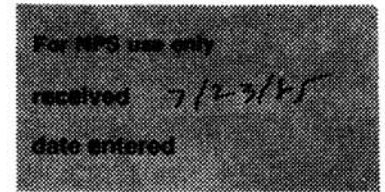
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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
12.	25 Barton Hill Street WILLIAM BARTON HOUSE Center-Chimney Colonial, ca. 1765	C	1
13.	26 Barton Hill Street PHILO BEVIN HOUSE Second Empire, 1850-80	C	2
14.	29 Barton Hill Street Queen Anne, ca. 1870	C	
15.	31 Barton Hill Street 19th-century Domestic, ca. 1890	C	
16.	32 Barton Hill Street WILLIAM H. BEVIN HOUSE Greek Revival/Italianate, 1868	C	
17.	33 Barton Hill Street Bungalow, ca. 1930	C	
18.	34 Barton Hill Street RICHARD S. CLARK HOUSE Greek Revival, ca. 1855	C	
19.	35 Barton Hill Street Early 20th-century Domestic	C	
20.	38 Barton Hill Street EMMET B. RICH HOUSE Greek Revival, 1880	C	
21.	39 Barton Hill Street Colonial Revival, ca. 1929	C	
22.	40 Barton Hill Street Residence Modern, 1951	NC	
23.	41 Barton Hill Street Colonial Revival, ca. 1929	C	

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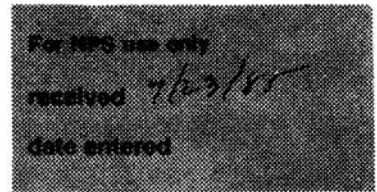
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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
24.	42 Barton Hill Street GORDON VAN TINE HOUSE Bungalow, 1923	C	
25.	43 Barton Hill Street Bungalow, ca. 1930	C	
26.	44 Barton Hill Street Late 19th century Domestic Ca. 1870	C	
27.	45 Barton Hill Street Colonial Revival, 1932	C	
28.	47 Barton Hill Street CHAUNCEY BEVIN HOUSE Greek Revival, 1847	C	3
29.	48 Barton Hill Street HIRAM VEAZEY CHILDS HOUSE Queen Anne, 1902	C	4
30.	53 Barton Hill Street WILLIAM BEVIN HOUSE Colonial Cape, 1748	C	5
31.	29 Bevin Boulevard HENRY S. SMITH HOUSE Octagon, ca. 1855 (originally faced west onto Main Street)	C	6
32.	4 Bevin Court Colonial Revival Ca. 1910	C	
33.	8 Bevin Court Colonial Revival, ca. 1930	C	
34.	Bevin Court BEVIN BROTHERS MANUFACTURING CO. (mill complex and dam) 19th-century industrial, 1830-1920	C	7

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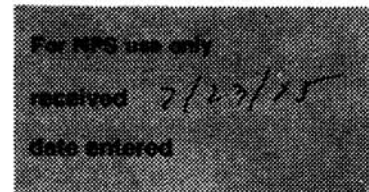
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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
35.	2 Crescent Street 19th-century Domestic, ca. 1870	C	
36.	4 Crescent Street WILLIAM NICHOLS HOUSE Worker's Housing, ca. 1900	C	
37.	6 Crescent Street Residence Modern, 1935	NC	
38.	8 Crescent Street Residence Modern, 1940	NC	
39.	10 Crescent Street WILLIAM NICHOLS HOUSE #2 Worker's Housing, ca. 1900	C	8
40.	1 East High Street UNION CONGREGATIONAL CHURCH (Bethlehem Lutheran Church) Greek Revival, 1855-56	C	
41.	2 East High Street MOSES COMSTOCK HOUSE Greek Revival, 1853	C	
42.	8 East High Street Farmers and Mechanics Bank Modern, 1984	NC	
43.	14 East High Street DAVID BUELL HOUSE Federal, ca. 1804-1806	C	
44.	16 East High Street DAVID BUELL HOUSE #2 Greek Revival, ca. 1844	C	
45.	3 Main Street 19th-century Domestic, ca. 1880	C	

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East Hampton, CT

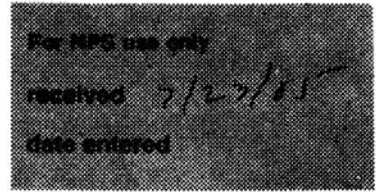
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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
46.	6 Main Street 20th Century Domestic with Italian Renaissance influence, 1930	C	
47.	7 Main Street Late 19th-Century Domestic, ca. 1870	C	
48.	8 Main Street Colonial Revival, 1890	C	
49.	10 Main Street Residence Modern, 1950	NC	
50.	11 Main Street WILBUR F. ACKLEY HOUSE Greek Revival, 1865	C	
51.	12 Main Street Queen Anne, ca. 1890	C	
52.	13 Main Street Queen Anne, ca. 1880	C	
53.	14 Main Street SETH ALVORD HOUSE Colonial Cape, ca. 1798 Carpenter Gothic additions, ca. 1880	C	
54.	15 Main Street HORATIO H. ABBE HOUSE Greek Revival, 1865 Italianate-style detail, 1871	C	9
55.	18 Main Street Italianate, ca. 1860	C	
56.	22 Main Street FRANK ACKLEY HOUSE Greek Revival, ca. 1873	C	

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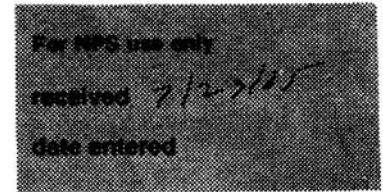
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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
57.	24 Main Street Late 19th-century Domestic Ca. 1880	C	
58.	25 Main Street Mid-20th century Domestic, 1940	NC	
59.	26 Main Street Italianate, 1860	C	
60.	27 Main Street 20th century Domestic, 1931	NC	
61.	28 Main Street Federal/Greek Revival, ca. 1830	C	
62.	29 Main Street MASONIC HALL Italianate, 1871-1874	C	
63.	30 Main Street Greek Revival, 1880	C	
64.	35 Main Street Residence Modern, 1984	NC	
65.	36 Main Street HENRY RUSSEL HOUSE Greek Revival, ca. 1860	C	
66.	37 Main Street Greek Revival, ca. 1850	C	
67.	39 Main Street Colonial Revival, ca. 1925	C	
68.	41 Main Street CHAUNCEY AND PHILO BEVIN HOUSE Greek Revival, 1856	C	
69.	42 Main Street HERMAN RICH HOUSE Greek Revival with Italianate- style details, 1866	C	

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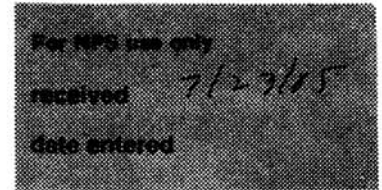
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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
70.	43 Main Street Colonial Revival, ca. 1914	C	
71.	46 Main Street HARRY STRONG HOUSE Queen Anne, 1898	C	
72.	47 Main Street STUART D. PARMELEE HOUSE Greek Revival, 1843	C	10
73.	50 Main Street ALFRED WILLIAMS HOUSE Greek Revival, 1845	C	
74.	51 Main Street Queen Anne, 1890	C	
75.	52 Main Street SMITH-FIELD HOUSE Colonial, ca. 1780 Stick-style details, 1880	C	11
76.	55 Main Street AMERICAN LEGION POST 64 Colonial Revival, 1950	NC	
77.	56 Main Street SEARS-HILL HOUSE Italianate, 1876	C	12
78.	57 Main Street POST OFFICE Colonial Revival, 1937	C	
79.	60 Main Street 18th century Domestic Remodeled ca. 1960	C	
80.	62 Main Street CHATHAM LIBRARY Late 19th-century Domestic, 1898	C	

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East Hampton, CT

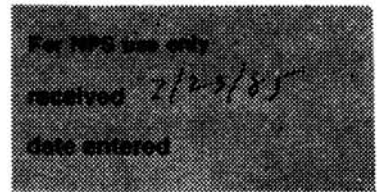
Item number 4,7

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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
81.	64 Main Street 19th century Domestic with Victorian-period detail, ca. 1880	C	
82.	Main Street SOUTH CONGREGATIONAL CHURCH Greek Revival, 1948	C	
83.	70 Main Street CHATHAM HALL Late 19th century Commercial, 1899 (south); 1915 (north)	C	
84.	72 Main Street FAMILY PRACTICE BUILDING Late 19th-century Commercial, ca. 1870	C	
85.	73-75-77 Main Street BUCKLAND BLOCK 19th-century Commercial, 1871-1876	C	
86.	80 Main Street BELLEVILLE STORE/CARRIER BLOCK Ca. 1850 (rear); 1900 (front)	C	13
87.	81 Main Street DICKSON MARKET/EAST HAMPTON LIBRARY Early 20th-century Commercial, ca. 1915	C	
88.	87 Main Street D. BARTON STORE 19th-century Commercial, ca. 1884	C	
89.	88 Main Street 19th-century Commercial, ca. 1890	C	
90.	89 Main Street 19th-century Domestic/Commercial Ca. 1870; storefront addition, 1984	C	
91.	91-93 Main Street 19th-century Domestic/Commercial Ca. 1880; 20th-century addition	C	

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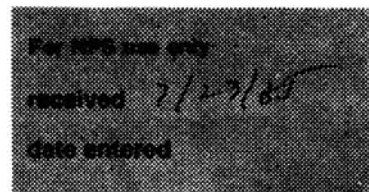
Item number 4,7

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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
92.	94 Main Street CENTER SCHOOL Italianate, 1866	C	14
93.	95 Main Street SEARS STORE Late 19th century Commercial, Ca. 1877	C	
94.	97 Main Street SIEBERT'S OPERA HOUSE 19th-century commercial, 1897	C	
95.	101 Main Street 19th-century industrial Ca. 1900	C	
96.	102 Main Street CHEVRON STATION Modern, 1959	NC	
97.	107 Main Street 18th century Domestic Ca. 1790; remodeled 1970	C	
98.	108 Main Street Greek Revival, ca. 1860	C	
99.	111 Main Street ST. JOHN'S EPISCOPAL CHURCH/GRANGE Stick, 1909	C	
100.	112 Main Street NILES-SMITH HOUSE Greek Revival, ca. 1850	C	
101.	113 Main Street SOUTHERN NEW ENGLAND TELEPHONE CO. Modern, 1952	NC	
102.	116 Main Street PHOEBE A. WATROUS HOUSE Queen Anne, 1896	C	

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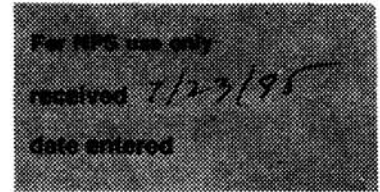
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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
103.	118 Main Street PARMELEE-NILES HOUSE Italianate, 1852	C	
104.	119 Main Street Residence Modern, 1950	NC	
105.	120 Main Street Greek Revival, ca. 1840	C	
106.	121 Main Street Bungalow, ca. 1930	C	
107.	122 Main Street 19th-century Domestic, ca. 1880	C	
108.	123 Main Street Residence Modern, 1958	NC	
109.	124 Main Street LUCINA C. NICHOLS HOUSE Italianate, 1869	C	15
110.	127 Main Street Residence Modern, 1972	NC	
111.	128 Main Street Late 19th-century Domestic, ca. 1880	C	
112.	129 Main Street Residence Modern, 1949	NC	
113.	130 Main Street 19th-century Domestic, ca. 1880	C	
114.	132 Main Street Colonial Revival, ca. 1920	C	

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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
115.	134 Main Street 19th-century Domestic, ca. 1870	C	
116.	137 Main Street HENRY STRONG HOUSE Italianate, ca. 1859	C	
117.	138 Main Street Colonial Revival, 1924	C	
118.	141 Main Street ELIAS D. ROOT HOUSE Italianate, 1870	C	
119.	142 Main Street MAYO S. PURPLE HOUSE Colonial Revival, 1910	C	16
120.	145 Main Street CLAUDIUS L. HILLS HOUSE Late 19th-century Domestic Ca. 1858-1864	C	
121.	146 Main Street BENJAMIN STILLMAN HOUSE Colonial Cape, ca. 1745	C	
122.	148 Main Street Late 19th-century Domestic with Stick-style influence, ca. 1900	C	
123.	149 Main Street JAMES DICKSON HOUSE Stick, ca. 1880	C	28
124.	151 Main Street Residence Modern, 1970	NC	
125.	152 Main Street Colonial Revival, 1913	C	

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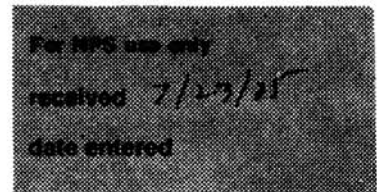
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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
126.	153 Main Street 19th-century Domestic, ca. 1880	C	
127.	154 Main Street Residence Modern, 1935	NC	
128.	160 Main Street 19th-century Domestic, ca. 1860	C	
129.	161 Main Street CHARLES A. STRONG HOUSE Italianate, 1858	C	
130.	162 Main Street Greek Revival, ca. 1850	C	
131.	6 Niles Avenue RODERICK DAY HOUSE Italianate, 1869	C	
132.	2 Oak Knoll Road LLOYD CONE HOUSE Arts and Crafts, 1926-1928	C	17
133.	5 Skinner Street J. C. BARTON CO., INC. 19th-century industrial complex Ca. 1880	C	
134.	25 Skinner Street N. N. HILL BRASS CO. (Pressure Pack, Inc.) 19th-century industrial complex Ca. 1890	C	27
135.	4 Summit Street 19th-century Domestic, ca. 1880	C	
136.	6 Summit Street Colonial Revival, ca. 1920	C	

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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
137.	7 Summit Street CENTER SCHOOL Early 20th-century institutional with Mission-style influence, 1912; remodeled 1938	C	
138.	SW corner of Summit and Watrous streets FIREHOUSE Shingle style, ca. 1890	C	
139.	10-12 Summit Street VEAZEY AND WHITE BELL CO. (factory complex) 19th-century industrial Ca. 1860-1914	C	18
140.	11 Summit Street APOLLAS ARNOLD HOUSE Colonial Cape, ca. 1790	C	
141.	13 Summit Street MERRICK AND CONANT SILK MANU- FACTURING CO./SUMMIT THREAD 19th-century industrial, 1880 Additions, 1914	C	
142.	15 Summit Street AUGUSTUS H. CONKLIN HOUSE Queen Anne, 1877	C	19
143.	16 Summit Street 19th-century Domestic, ca. 1880	C	
144.	17 Summit Street BRYAN PARMELEE HOUSE Gambrel-roofed, colonial period Ca. 1750; alterations, 1904	C	
145.	18 Summit Street Colonial Revival, ca. 1910	C	

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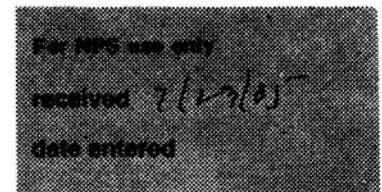
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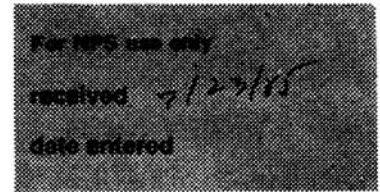
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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
146.	Watrous and Railroad streets Late 19th-century Domestic, ca. 1890	C	
147.	4 Watrous Street Worker's Housing, ca. 1870	C	
148.	9 Watrous Street DAVID WATROUS HOUSE Italianate, 1852	C	
149.	2 West High Street LIBERTY SAVINGS BANK Modern, ca. 1965	NC	
150.	3-5 West High Street 19th-century commercial, ca. 1860	C	
151.	7 West High Street Mid-20th-century commercial, 1950	NC	
152.	8 West High Street Queen Anne, ca. 1890	C	
153.	9 West High Street Greek Revival, ca. 1850	C	
154.	10 West High Street HUBBARD BARTON HOUSE Federal, 1831	C	
155.	11 West High Street Greek Revival, 1865 (severely altered)	NC	
156.	13 West High Street 19th-century Domestic, ca. 1870 Remodeled 1960	C	
157.	16 West High Street Late 19th-century Domestic, ca. 1880	C	
158.	17-19 West High Street Early 20th-century Domestic, ca. 1900 (severely remodeled in 1970)	NC	

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Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
159.	22 West High Street HIRAM VEAZEY HOUSE Italianate, 1851	C	20
160.	23 West High Street MIDDLETOWN PLATE GLASS CO. Modern, ca. 1960	NC	
161.	24 West High Street Mid-19th-century Domestic, 1840	C	
162.	25 West High Street Stick, ca. 1870	C	
163.	26 West High Street Queen Anne, ca. 1890	C	
164.	27 West High Street NOAH'S ARK DAYCARE, INC. Modern, ca. 1970	NC	
165.	28 West High Street LEWIS UTLEY HOUSE Federal, ca. 1830	C	
166.	29 West High Street Bungalow, 1930	C	
167.	32 West High Street 19th-century Domestic, ca. 1890 with Gothic Revival-style influence	C	
168.	33 West High Street (perhaps older structure) Remodeled 1959	NC	
169.	35 West High Street BELLTOWN SUNOCO Commercial, ca. 1940	NC	
170.	36 West High Street Stick, 1870	C	

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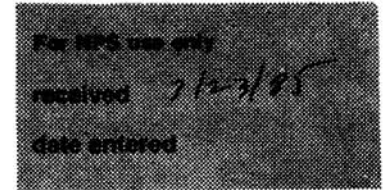
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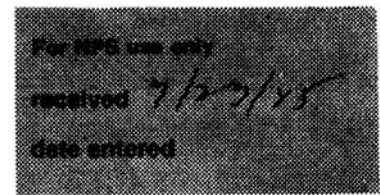
Inventory #	Building/Site	Contributing/Non-Contributing (C/NC)	Photograph #
171.	38 West High Street Colonial Revival, 1923	C	
172.	39 West High Street Greek Revival, ca. 1890 (severely altered)	NC	
173.	40 West High Street Residence MODERN, 1977	NC	
174.	42 West High Street Early 20th-century Domestic, ca. 1920	C	
175.	47 West High Street ST. PATRICK'S CHURCH Gothic Revival, 1896	C	21
176.	49 West High Street Late 19th-century Domestic, ca. 1880	C	
177.	Dam, ca. 1830 Pocotopaug Stream 25 m. brownstone with 8 m. spillway	C	

Industrial Archaeological Sites (Surveyed 1978)

Site#	Description
S-1	Industrial site: Scythe factory, hoe factory, Clark and Watrous Co., bells and coffin trimmings, ca. 1840-1900. Standing ruins of brownstone dam, small foundation and earth dike for pond (now drained). Surface finds included slag, coal, and partial pouring ladle.
S-2	Industrial site: Site of the former Niles and Paramalee Co., bell and coffin trimmings, 1853-1884. Site disturbed by modern industrial development. No surface collection or standing ruins.
S-3	Industrial site: Possibly W. E. Barton Bell Manufacturing, ca. 1860 -1880. Standing ruins of three stone foundations. Surface finds included slag, coal, scrap iron, and barrel bands. Associated with first level of dam to north (Site #177). One of the foundations may be N.N. Hill's original factory.

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Site#	Description
S-4	Industrial site: Patent Bell Manufactory, 1850-1920. Standing ruins of three structures, a concrete hardstand, a drain pit of stone and ledge with remnants of iron water conduit in place, and concrete stanchions, spaced at 1 meter intervals extending back to dam (Site#177). Associated with second level of dam when pond above was enlarged. Surface finds included leather harness with attached bells (cast) and stamped, wheeled, bell toys.
S-5	Industrial site: Skinner Sawmill dam. 1800 - 1900. Standing ruins of collapsed dam, with concrete cap and concrete sluiceway at west end. Associated with #S-6.
S-6	Industrial site: Skinner grist and sawmill, 1800 - 1974. Standing ruins of two stone, brick and concrete buildings, and remains of stone sluice. Sawmill supplied lumber for shipbuilding in Middle Haddam; up to seven up-and-down saws powered by water from dam at #S-5. Wagon and box factory in 20th century, Burned to ground in 1974.

Sources:

- 1978 Industrial Archaeological Survey of Northern Middlesex County. Filed with the Connecticut Historical Commission. Surface finds on file at the Wesleyan Archaeology Laboratory, Wesleyan University, Middletown, CT. Original survey by author.

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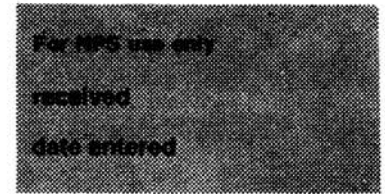
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AMENDMENT September 11, 1985

The following are changes to the Belltown Historic District National Register nomination prepared on 2/24/85:

- | | | | |
|-----|---|---------|-------------------|
| 78. | 57 Main Street
POST OFFICE
Colonial Revival, 1937 | NC | (Item 4,7; p. 9) |
| 82. | Main Street
SOUTH CONGREGATIONAL CHURCH
Neo-Greek Revival, recon-
structed 1948
Parish Hall, 1905 | NC
C | (Item 4,7; p. 10) |

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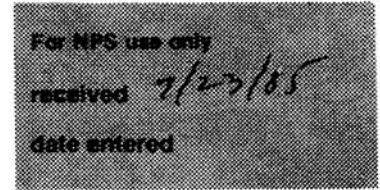
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Modern intrusion in the district is quite limited, adding to its cohesiveness. Three of the non-contributors are modern public or public service buildings, built in relatively unobtrusive locations (Inventory #1, 2, 101). Quite a few of the other post-1935 buildings blend with the district because of their compatible function and form. Some of these are clustered on Barton Hill (Inventory #9-11); the rest are scattered along Main Street.

Although a few well-preserved eighteenth-century domestic buildings remain in the district, the majority of historic residential buildings were constructed in the nineteenth century. Generally they are vernacular buildings which exhibit influences of the Federal, Greek Revival, Italianate, and Queen Anne styles. Several "high-style" examples from the late Victorian period are also included in the district, which were built in the late nineteenth or early twentieth century.

An exceptionally large group of well-preserved, vernacular Greek Revival-style buildings remain in the district. Houses were built in this style for fifty years (1840-1880). While no two are exactly alike, all but one of these buildings utilize the gable-to-street temple form. They are distinguished by the variety of window forms in the pediment, ranging from the rectangular to triangular, to finally in the later examples, the paired, narrow windows of the Victorian period. Numerous examples of this style are clustered on upper Main Street and again on Barton Hill. (For the better representative examples, see Inventory #28, Photograph #3; and Inventory #72, Photograph #10.)

The Italianate style developed in almost the same time period (after 1850) and utilized the same gable-to-street form. It can only be distinguished from the Greek Revival style by the type of architectural detail and its more vertical appearance. A typical example can be found at 22 West High Street (Inventory #159; Photograph #19). Only a few of these houses were built in the cube, or cruciform plan, with low-pitched hip roofs. One of the better examples of this latter type is located on Niles Avenue (Inventory #131). The oldest school in the district was also built in this style. It is distinguished by brackets, and window and door hoods (Inventory #92; Photograph #14).

Three houses stand out from their neighbors as fully realized and for East Hampton very individualistic examples of their architectural style. Two were built in the last quarter of the nineteenth century. One of them is the Philo Bevin House, the only example of the French Empire style in the district (Inventory #13; Photograph #2). Three stories in height, fully bracketed bays and cornices, a dormered slate roof with a cupola, and an exceptional portico with a two-story addition on the north side distinguish this building. It occupies a commanding position at the crest of Barton Hill. The other exceptional house is also on an elevated site overlooking Main Street from the west side (Inventory #77; Photograph #12). A much more elaborate Italianate-style house, it is two-and-one-half stories in height, with a three-story facade tower. Scrolled bargeboards with pendant drops, and projecting bracketed eaves, distinguish the projecting bays of this elaborately detailed house. A fully detailed carriage house is located to the southwest. The third example of exceptional merit is the early twentieth-century Mayo Purple House at 142 Main Street (Inventory #119; Photograph #16). Colonial Revival style in form with a broad gambrel roof facing the street, it also exhibits Queen Anne-style influence with an octagonal tower in the southeast corner. A double-columned veranda extends across the facade and the north elevation.

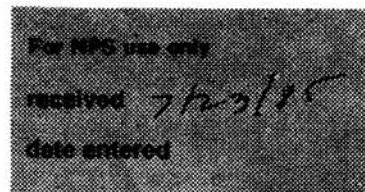
A complete inventory of the buildings and sites in the district is included below and located by inventory number on the district map.

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Belltown Historic District

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utilizing earlier grist or saw mill sites. Production increased fifteen-fold in this period, only limited by access to markets. Bells were still sold by peddlers, which limited the size of the product. Small, cast sleigh and hand bells of brass and iron were manufactured almost exclusively. Several firms also made coffin trimmings, a popular side-line which made use of scrap metal. Access to raw material, however, was not a problem. East Hampton factory owners had worked out a mutually beneficial arrangement with the Portland brownstone quarry companies. Raw material, principally copper, zinc, and iron, was brought up the Connecticut River as ballast on the return voyages of the quarry ships and transported by wagon on the Middle Haddam-Hebron turnpike. It ran from the Connecticut River landing directly to East Hampton center.

Despite the early success of the bell industry, East Hampton, like many rural New England villages, continued to espouse eighteenth-century values and traditions well into the nineteenth century. This essential conservatism is most evident in the domestic architecture built in this period. The Greek Revival style remained popular for forty years after it became unfashionable in more urban centers. More importantly, domestic architecture continued to reflect a society apparently largely undifferentiated by class, an eighteenth-century phenomenon in central Connecticut. Although several of the owners of the water-powered shops, such as Chauncey Bevin and Stuart Parmelee (Niles and Parmelee Company; Inventory #S-2), were the first to build houses in the Greek Revival style (Inventory #28, 72), similar houses were built by handymen, mechanics, and clerks who worked in the bell factories (Inventory #20, 69). At least one was built in this style by a factory owner as rental property for his employees (Inventory #68).

By the Civil War the bell industry was well established and a stratified society was in place. Twenty-three men were listed in the 1860 census as bell manufacturers; they owned one-third of the taxable wealth of the town. Farming still remained the principal occupation, but half of the work force in town were employed in the bell factories, both men and women. Many of the laborers were Irish immigrants. They began arriving in East Hampton around 1860 and were later to become a significant presence in the town. St. Patrick's Church (Inventory #175; Photograph #21) was their second and permanent church home. A servant class, all women, emerged in this period--employed by the bell manufacturers in their homes, and also at Buell's Hotel (Inventory #43).

Predictably enough, in the last quarter of the nineteenth century, industrial competition was intense. With an overcrowded field, trade secrets were no longer shared with competitors, but jealously guarded (the first patents were taken out at this time); smaller undercapitalized firms went out of business. The companies that emerged as leaders included the Bevin Brothers, Veazey and White, and East Hampton Bell. These long-established firms made cast bells of various types. The Gong Bell Company, a relative newcomer to the field, the first to specialize in belled toys, was another major firm. The factory built by Veazey and White on Summit Street in 1860 is the earliest brick mill remaining in town (Inventory #159; Photograph #20). Hiram Veazey's career pattern was quite typical. The son of a farmer, he learned the bell trade in one of the early water-powered shops in the 1830s before going into business for himself. His partner, Alfred White, was the first to successfully cast larger brass bells used in churches and schools.

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The older established firms had a clear advantage because they controlled the best dam sites on Pocotopaug Creek. Their willingness to take risks, however, and experiment with new technologies and improved production or marketing methods, was a major factor in their success. Chauncey Bevin, for example, brought a Scottish immigrant, John Hodge, to East Hampton to set a new process for smelting brass. The Hodge pit furnace revolutionized the industry because it was an efficient producer of fine-grade brass from lower-grade metals. The process not only increased the Bevin company's production but it was a vital factor in the continued growth of industry as a whole as other companies soon adopted the process. Casting was only the first step in the process. Finishing and polishing of the raw castings, done completely by hand in the early years, eventually was partially mechanized. Jason Barton, a grandson of William, invented a process for tumbling small bells in barrels to remove the burrs from the castings. Water turbines were introduced in Belltown mills at this time. (Only one company ever converted from water to steam power, and not until the twentieth century.) "Runners," outside salesmen, took orders for a wide range of bells of all types, including chimes and sleigh bells, cow bells, and belled, wheeled toys, which were shipped to the retailers by rail after 1873.

Norman N. Hill is credited with developing mass-production techniques that revolutionized the industry. Hill, who began as a finisher and salesman for the Barton Company, was the second member of his family to be involved in the bell industry; his father was a wood turner who made handles for hand bells. N. N. Hill perfected a process for stamping bells from sheet metal, increasing his production dramatically. Two men could make 25,000 bells a day by stamping, as opposed to 500 with the earlier casting process. Cast bells continued to be made on a limited basis until 1979 at the Bevin Brothers Company using their nineteenth-century pit furnaces, but stamped bells were the major product in the twentieth century.² Hill's first factory, a wood-framed building, burned to the ground below the dam near Skinner Street (Inventory #S-177), but further upstream he built a large brick factory, believed to be the largest in the world devoted exclusively to bell production (Inventory #134; Photograph #27). Standing ruins of several bell factories (possibly including Hill's first building), and the remains of their water turbine system, exist in the area below the dam (Inventory #S-2 through S-5).

The competitive spirit among the leaders of the bell industry in the late nineteenth century is evident in the houses they built in this period. Philo Bevin, the youngest brother, now president of the family firm, was one of the first to break away from the traditional pattern of architectural conservatism. His lavish Second Empire-style house on Barton Hill, the first in town to have central heating, confirmed his status as the wealthiest bell manufacturer. Horatio Abbe, a founder of the Gong Bell Company, was one of his major competitors. Soon after becoming president of the firm he radically altered his Greek Revival-style house, built just six years earlier, in a self-conscious attempt to be more up-to-date.

These stylish houses were exceptional. Most people, including the working class, still lived in solid, middle-class housing. There seemed to be little need for workers' housing per se. Although Crescent Street was laid out and developed about 1900, the smaller Victorian cottages built there were owned by skilled workmen such as engravers or pattern makers (Inventory #36; Photograph #9). Most of the unskilled laborers and their families rented existing older houses remodeled by the bell companies for boarding houses or multiple-family use (Inventory #144).

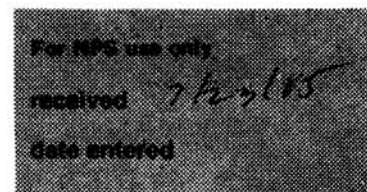
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Architectural Significance

The mill buildings that define the town are still the dominant architectural element. They are generally well-preserved, distinctive examples of late nineteenth-century brick mills. The best preserved is one of the earliest, the Veazey and White foundry (Inventory #139; Photograph #18). Although some of the later buildings have stair towers, and a limited amount of corbelling, this utilitarian building could have served as a model for most of the remaining industrial architecture. It retains all of its essential features: the low gable roof with exposed rafter ends, and segmental-arched windows separated by plain brick pilasters.

The small, late nineteenth-century, wood-framed commercial buildings which are clustered in the town center are also quite functional. Generally well preserved, their gable-to-street facades have retained their brackets or decorative shingles. One recently restored example is exceptionally notable for its dormered mansard roof (Inventory #86; Photograph #13). A small masonry commercial block (two buildings) and the present brick library (originally a store) do provide some contrast. Although compatible in scale, they are architecturally modest buildings (Inventory #83, 87).

A wider range of styles can be found in the institutional architecture of the district. The most distinguished of the churches is a wood-framed building constructed in the Gothic Revival style (Inventory #175; Photograph #21). Judging by its relatively high degree of architectural sophistication, this church may have been architect-designed. Well preserved and fully elaborated, it utilizes most of the features more commonly found in masonry churches of this style: lancet-arched windows, pseudo-buttresses, and an elaborate, pinnacled spire. A much smaller church in the south end of the district is by contrast a rather simple building, a small shingled, country-builder's version of the Stick style. It is distinguished by diamond-shaped windows and a unique open, one-stage bell tower (Inventory #99). The original district school built in 1866 is another well-preserved institutional building of the Italianate style. Distinguished by an unusual degree of decorative detail, pilastered and bracketed entrance-ways, as well as scrolled brackets under the eaves, it has served the town for over 100 years, first as a school, and then sixty years as the town hall.

The craftsmanship of the district's residential architecture is exceptional. These generally simplified vernacular versions of standard eighteenth- and nineteenth-century styles utilize simple forms and straightforward post-and-beam construction.

Although most of the domestic architecture dates from the nineteenth century, several well-preserved houses remain from the colonial period. One of the best examples is the exceptionally well-preserved 1748 saltbox built by William Bevin, an early settler of East Hampton and the progenitor of this distinguished family (Inventory #30; Photograph #5). His four great grandsons, all born in this house, established the Bevin Brothers Bell Company.

The country builders of the early to mid-nineteenth century began to demonstrate some understanding of classical form and proportion. These qualities are most evident in the large number of well-preserved vernacular Greek Revival-style houses in the district. Very little

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applied detail is employed, but an understanding of the classical mode is clearly stated in the fully pedimented temple forms with plain-board entablatures. Two of the more notable examples are Inventory #29, Photograph 3; and Inventory #72, Photograph #10. A greater degree of sophistication is present in the Italianate-style house built for Hiram Veazey (Inventory #159; Photograph #20). This well-preserved example demonstrates how easily carpenter-builders could make the transition to this style by applying detailing to the same gable-fronted form.

More stylish expressions of popular taste were built after the Civil War. Exceptional, locally distinguished examples of several Victorian styles demonstrate a level of craftsmanship not previously displayed in the district. Two of the better examples are the Second Empire-style Philo Bevin House (1872) on Barton Hill (Inventory #13; Photograph #2) and the Italianate-style Sears-Hill House (1876) on Main Street (Inventory #77; Photograph #12). While certainly not designed in the most up-to-date style, these buildings, nevertheless, are the most architecturally significant houses in East Hampton. The Bevin House is particularly distinguished for its wealth of hand-carved detail and excellent state of preservation.

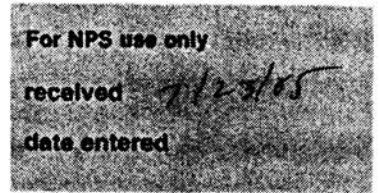
Notes

1. This nomination is based primarily on the original research for the architectural survey of East Hampton completed in 1980. The research files are located at the Greater Middletown Preservation Trust. The survey forms and the publication based on the survey are deposited with the archives of the Connecticut Historical Commission at the University of Connecticut at Storrs, Connecticut.

2. The nineteenth-century pit-furnace process was videotaped as part of the Brass Workers' History Project before the Bevins modernized their plant. Matthew Roth, Connecticut: An Inventory of Historic Engineering and Industrial Sites, 1981, p. 145.

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Middletown Land Records

Middletown Probate Records

Middletown Vital Records

Potter, Lucy G. and Ritchie, William A., ed. Janice Cunningham. The History and Architecture of East Hampton. Middletown, CT: The Greater Middletown Preservation Trust, 1980. (Original research on file with the GMPT.)

Price, Carl F. Yankee Township. Hartford: 1936.

Maps

1859 Walling Map

1874 Beers Atlas

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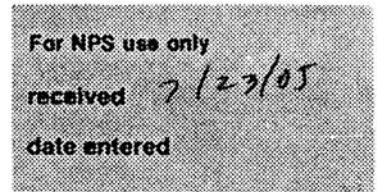
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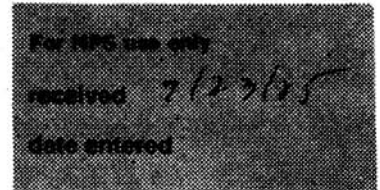
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VERBAL BOUNDARY DESCRIPTION:

Beginning at the northeast corner of the intersection of Maple and West High Streets, the district boundary extends in a northeasterly direction from Lot 39, Block 39A (as shown on the East Hampton Tax Assessor's Map 1A), crosses Main Street, to the eastern property line of Lot 15, Block 63A, Map 5A. Here the boundary turns in a southerly direction, crossing East High Street, and continues east at ninety degrees along the south side and front (north) property lines of the said street until it meets the east property line of Lot 7, Block 62. Turning southeast, then southwest, along rear (south) property lines, the boundary continues southwest until it meets the southeast corner of Lot 277, Block 80, Map 10A. It then turns south along rear property lines until it intersects with the southeast corner of Lot 5, Block 62, Map 5A. Moving east from this point, it continues until it meets with the northeast corner of Lot 17A, Block 62. The boundary then turns southeast, then southwest, along the said property's western and southern lines, to meet a point opposite the southeast corner of Lot 5, Block 62, Map 5A. Next it extends in a southeasterly direction until it meets the northeast corner of Lot 30, Block 62. Continuing east to cross Bevin Boulevard, the district boundary heads in a northerly direction until it meets a point at Bevin's Pond. It then follows the contour of the pond to its most southeastern point and extends south, until it reaches the northeast corner of Lot 21, Block 62A, Map 6A. It then extends southeast to the southeast corner of Lot 20, Block 62A and crosses Summit Street. Next the boundary runs along the eastern and southern property lines of Lot 19, Block 59, Map 6A. Continuing southwest along rear property lines, it then turns south after intersecting with the eastern property line of Lot 12A, Block 59. Next it crosses Railroad Avenue and intersects with the southeast corner of Lot 2, Block 60 where it turns to the west. It then crosses Watrous Street to a point directly across from the eastern property line of Lot 1, Block 57. Turning ninety degrees to the south and crossing Walnut Street, the boundary extends in a southerly direction along rear (east) property lines of Main Street until it intersects with the southern boundary of Lot 24, Block 56, Map 7A. Here it turns in a westerly direction to a point opposite the said lot, crossing Main Street at ninety degrees to head south, then west along the eastern and southern property lines of Lot 17, Block 50, Map 20. From here the district boundary heads in a northerly direction until it meets the south property line of Lot 7, Block 49, Map 2A. Following this line of the said lot, the boundary then takes a southwesterly direction along rear (east) property lines until it meets the southeast corner of Lot 23, Block 50, Map 20. Heading northwest, then northeast, the district boundary continues to a point opposite the southeast property line of Lot 3, Block 48A, Map 2A. Next it crosses Skinner Street at ninety degrees and runs along the southwest and northwest property lines of said lot. Next the boundary crosses Walnut Street at ninety degrees to intersect with

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the rear (west) property line of Lot 32, Block 48. Here it turns to the west along Barton Hill Street, following rear (south) property lines until it meets the southwest corner of Lot 28, Block 48. The boundary then turns at ninety degrees to extend southwest on Crescent Street. At the southwestern corner of Lot 23, Block 48, it turns north, then west at its northwest corner and continues along the rear property lines of the south side of Barton Hill Street. Upon meeting the west property line of lot 1, Block 48, it turns north, then east, to meet a point opposite the southwest corner of Lot 46, Block 47. Crossing Barton Hill Street at ninety degrees and continuing north, then east of the said lot, the boundary extends in an easterly direction until it crosses Oak Knoll Road. Turning ninety degrees and heading north the boundary follows the property lines of Lot 39, Block 47, to the east, then south, to meet a point opposite the northwest corner of Lot 81, Block 47, Map A. Following rear (south) property lines and continuing southeast, it intersects with the rear property line of Lot B6, Block 47 and extends north, adjusting to the property lines of Lot 22, Block 47, to intersect with the rear (south) property line of Lot 10, Block 47, Map 1A. Here it turns in a southwesterly direction to connect with the western property line of Lot 1, Block 47 and then turns north, crossing West High Street, to connect with the first point. The boundaries include all outbuildings within the listed properties.

BOUNDARY JUSTIFICATION:

The boundaries of this district were based on visual coherence, continuity, thematic consistency, and topography.

Generally speaking, the crests of the hills are the boundaries of the district to the west and east. To the west on Barton Hill Street, just below 48 and 53 Barton Hill Street, the district ends at the intersections of Maple Avenue and Forest Street to exclude modern development (on the north side) and vacant land (on the south side). To the east where the industrial area is located, the district extends up Summit Street, Bevin Road, and Bevin Court to include the mill and residential buildings. Further up Summit Street beyond its intersection with Bevin Court is a residential neighborhood with a considerable number of modern non-contributing buildings.

East High and West High streets form the northern boundary. At the intersection of these streets, at the beginning of Main Street, is a small commercial center with historic houses extending up West High Street to the top of the hill. Modern development and vacant farm land occur beyond this point. On East High Street on the south side the district extends to include three historic houses. Beyond these buildings is the modern town hall and commercial development. The north side of East High

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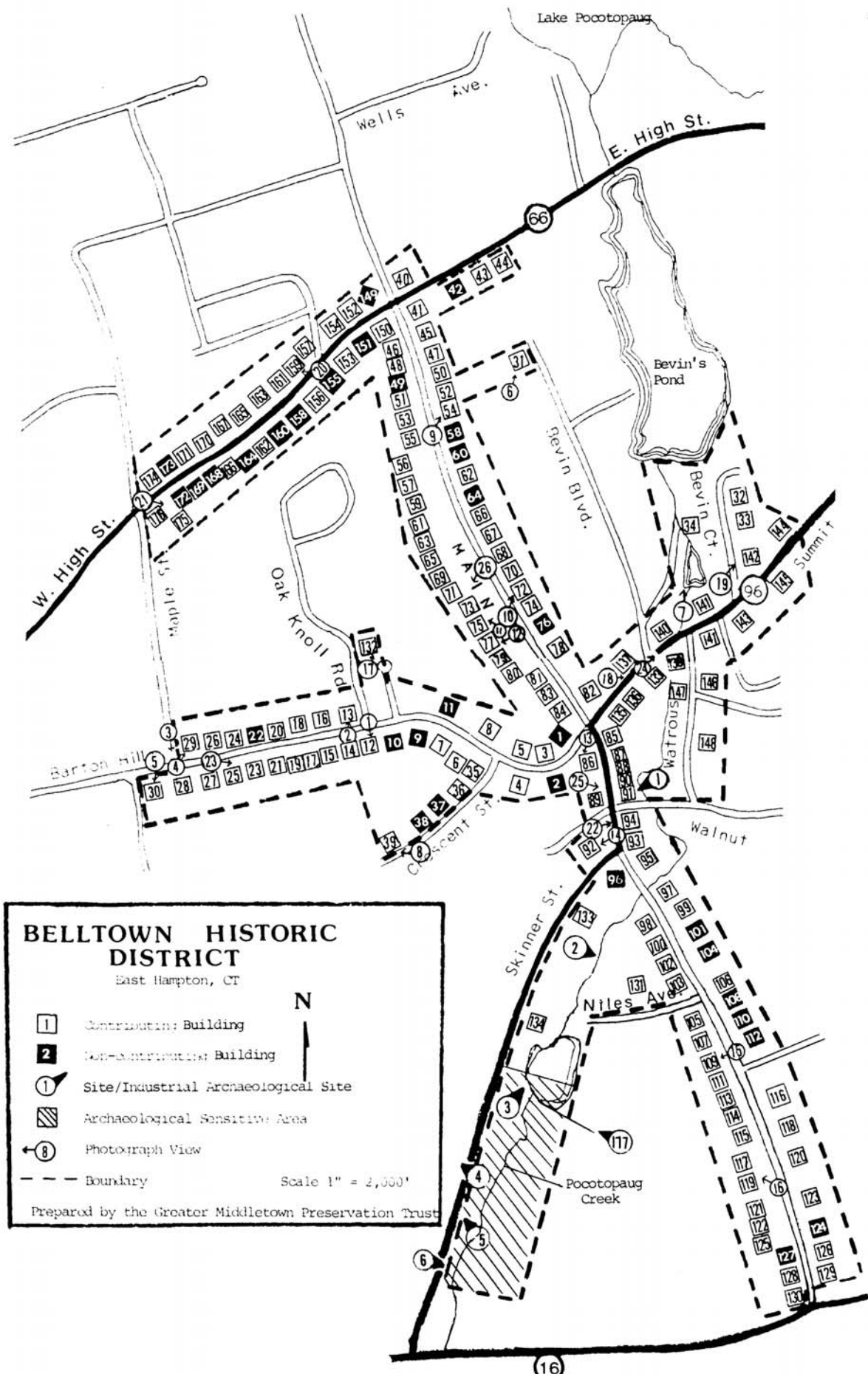
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Street is excluded completely after the church at the intersection because of the presence of a modern shopping mall.

To the south the district ends at Route 16. From the center of town up Main Street to this point is a residential neighborhood of late-nineteenth-century and early-twentieth-century housing; many of these are associated with the historic theme of the district. The north side of Skinner Street, which extends from the center to the west to meet Route 16, has been totally excluded. Although several historic houses are located here, they are generally lacking in integrity and are widely separated, so visual continuity is lost. The east side of Skinner Street is included because of the presence of two mill complexes, a dam, and the industrial and archaeological remains of bell factories along Pocotopaug Creek.



BELLTOWN HISTORIC DISTRICT
 East Hampton, CT

1 Contributing Building
 2 Non-contributing Building
 ① Site/Industrial Archaeological Site
 [Hatched Box] Archaeological Sensitive Area
 ← ⑧ Photograph View
 - - - Boundary

Scale 1" = 2,000'

Prepared by the Greater Middletown Preservation Trust

Attachment B

From: DeCarli, Jeremy <jdecarli@easthamptonct.gov>

Sent: Thursday, May 27, 2021 9:40 AM

To: Dunne, Mary <Mary.Dunne@ct.gov>; Labadia, Catherine <Catherine.Labadia@ct.gov>; Scofield, Jenny <Jenny.Scofield@ct.gov>

Subject: Belltown Historic District Clarification

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Morning,

I'm preparing comments for the East Hampton Planning and Zoning Commission meeting next week and am looking for a some clarification when it comes to the Belltown Historic District and the Charles Strong House, which has been a big topic of conversation in a Zone Change application currently before the Commission.

I've got the nomination form(attached), which has a received date of July 23, 1985 and a date entered of 10/28/1985. It is also signed by The Keeper of National Register (I can't make out the name) on that same date of 10/28/1985. I take this to mean that the nomination form was approved even though there is no document entitled approval, much the same as when I sign a zoning application it certifies my approval. That said, it does not appear to have been signed by the Chief of Registration. Is there any ramification of the missing signature?

It is clear to me that the Charles Strong House, listed in the nomination form as 161 Main Street, and now known as 159 Main Street, is a Contributing Building and is therefore part of the district. It is not immediately clear to me that being a part of a district automatically places the building itself on the National Register. Can you clarify?

Thank you for your help in this matter,
Jeremy

Jeremy DeCarli, AICP, CZEO

Planning & Zoning Official

Town of East Hampton

1 Community Drive

East Hampton, CT 06424

T: 860-267-7450

E: jdecarli@easthamptonct.gov

www.easthamptonct.gov

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From: [Scofield, Jenny](#)
To: [DeCarli, Jeremy](#); [Dunne, Mary](#); [Labadia, Catherine](#)
Cc: [Wisniewski, Marena](#); [Levine, Todd](#)
Subject: RE: Belltown Historic District Clarification
Date: Thursday, May 27, 2021 10:53:41 AM

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This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Remember to hover over any links and if you suspect the email is not legitimate or a phishing email, please contact Tom McMahon at x3363.

Good morning Jeremy,

You have the correct nomination document. The Keeper of the National Register is the ultimate arbiter for adding properties to the National Register of Historic Places. The nomination was recommended by our State Historic Preservation Review Board, then signed by the State Historic Preservation Officer at the time, then forwarded to the National Park Service for listing.

The “Chief of Registration” signature is not necessary and actually no longer used. That would have been for a staff person within the National Register program at the National Park Service at the time.

Properties within districts are categorized as either contributing (C) or non-contributing (NC) to the district. Contributing properties are listed on the National Register as part of the district because they contribute to the history that the area is being recognized for.

Our State Historic Preservation Review Board will consider whether or not this property continues to contribute to the district at their next meeting on Friday, June 18. I will be emailing a notice letter for that soon and can copy you on it.

Please let me know if you have other questions; I am happy to give you a call.

Regards,

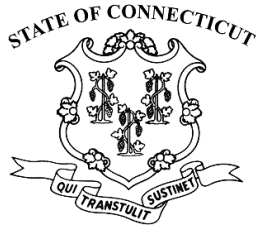
Jenny

Jenny Fields Scofield, AICP, National Register & Architectural Survey Coordinator
State Historic Preservation Office
Department of Economic and Community Development (DECD)
450 Columbus Boulevard, Suite 5
Hartford, CT 06103
Phone: 860-500-2343



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House of Representatives

File No. 716

General Assembly

January Session, 2021 **(Reprint of File No. 541)**

Substitute House Bill No. 6107
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 24, 2021

AN ACT CONCERNING THE ZONING ENABLING ACT, ACCESSORY APARTMENTS, TRAINING FOR CERTAIN LAND USE OFFICIALS, MUNICIPAL AFFORDABLE HOUSING PLANS AND A COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-1a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) "Municipality" as used in this chapter shall include a district
4 establishing a zoning commission under section 7-326. Wherever the
5 words "town" and "selectmen" appear in this chapter, they shall be
6 deemed to include "district" and "officers of such district", respectively.

7 (b) As used in this chapter and section 6 of this act:

8 (1) "Accessory apartment" means a separate dwelling unit that (A) is
9 located on the same lot as a principal dwelling unit of greater square
10 footage, (B) has cooking facilities, and (C) complies with or is otherwise

11 exempt from any applicable building code, fire code and health and
12 safety regulations;

13 (2) "Affordable accessory apartment" means an accessory apartment
14 that is subject to binding recorded deeds which contain covenants or
15 restrictions that require such accessory apartment be sold or rented at,
16 or below, prices that will preserve the unit as housing for which, for a
17 period of not less than ten years, persons and families pay thirty per cent
18 or less of income, where such income is less than or equal to eighty per
19 cent of the median income;

20 (3) "As of right" means able to be approved in accordance with the
21 terms of a zoning regulation or regulations and without requiring that
22 a public hearing be held, a variance, special permit or special exception
23 be granted or some other discretionary zoning action be taken, other
24 than a determination that a site plan is in conformance with applicable
25 zoning regulations;

26 (4) "Cottage cluster" means a grouping of at least four detached
27 housing units, or live work units, per acre that are located around a
28 common open area;

29 (5) "Middle housing" means duplexes, triplexes, quadplexes, cottage
30 clusters and townhouses;

31 (6) "Mixed-use development" means a development containing both
32 residential and nonresidential uses in any single building; and

33 (7) "Townhouse" means a residential building constructed in a
34 grouping of three or more attached units, each of which shares at least
35 one common wall with an adjacent unit and has exterior walls on at least
36 two sides.

37 Sec. 2. Section 8-1c of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2021*):

39 (a) Any municipality may, by ordinance, establish a schedule of
40 reasonable fees for the processing of applications by a municipal zoning

41 commission, planning commission, combined planning and zoning
42 commission, zoning board of appeals or inland wetlands commission.
43 Such schedule shall supersede any specific fees set forth in the general
44 statutes, or any special act or established by a planning commission
45 under section 8-26.

46 (b) A municipality may, by regulation, require any person applying
47 to a municipal zoning commission, planning commission, combined
48 planning and zoning commission, zoning board of appeals or inland
49 wetlands commission for approval of an application to pay the cost of
50 reasonable fees associated with any necessary review by consultants
51 with expertise in land use of any particular technical aspect of such
52 application, such as regarding traffic or stormwater, for the benefit of
53 such commission or board. Any such fees shall be accounted for
54 separately from other funds of such commission or board and shall be
55 used only for expenses associated with the technical review by
56 consultants who are not salaried employees of the municipality or such
57 commission or board. Any amount of the fee remaining after payment
58 of all expenses for such technical review, including any interest accrued,
59 shall be returned to the applicant not later than forty-five days after the
60 completion of the technical review.

61 (c) No municipality may adopt a schedule of fees under subsection
62 (a) of this section that results in higher fees for (1) development projects
63 built using the provisions of section 8-30g, as amended by this act, or (2)
64 residential buildings containing four or more dwelling units, than for
65 other residential dwellings, including, but not limited to, higher fees per
66 dwelling unit, per square footage or per unit of construction cost.

67 Sec. 3. Subsection (j) of section 8-1bb of the general statutes is repealed
68 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

69 (j) A municipality, by vote of its legislative body or, in a municipality
70 where the legislative body is a town meeting, by vote of the board of
71 selectmen, may opt out of the provisions of this section and the
72 [provision] provisions of subdivision (5) of subsection [(a)] (d) of section

73 8-2, as amended by this act, regarding authorization for the installation
74 of temporary health care structures, provided the zoning commission or
75 combined planning and zoning commission of the municipality: (1) First
76 holds a public hearing in accordance with the provisions of section 8-7d
77 on such proposed opt-out, (2) affirmatively decides to opt out of the
78 provisions of said sections within the period of time permitted under
79 section 8-7d, (3) states upon its records the reasons for such decision,
80 and (4) publishes notice of such decision in a newspaper having a
81 substantial circulation in the municipality not later than fifteen days
82 after such decision has been rendered.

83 Sec. 4. Section 8-2 of the general statutes is repealed and the following
84 is substituted in lieu thereof (*Effective October 1, 2021*):

85 (a) (1) The zoning commission of each city, town or borough is
86 authorized to regulate, within the limits of such municipality: [, the] (A)
87 The height, number of stories and size of buildings and other structures;
88 (B) the percentage of the area of the lot that may be occupied; (C) the
89 size of yards, courts and other open spaces; (D) the density of
90 population and the location and use of buildings, structures and land
91 for trade, industry, residence or other purposes, including water-
92 dependent uses, as defined in section 22a-93; [,] and (E) the height, size,
93 location, brightness and illumination of advertising signs and
94 billboards, [. Such bulk regulations may allow for cluster development,
95 as defined in section 8-18] except as provided in subsection (f) of this
96 section.

97 (2) Such zoning commission may divide the municipality into
98 districts of such number, shape and area as may be best suited to carry
99 out the purposes of this chapter; and, within such districts, it may
100 regulate the erection, construction, reconstruction, alteration or use of
101 buildings or structures and the use of land. All [such] zoning regulations
102 shall be uniform for each class or kind of buildings, structures or use of
103 land throughout each district, but the regulations in one district may
104 differ from those in another district. [, and]

105 (3) Such zoning regulations may provide that certain classes or kinds
106 of buildings, structures or [uses] use of land are permitted only after
107 obtaining a special permit or special exception from a zoning
108 commission, planning commission, combined planning and zoning
109 commission or zoning board of appeals, whichever commission or
110 board the regulations may, notwithstanding any special act to the
111 contrary, designate, subject to standards set forth in the regulations and
112 to conditions necessary to protect the public health, safety, convenience
113 and property values. [Such regulations shall be]

114 (b) Zoning regulations adopted pursuant to subsection (a) of this
115 section shall:

116 (1) Be made in accordance with a comprehensive plan and in
117 [adopting such regulations the commission shall consider]
118 consideration of the plan of conservation and development [prepared]
119 adopted under section 8-23; [Such regulations shall be]

120 (2) Be designed to (A) lessen congestion in the streets; [to] (B) secure
121 safety from fire, panic, flood and other dangers; [to] (C) promote health
122 and the general welfare; [to] (D) provide adequate light and air; [to
123 prevent the overcrowding of land; to avoid undue concentration of
124 population and to] (E) protect the state's historic, tribal, cultural and
125 environmental resources; (F) facilitate the adequate provision for
126 transportation, water, sewerage, schools, parks and other public
127 requirements; [Such regulations shall be made] (G) consider the impact
128 of permitted land uses on contiguous municipalities and on the
129 planning region, as defined in section 4-124i, in which such municipality
130 is located; (H) address significant disparities in housing needs and
131 access to educational, occupational and other opportunities; (I) promote
132 efficient review of proposals and applications; and (J) affirmatively
133 further the purposes of the federal Fair Housing Act, 42 USC 3601 et
134 seq., as amended from time to time;

135 (3) Be drafted with reasonable consideration as to the [character]
136 physical site characteristics of the district and its peculiar suitability for

137 particular uses and with a view to [conserving the value of buildings
138 and] encouraging the most appropriate use of land throughout [such] a
139 municipality; [. Such regulations may, to the extent consistent with soil
140 types, terrain, infrastructure capacity and the plan of conservation and
141 development for the community, provide for cluster development, as
142 defined in section 8-18, in residential zones. Such regulations shall also
143 encourage]

144 (4) Provide for the development of housing opportunities, including
145 opportunities for multifamily dwellings, consistent with soil types,
146 terrain and infrastructure capacity, for all residents of the municipality
147 and the planning region in which the municipality is located, as
148 designated by the Secretary of the Office of Policy and Management
149 under section 16a-4a; [. Such regulations shall also promote]

150 (5) Promote housing choice and economic diversity in housing,
151 including housing for both low and moderate income households; [, and
152 shall encourage]

153 (6) Expressly allow the development of housing which will meet the
154 housing needs identified in the state's consolidated plan for housing and
155 community development prepared pursuant to section 8-37t and in the
156 housing component and the other components of the state plan of
157 conservation and development prepared pursuant to section 16a-26; [. Zoning regulations shall be]

159 (7) Be made with reasonable consideration for [their] the impact of
160 such regulations on agriculture, as defined in subsection (q) of section
161 1-1; [.]

162 (8) Provide that proper provisions be made for soil erosion and
163 sediment control pursuant to section 22a-329;

164 (9) Be made with reasonable consideration for the protection of
165 existing and potential public surface and ground drinking water
166 supplies; and

167 (10) In any municipality that is contiguous to or on a navigable
168 waterway draining to Long Island Sound, (A) be made with reasonable
169 consideration for the restoration and protection of the ecosystem and
170 habitat of Long Island Sound; (B) be designed to reduce hypoxia,
171 pathogens, toxic contaminants and floatable debris on Long Island
172 Sound; and (C) provide that such municipality's zoning commission
173 consider the environmental impact on Long Island Sound coastal
174 resources, as defined in section 22a-93, of any proposal for development.

175 (c) Zoning regulations adopted pursuant to subsection (a) of this
176 section may: [be]

177 (1) To the extent consistent with soil types, terrain and water, sewer
178 and traffic infrastructure capacity for the community, provide for or
179 require cluster development, as defined in section 8-18;

180 (2) Be made with reasonable consideration for the protection of
181 historic factors; [and shall be made with reasonable consideration for
182 the protection of existing and potential public surface and ground
183 drinking water supplies. On and after July 1, 1985, the regulations shall
184 provide that proper provision be made for soil erosion and sediment
185 control pursuant to section 22a-329. Such regulations may also
186 encourage]

187 (3) Require or promote (A) energy-efficient patterns of development;
188 [] (B) the use of distributed generation or freestanding solar, wind and
189 other renewable forms of energy; [] (C) combined heat and power; and
190 (D) energy conservation; [. The regulations may also provide]

191 (4) Provide for incentives for developers who use [passive solar
192 energy techniques, as defined in subsection (b) of section 8-25, in
193 planning a residential subdivision development. The incentives may
194 include, but not be] (A) solar and other renewable forms of energy; (B)
195 combined heat and power; (C) water conservation, including demand
196 offsets; and (D) energy conservation techniques, including, but not
197 limited to, cluster development, higher density development and
198 performance standards for roads, sidewalks and underground facilities

199 in the subdivision; [. Such regulations may provide]

200 (5) Provide for a municipal system for the creation of development
201 rights and the permanent transfer of such development rights, which
202 may include a system for the variance of density limits in connection
203 with any such transfer; [. Such regulations may also provide]

204 (6) Provide for notice requirements in addition to those required by
205 this chapter; [. Such regulations may provide]

206 (7) Provide for conditions on operations to collect spring water or
207 well water, as defined in section 21a-150, including the time, place and
208 manner of such operations; [. No such regulations shall prohibit]

209 (8) Provide for floating zones, overlay zones and planned
210 development districts;

211 (9) Require estimates of vehicle miles traveled and vehicle trips
212 generated in lieu of, or in addition to, level of service traffic calculations
213 to assess (A) the anticipated traffic impact of proposed developments;
214 and (B) potential mitigation strategies such as reducing the amount of
215 required parking for a development or requiring public sidewalks,
216 crosswalks, bicycle paths, bicycle racks or bus shelters, including off-
217 site; and

218 (10) In any municipality where a traprock ridge or an amphibolite
219 ridge is located, (A) provide for development restrictions in ridgeline
220 setback areas; and (B) restrict quarrying and clear cutting, except that
221 the following operations and uses shall be permitted in ridgeline setback
222 areas, as of right: (i) Emergency work necessary to protect life and
223 property; (ii) any nonconforming uses that were in existence and that
224 were approved on or before the effective date of regulations adopted
225 pursuant to this section; and (iii) selective timbering, grazing of
226 domesticated animals and passive recreation.

227 (d) Zoning regulations adopted pursuant to subsection (a) of this
228 section shall not:

229 (1) Prohibit the operation of any family child care home or group
230 child care home in a residential zone; [. No such regulations shall
231 prohibit]

232 (2) (A) Prohibit the use of receptacles for the storage of items
233 designated for recycling in accordance with section 22a-241b or require
234 that such receptacles comply with provisions for bulk or lot area, or
235 similar provisions, except provisions for side yards, rear yards and front
236 yards; [. No such regulations shall] or (B) unreasonably restrict access to
237 or the size of such receptacles for businesses, given the nature of the
238 business and the volume of items designated for recycling in accordance
239 with section 22a-241b, that such business produces in its normal course
240 of business, provided nothing in this section shall be construed to
241 prohibit such regulations from requiring the screening or buffering of
242 such receptacles for aesthetic reasons; [. Such regulations shall not
243 impose]

244 (3) Impose conditions and requirements on manufactured homes,
245 including mobile manufactured homes, having as their narrowest
246 dimension twenty-two feet or more and built in accordance with federal
247 manufactured home construction and safety standards or on lots
248 containing such manufactured homes, [which] including mobile
249 manufactured home parks, if those conditions and requirements are
250 substantially different from conditions and requirements imposed on
251 (A) single-family dwellings; [and] (B) lots containing single-family
252 dwellings; [. Such regulations shall not impose conditions and
253 requirements on developments to be occupied by manufactured homes
254 having as their narrowest dimension twenty-two feet or more and built
255 in accordance with federal manufactured home construction and safety
256 standards which are substantially different from conditions and
257 requirements imposed on] or (C) multifamily dwellings, lots containing
258 multifamily dwellings, cluster developments or planned unit
259 developments; [. Such regulations shall not prohibit]

260 (4) (A) Prohibit the continuance of any nonconforming use, building
261 or structure existing at the time of the adoption of such regulations; [or]

262 (B) require a special permit or special exception for any such
263 continuance; [. Such regulations shall not] (C) provide for the
264 termination of any nonconforming use solely as a result of nonuse for a
265 specified period of time without regard to the intent of the property
266 owner to maintain that use; [. Such regulations shall not] or (D)
267 terminate or deem abandoned a nonconforming use, building or
268 structure unless the property owner of such use, building or structure
269 voluntarily discontinues such use, building or structure and such
270 discontinuance is accompanied by an intent to not reestablish such use,
271 building or structure. The demolition or deconstruction of a
272 nonconforming use, building or structure shall not by itself be evidence
273 of such property owner's intent to not reestablish such use, building or
274 structure; [. Unless such town opts out, in accordance with the
275 provisions of subsection (j) of section 8-1bb, such regulations shall not
276 prohibit]

277 (5) Prohibit the installation, in accordance with the provisions of
278 section 8-1bb, as amended by this act, of temporary health care
279 structures for use by mentally or physically impaired persons [in
280 accordance with the provisions of section 8-1bb] if such structures
281 comply with the provisions of said section, [.] unless the municipality
282 opts out in accordance with the provisions of subsection (j) of said
283 section;

284 (6) Prohibit the operation in a residential zone of any cottage food
285 operation, as defined in section 21a-62b;

286 (7) Establish for any dwelling unit a minimum floor area that is
287 greater than the minimum floor area set forth in the applicable building,
288 housing or other code;

289 (8) Place a fixed numerical or percentage cap on the number of
290 dwelling units that constitute multifamily housing over four units,
291 middle housing or mixed-use development that may be permitted in the
292 municipality;

293 (9) Require more than one parking space for each studio or one-

294 bedroom dwelling unit or more than two parking spaces for each
295 dwelling unit with two or more bedrooms, unless the municipality opts
296 out in accordance with the provisions of section 5 of this act; or

297 (10) Be applied to deny any land use application, including for any
298 site plan approval, special permit, special exception or other zoning
299 approval, on the basis of (A) a district's character, unless such character
300 is expressly articulated in such regulations by clear and explicit physical
301 standards for site work and structures, or (B) the immutable
302 characteristics, source of income or income level of any applicant or end
303 user, other than age or disability whenever age-restricted or disability-
304 restricted housing may be permitted.

305 (e) Any city, town or borough which adopts the provisions of this
306 chapter may, by vote of its legislative body, exempt municipal property
307 from the regulations prescribed by the zoning commission of such city,
308 town or borough, [;] but unless it is so voted, municipal property shall
309 be subject to such regulations.

310 [(b) In any municipality that is contiguous to Long Island Sound the
311 regulations adopted under this section shall be made with reasonable
312 consideration for restoration and protection of the ecosystem and
313 habitat of Long Island Sound and shall be designed to reduce hypoxia,
314 pathogens, toxic contaminants and floatable debris in Long Island
315 Sound. Such regulations shall provide that the commission consider the
316 environmental impact on Long Island Sound of any proposal for
317 development.

318 (c) In any municipality where a traprock ridge, as defined in section
319 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the
320 regulations may provide for development restrictions in ridgeline
321 setback areas, as defined in said section. The regulations may restrict
322 quarrying and clear cutting, except that the following operations and
323 uses shall be permitted in ridgeline setback areas, as of right: (1)
324 Emergency work necessary to protect life and property; (2) any
325 nonconforming uses that were in existence and that were approved on

326 or before the effective date of regulations adopted under this section;
327 and (3) selective timbering, grazing of domesticated animals and
328 passive recreation.]

329 [(d)] (f) Any advertising sign or billboard that is not equipped with
330 the ability to calibrate brightness or illumination shall be exempt from
331 any municipal ordinance or regulation regulating such brightness or
332 illumination that is adopted by a city, town or borough, pursuant to
333 subsection (a) of this section, after the date of installation of such
334 advertising sign or billboard. [pursuant to subsection (a) of this section.]

335 Sec. 5. (NEW) (*Effective October 1, 2021*) The zoning commission or
336 combined planning and zoning commission, as applicable, of a
337 municipality, by a two-thirds vote, may initiate the process by which
338 such municipality opts out of the provision of subdivision (9) of
339 subsection (d) of section 8-2 of the general statutes, as amended by this
340 act, regarding limitations on parking spaces for dwelling units,
341 provided such commission: (1) First holds a public hearing in
342 accordance with the provisions of section 8-7d of the general statutes on
343 such proposed opt-out, (2) affirmatively decides to opt out of the
344 provision of said subsection within the period of time permitted under
345 section 8-7d of the general statutes, (3) states upon its records the
346 reasons for such decision, and (4) publishes notice of such decision in a
347 newspaper having a substantial circulation in the municipality not later
348 than fifteen days after such decision has been rendered. Thereafter, the
349 municipality's legislative body or, in a municipality where the
350 legislative body is a town meeting, its board of selectmen, by a two-
351 thirds vote, may complete the process by which such municipality opts
352 out of the provision of subsection (d) of section 8-2 of the general
353 statutes, as amended by this act.

354 Sec. 6. (NEW) (*Effective January 1, 2022*) (a) Any zoning regulations
355 adopted pursuant to section 8-2 of the general statutes, as amended by
356 this act, shall:

357 (1) Designate locations or zoning districts within the municipality in

358 which accessory apartments are allowed, provided at least one
359 accessory apartment shall be allowed as of right on each lot that contains
360 a single-family dwelling and no such accessory apartment shall be
361 required to be an affordable accessory apartment;

362 (2) Allow accessory apartments to be attached to or located within the
363 proposed or existing principal dwelling, or detached from the proposed
364 or existing principal dwelling and located on the same lot as such
365 dwelling;

366 (3) Set a maximum net floor area for an accessory apartment of not
367 less than thirty per cent of the net floor area of the principal dwelling, or
368 one thousand square feet, whichever is less, except that such regulations
369 may allow a larger net floor area for such apartments;

370 (4) Require setbacks, lot size and building frontage less than or equal
371 to that which is required for the principal dwelling, and require lot
372 coverage greater than or equal to that which is required for the principal
373 dwelling;

374 (5) Provide for height, landscaping and architectural design
375 standards that do not exceed any such standards as they are applied to
376 single-family dwellings in the municipality;

377 (6) Be prohibited from requiring (A) a passageway between any such
378 accessory apartment and any such principal dwelling, (B) an exterior
379 door for any such accessory apartment, except as required by the
380 applicable building or fire code, (C) any more than one parking space
381 for any such accessory apartment, or fees in lieu of parking otherwise
382 allowed by section 8-2c of the general statutes, (D) a familial, marital or
383 employment relationship between occupants of the principal dwelling
384 and accessory apartment, (E) a minimum age for occupants of the
385 accessory apartment, (F) separate billing of utilities otherwise connected
386 to, or used by, the principal dwelling unit, or (G) periodic renewals for
387 permits for such accessory apartments; and

388 (7) Be interpreted and enforced such that nothing in this section shall

389 be in derogation of (A) applicable building code requirements, (B) the
390 ability of a municipality to prohibit or limit the use of accessory
391 apartments for short-term rentals or vacation stays, or (C) other
392 requirements where a well or private sewerage system is being used,
393 provided approval for any such accessory apartment shall not be
394 unreasonably withheld.

395 (b) The as of right permit application and review process for approval
396 of accessory apartments shall require that a decision on any such
397 application be rendered not later than sixty-five days after receipt of
398 such application by the applicable zoning commission, except that an
399 applicant may consent to one or more extensions of not more than an
400 additional sixty-five days or may withdraw such application.

401 (c) A municipality shall not (1) condition the approval of an accessory
402 apartment on the correction of a nonconforming use, structure or lot, or
403 (2) require the installation of fire sprinklers in an accessory apartment if
404 such sprinklers are not required for the principal dwelling located on
405 the same lot or otherwise required by the fire code.

406 (d) A municipality, special district, sewer or water authority shall not
407 (1) consider an accessory apartment to be a new residential use for the
408 purposes of calculating connection fees or capacity charges for utilities,
409 including water and sewer service, unless such accessory apartment
410 was constructed with a new single-family dwelling on the same lot, or
411 (2) require the installation of a new or separate utility connection
412 directly to an accessory apartment or impose a related connection fee or
413 capacity charge.

414 (e) If a municipality fails to adopt new regulations or amend existing
415 regulations by January 1, 2023, for the purpose of complying with the
416 provisions of subsections (a) to (d), inclusive, of this section, and unless
417 such municipality opts out of the provisions of said subsections in
418 accordance with the provisions of subsection (f) of this section, any
419 noncompliant existing regulation shall become null and void and such
420 municipality shall approve or deny applications for accessory

421 apartments in accordance with the requirements for regulations set
422 forth in the provisions of subsections (a) to (d), inclusive, of this section
423 until such municipality adopts or amends a regulation in compliance
424 with said subsections. A municipality may not use or impose additional
425 standards beyond those set forth in subsections (a) to (d), inclusive, of
426 this section.

427 (f) Notwithstanding the provisions of subsections (a) to (d), inclusive,
428 of this section, the zoning commission or combined planning and
429 zoning commission, as applicable, of a municipality, by a two-thirds
430 vote, may initiate the process by which such municipality opts out of
431 the provisions of said subsections regarding allowance of accessory
432 apartments, provided such commission: (1) First holds a public hearing
433 in accordance with the provisions of section 8-7d of the general statutes
434 on such proposed opt-out, (2) affirmatively decides to opt out of the
435 provisions of said subsections within the period of time permitted under
436 section 8-7d of the general statutes, (3) states upon its records the
437 reasons for such decision, and (4) publishes notice of such decision in a
438 newspaper having a substantial circulation in the municipality not later
439 than fifteen days after such decision has been rendered. Thereafter, the
440 municipality's legislative body or, in a municipality where the
441 legislative body is a town meeting, its board of selectmen, by a two-
442 thirds vote, may complete the process by which such municipality opts
443 out of the provisions of subsections (a) to (d), inclusive, of this section,
444 except that, on and after January 1, 2023, no municipality may opt out
445 of the provisions of said subsections.

446 Sec. 7. Subsection (k) of section 8-30g of the general statutes is
447 repealed and the following is substituted in lieu thereof (*Effective October*
448 *1, 2021*):

449 (k) The affordable housing appeals procedure established under this
450 section shall not be available if the real property which is the subject of
451 the application is located in a municipality in which at least ten per cent
452 of all dwelling units in the municipality are (1) assisted housing, (2)
453 currently financed by Connecticut Housing Finance Authority

454 mortgages, (3) subject to binding recorded deeds containing covenants
455 or restrictions which require that such dwelling units be sold or rented
456 at, or below, prices which will preserve the units as housing for which
457 persons and families pay thirty per cent or less of income, where such
458 income is less than or equal to eighty per cent of the median income, (4)
459 mobile manufactured homes located in mobile manufactured home
460 parks or legally approved accessory apartments, which homes or
461 apartments are subject to binding recorded deeds containing covenants
462 or restrictions which require that such dwelling units be sold or rented
463 at, or below, prices which will preserve the units as housing for which,
464 for a period of not less than ten years, persons and families pay thirty
465 per cent or less of income, where such income is less than or equal to
466 eighty per cent of the median income, or (5) mobile manufactured
467 homes located in resident-owned mobile manufactured home parks. For
468 the purposes of calculating the total number of dwelling units in a
469 municipality, accessory apartments built or permitted after January 1,
470 2022, but that are not described in subdivision (4) of this subsection,
471 shall not be counted toward such total number. The municipalities
472 meeting the criteria set forth in this subsection shall be listed in the
473 report submitted under section 8-37qqq. As used in this subsection,
474 "accessory apartment" [means a separate living unit that (A) is attached
475 to the main living unit of a house, which house has the external
476 appearance of a single-family residence, (B) has a full kitchen, (C) has a
477 square footage that is not more than thirty per cent of the total square
478 footage of the house, (D) has an internal doorway connecting to the main
479 living unit of the house, (E) is not billed separately from such main
480 living unit for utilities, and (F) complies with the building code and
481 health and safety regulations] has the same meaning as provided in
482 section 8-1a, as amended by this act, and "resident-owned mobile
483 manufactured home park" means a mobile manufactured home park
484 consisting of mobile manufactured homes located on land that is deed
485 restricted, and, at the time of issuance of a loan for the purchase of such
486 land, such loan required seventy-five per cent of the units to be leased
487 to persons with incomes equal to or less than eighty per cent of the
488 median income, and either [(i)] (A) forty per cent of said seventy-five

489 per cent to be leased to persons with incomes equal to or less than sixty
490 per cent of the median income, or [(ii)] (B) twenty per cent of said
491 seventy-five per cent to be leased to persons with incomes equal to or
492 less than fifty per cent of the median income.

493 Sec. 8. Subsection (e) of section 8-3 of the general statutes is repealed
494 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

495 (e) (1) The zoning commission shall provide for the manner in which
496 the zoning regulations shall be enforced, except that any person
497 appointed as a zoning enforcement officer on or after January 1, 2023,
498 shall be certified in accordance with the provisions of subdivision (2) of
499 this subsection.

500 (2) Beginning January 1, 2023, and annually thereafter, each person
501 appointed as a zoning enforcement officer shall obtain certification from
502 the Connecticut Association of Zoning Enforcement Officials and
503 maintain such certification for the duration of employment as a zoning
504 enforcement officer.

505 Sec. 9. (NEW) (*Effective from passage*) (a) On and after January 1, 2023,
506 each member of a municipal planning commission, zoning commission,
507 combined planning and zoning commission and zoning board of
508 appeals shall complete at least four hours of training. Any such member
509 serving on any such commission or board as of January 1, 2023, shall
510 complete such initial training by January 1, 2024, and shall complete any
511 subsequent training every other year thereafter. Any such member not
512 serving on any such commission or board as of January 1, 2023, shall
513 complete such initial training not later than one year after such
514 member's election or appointment to such commission or board and
515 shall complete any subsequent training every other year thereafter. Such
516 training shall include at least one hour concerning affordable and fair
517 housing policies and may also consist of (1) process and procedural
518 matters, including the conduct of effective meetings and public hearings
519 and the Freedom of Information Act, as defined in section 1-200 of the
520 general statutes, (2) the interpretation of site plans, surveys, maps and

521 architectural conventions, and (3) the impact of zoning on the
522 environment, agriculture and historic resources.

523 (b) Not later than January 1, 2022, the Secretary of the Office of Policy
524 and Management shall establish guidelines for such training in
525 collaboration with land use training providers, including, but not
526 limited to, the Connecticut Association of Zoning Enforcement Officials,
527 the Connecticut Conference of Municipalities, the Connecticut Chapter
528 of the American Planning Association, the Land Use Academy at the
529 Center for Land Use Education and Research at The University of
530 Connecticut, the Connecticut Bar Association, regional councils of
531 governments and other nonprofit or educational institutions that
532 provide land use training, except that if the secretary fails to establish
533 such guidelines, such land use training providers may create and
534 administer appropriate training for members of commissions and
535 boards described in subsection (a) of this section, which may be used by
536 such members for the purpose of complying with the provisions of said
537 subsection.

538 (c) Not later than March 1, 2024, and annually thereafter, the planning
539 commission, zoning commission, combined planning and zoning
540 commission and zoning board of appeals, as applicable, in each
541 municipality shall submit a statement to such municipality's legislative
542 body or, in a municipality where the legislative body is a town meeting,
543 its board of selectmen, affirming compliance with the training
544 requirement established pursuant to subsection (a) of this section by
545 each member of such commission or board required to complete such
546 training in the calendar year ending the preceding December thirty-first.

547 Sec. 10. Section 7-245 of the general statutes is repealed and the
548 following is substituted in lieu thereof (*Effective October 1, 2021*):

549 For the purposes of this chapter: (1) "Acquire a sewerage system"
550 means obtain title to all or any part of a sewerage system or any interest
551 therein by purchase, condemnation, grant, gift, lease, rental or
552 otherwise; (2) "alternative sewage treatment system" means a sewage

553 treatment system serving one or more buildings that utilizes a method
554 of treatment other than a subsurface sewage disposal system and that
555 involves a discharge to the groundwaters of the state; (3) "community
556 sewerage system" means any sewerage system serving two or more
557 residences in separate structures which is not connected to a municipal
558 sewerage system or which is connected to a municipal sewerage system
559 as a distinct and separately managed district or segment of such system,
560 but does not include any sewerage system serving only a principal
561 dwelling unit and an accessory apartment, as defined in section 8-1a, as
562 amended by this act, located on the same lot; (4) "construct a sewerage
563 system" means to acquire land, easements, rights-of-way or any other
564 real or personal property or any interest therein, plan, construct,
565 reconstruct, equip, extend and enlarge all or any part of a sewerage
566 system; (5) "decentralized system" means managed subsurface sewage
567 disposal systems, managed alternative sewage treatment systems or
568 community sewerage systems that discharge sewage flows of less than
569 five thousand gallons per day, are used to collect and treat domestic
570 sewage, and involve a discharge to the groundwaters of the state from
571 areas of a municipality; (6) "decentralized wastewater management
572 district" means areas of a municipality designated by the municipality
573 through a municipal ordinance when an engineering report has
574 determined that the existing subsurface sewage disposal systems may
575 be detrimental to public health or the environment and that
576 decentralized systems are required and such report is approved by the
577 Commissioner of Energy and Environmental Protection with
578 concurring approval by the Commissioner of Public Health, after
579 consultation with the local director of health; (7) "municipality" means
580 any metropolitan district, town, consolidated town and city,
581 consolidated town and borough, city, borough, village, fire and sewer
582 district, sewer district and each municipal organization having
583 authority to levy and collect taxes; (8) "operate a sewerage system"
584 means own, use, equip, reequip, repair, maintain, supervise, manage,
585 operate and perform any act pertinent to the collection, transportation
586 and disposal of sewage; (9) "person" means any person, partnership,
587 corporation, limited liability company, association or public agency; (10)

588 "remediation standards" means pollutant limits, performance
589 requirements, design parameters or technical standards for application
590 to existing sewage discharges in a decentralized wastewater
591 management district for the improvement of wastewater treatment to
592 protect public health and the environment; (11) "sewage" means any
593 substance, liquid or solid, which may contaminate or pollute or affect
594 the cleanliness or purity of any water; and (12) "sewerage system" means
595 any device, equipment, appurtenance, facility and method for
596 collecting, transporting, receiving, treating, disposing of or discharging
597 sewage, including, but not limited to, decentralized systems within a
598 decentralized wastewater management district when such district is
599 established by municipal ordinance pursuant to section 7-247.

600 Sec. 11. Subsection (b) of section 7-246 of the general statutes is
601 repealed and the following is substituted in lieu thereof (*Effective October*
602 *1, 2021*):

603 (b) Each municipal water pollution control authority designated in
604 accordance with this section may prepare and periodically update a
605 water pollution control plan for the municipality. Such plan shall
606 designate and delineate the boundary of: (1) Areas served by any
607 municipal sewerage system; (2) areas where municipal sewerage
608 facilities are planned and the schedule of design and construction
609 anticipated or proposed; (3) areas where sewers are to be avoided; (4)
610 areas served by any community sewerage system not owned by a
611 municipality; (5) areas to be served by any proposed community
612 sewerage system not owned by a municipality; and (6) areas to be
613 designated as decentralized wastewater management districts. Such
614 plan may designate and delineate specific allocations of capacity to
615 serve areas that are able to be developed for residential or mixed-use
616 buildings containing four or more dwelling units. Such plan shall also
617 describe the means by which municipal programs are being carried out
618 to avoid community pollution problems and describe any programs
619 wherein the local director of health manages subsurface sewage
620 disposal systems. The authority shall file a copy of the plan and any
621 periodic updates of such plan with the Commissioner of Energy and

622 Environmental Protection and shall manage or ensure the effective
623 supervision, management, control, operation and maintenance of any
624 community sewerage system or decentralized wastewater management
625 district not owned by a municipality.

626 Sec. 12. Section 8-30j of the general statutes is repealed and the
627 following is substituted in lieu thereof (*Effective from passage*):

628 (a) (1) [At] Not later than June 1, 2022, and at least once every five
629 years thereafter, each municipality shall prepare or amend and adopt an
630 affordable housing plan for the municipality and shall submit a copy of
631 such plan to the Secretary of the Office of Policy and Management, who
632 shall post such plan on the Internet web site of said office. Such plan
633 shall specify how the municipality intends to increase the number of
634 affordable housing developments in the municipality.

635 (2) If, at the same time the municipality is required to submit to the
636 Secretary of the Office of Policy and Management an affordable housing
637 plan pursuant to subdivision (1) of this subsection, the municipality is
638 also required to submit to the secretary a plan of conservation and
639 development pursuant to section 8-23, such affordable housing plan
640 may be included as part of such plan of conservation and development.
641 The municipality may, to coincide with its submission to the secretary
642 of a plan of conservation and development, submit to the secretary an
643 affordable housing plan early, provided the municipality's next such
644 submission of an affordable housing plan shall be five years thereafter.

645 (b) The municipality may hold public informational meetings or
646 organize other activities to inform residents about the process of
647 preparing the plan and shall post a copy of any draft plan or amendment
648 to such plan on the Internet web site of the municipality. If the
649 municipality holds a public hearing, such posting shall occur at least
650 thirty-five days prior to the public hearing. [on the adoption, the
651 municipality shall file in the office of the town clerk of such municipality
652 a copy of such draft plan or any amendments to the plan, and if
653 applicable, post such draft plan on the Internet web site of the

654 municipality.] After adoption of the plan, the municipality shall file the
655 final plan in the office of the town clerk of such municipality and [, if
656 applicable,] post the plan on the Internet web site of the municipality.

657 (c) Following adoption, the municipality shall regularly review and
658 maintain such plan. The municipality may adopt such geographical,
659 functional or other amendments to the plan or parts of the plan, in
660 accordance with the provisions of this section, as it deems necessary. If
661 the municipality fails to amend and submit to the Secretary of the Office
662 of Policy and Management such plan every five years, the chief elected
663 official of the municipality shall submit a letter to the [Commissioner of
664 Housing] secretary that (1) explains why such plan was not amended,
665 and (2) designates a date by which an amended plan shall be submitted.

666 Sec. 13. (*Effective from passage*) (a) There is established a Commission
667 on Connecticut's Development and Future within the Legislative
668 Department, which shall evaluate policies related to land use,
669 conservation, housing affordability and infrastructure.

670 (b) The commission shall consist of the following members:

671 (1) Two appointed by the speaker of the House of Representatives,
672 one of whom is a member of the General Assembly not described in
673 subdivision (7), (8), (9) or (10) of this subsection and one of whom is a
674 representative of a municipal advocacy organization;

675 (2) Two appointed by the president pro tempore of the Senate, one of
676 whom is a member of the General Assembly not described in
677 subdivision (7), (8), (9) or (10) of this subsection and one of whom has
678 expertise in state or local planning;

679 (3) Two appointed by the majority leader of the House of
680 Representatives, one of whom has expertise in state affordable housing
681 policy and one of whom represents a town with a population of greater
682 than thirty thousand but less than seventy-five thousand;

683 (4) Two appointed by the majority leader of the Senate, one of whom

684 has expertise in zoning policy and one of whom has expertise in
685 community development policy;

686 (5) Two appointed by the minority leader of the House of
687 Representatives, one of whom has expertise in environmental policy
688 and one of whom is a representative of a municipal advocacy
689 organization;

690 (6) Two appointed by the minority leader of the Senate, one of whom
691 has expertise in homebuilding and one of whom is a representative of
692 the Connecticut Association of Councils of Governments;

693 (7) The chairpersons and ranking members of the joint standing
694 committee of the General Assembly having cognizance of matters
695 relating to planning and development;

696 (8) The chairpersons and ranking members of the joint standing
697 committee of the General Assembly having cognizance of matters
698 relating to the environment;

699 (9) The chairpersons and ranking members of the joint standing
700 committee of the General Assembly having cognizance of matters
701 relating to housing;

702 (10) The chairpersons and ranking members of the joint standing
703 committee of the General Assembly having cognizance of matters
704 relating to transportation;

705 (11) Two appointed by the Governor, one of whom is an attorney
706 with expertise in planning and zoning and one of whom has expertise
707 in fair housing;

708 (12) The Secretary of the Office of Policy and Management;

709 (13) The Commissioner of Administrative Services, or the
710 commissioner's designee;

711 (14) The Commissioner of Economic and Community Development,

712 or the commissioner's designee;

713 (15) The Commissioner of Energy and Environmental Protection, or
714 the commissioner's designee;

715 (16) The Commissioner of Housing, or the commissioner's designee;
716 and

717 (17) The Commissioner of Transportation, or the commissioner's
718 designee.

719 (c) Appointing authorities, in cooperation with one another, shall
720 make a good faith effort to ensure that, to the extent possible, the
721 membership of the commission closely reflects the gender and racial
722 diversity of the state. Members of the commission shall serve without
723 compensation, except for necessary expenses incurred in the
724 performance of their duties. Any vacancy shall be filled by the
725 appointing authority.

726 (d) The speaker of the House of Representatives and the president
727 pro tempore of the Senate shall jointly select one of the members of the
728 General Assembly described in subdivision (1) or (2) of subsection (b) of
729 this section to serve as one cochairperson of the commission. The
730 Secretary of the Office of Policy and Management shall serve as the other
731 cochairperson of the commission. Such cochairpersons shall schedule
732 the first meeting of the commission.

733 (e) The commission may accept administrative support and technical
734 and research assistance from outside organizations and employees of
735 the Joint Committee on Legislative Management. The cochairpersons
736 may establish, as needed, working groups consisting of commission
737 members and nonmembers and may designate a chairperson of each
738 such working group.

739 (f) (1) Except as provided in subdivision (2) of this subsection, not
740 later than January 1, 2022, and not later than January 1, 2023, the
741 commission shall submit a report to the joint standing committees of the

742 General Assembly having cognizance of matters relating to planning
743 and development, environment, housing and transportation and to the
744 Secretary of the Office of Policy and Management, in accordance with
745 the provisions of section 11-4a of the general statutes, regarding the
746 following:

747 (A) Any recommendations for statutory changes concerning the
748 process for developing, adopting and implementing the state plan of
749 conservation and development;

750 (B) Any recommendations for (i) statutory changes concerning the
751 process for developing and adopting the state's consolidated plan for
752 housing and community development prepared pursuant to section 8-
753 37t of the general statutes, and (ii) implementation of such plan;

754 (C) Any recommendations (i) for guidelines and incentives for
755 compliance with (I) the requirements for affordable housing plans
756 prepared pursuant to section 8-30j of the general statutes, as amended
757 by this act, and (II) subdivisions (4) to (6), inclusive, of subsection (b) of
758 section 8-2 of the general statutes, as amended by this act, and (ii) as to
759 how such compliance should be determined, as well as the form and
760 manner in which evidence of such compliance should be demonstrated.
761 Nothing in this subparagraph may be construed as permitting any
762 municipality to delay the preparation or amendment and adoption of
763 an affordable housing plan, and the submission of a copy of such plan
764 to the Secretary of the Office of Policy and Management, beyond the
765 date set forth in subsection (a) of section 8-30j of the general statutes, as
766 amended by this act;

767 (D) (i) Existing categories of discharge that constitute (I) alternative
768 on-site sewage treatment systems, as described in section 19a-35a of the
769 general statutes, (II) subsurface community sewerage systems, as
770 described in section 22a-430 of the general statutes, and (III)
771 decentralized systems, as defined in section 7-245 of the general statutes,
772 as amended by this act, (ii) current administrative jurisdiction to issue
773 or deny permits and approvals for such systems, with reference to daily

774 capacities of such systems, and (iii) the potential impacts of increasing
775 the daily capacities of such systems, including changes in administrative
776 jurisdiction over such systems and the timeframe for adoption of
777 regulations to implement any such changes in administrative
778 jurisdiction; and

779 (E) (i) Development of model design guidelines for both buildings
780 and context-appropriate streets that municipalities may adopt, in whole
781 or in part, as part of their zoning or subdivision regulations, which
782 guidelines shall (I) identify common architectural and site design
783 features of building types used in urban, suburban and rural
784 communities throughout this state, (II) create a catalogue of common
785 building types, particularly those typically associated with housing, (III)
786 establish reasonable and cost-effective design review standards for
787 approval of common building types, accounting for topography,
788 geology, climate change and infrastructure capacity, (IV) establish
789 procedures for expediting the approval of buildings or streets that
790 satisfy such design review standards, whether for zoning or subdivision
791 regulations, and (V) create a design manual for context-appropriate
792 streets that complement common building types, and (ii) development
793 and implementation by the regional councils of governments of an
794 education and training program for the delivery of such model design
795 guidelines for both buildings and context-appropriate streets.

796 (2) If the commission is unable to meet the January 1, 2022, deadline
797 set forth in subdivision (1) of this subsection for the submission of the
798 report described in said subdivision, the cochairpersons shall request
799 from the speaker of the House of Representatives and president pro
800 tempore of the Senate an extension of time for such submission and shall
801 submit an interim report.

802 (3) The commission shall terminate on the date it submits its final
803 report or January 1, 2023, whichever is later.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2021</i>	8-1a
Sec. 2	<i>October 1, 2021</i>	8-1c
Sec. 3	<i>October 1, 2021</i>	8-1bb(j)
Sec. 4	<i>October 1, 2021</i>	8-2
Sec. 5	<i>October 1, 2021</i>	New section
Sec. 6	<i>January 1, 2022</i>	New section
Sec. 7	<i>October 1, 2021</i>	8-30g(k)
Sec. 8	<i>October 1, 2021</i>	8-3(e)
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>October 1, 2021</i>	7-245
Sec. 11	<i>October 1, 2021</i>	7-246(b)
Sec. 12	<i>from passage</i>	8-30j
Sec. 13	<i>from passage</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: See Below

The bill makes a variety of changes regarding municipal planning and zoning enforcement and administration.

There is a potential revenue gain to municipalities by allowing them to assess technical consultant fees on certain land use projects. Any revenue gain would vary based on the schedule adopted by a municipality. This revenue gain is potentially offset by a potential revenue loss associated with the bill's prohibition on setting different sets of fees on applications for various types of residential housing projects. Any revenue loss would only occur if a municipality was currently assessing two sets of fees and chose to lower the higher fees as a result of the bill.

The bill also establishes the Commission on Connecticut's Development and Future and requires it to complete a report regarding planning issues in the State. The bill specifies that the Commission members may not receive compensation except for necessary expenses resulting from their duties.

Other provisions of the bill have no fiscal impact to municipalities as they do not change the cost of administering any local zoning regulation.

House "A" strikes the underlying bill and results in the above identified fiscal impact.

The Out Years

The ongoing above identified fiscal impact would continue into the future subject to the fee schedules adopted by municipalities.

OLR Bill Analysis

sHB 6107 (as amended by House "A")*

AN ACT CONCERNING THE REORGANIZATION OF THE ZONING ENABLING ACT AND THE PROMOTION OF MUNICIPAL COMPLIANCE.

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[_Toc72772941](#)

General Assembly

[§§ 1, 6, 7 & 10 — AS OF RIGHT ACCESSORY APARTMENTS](#)

Requires municipalities that zone under CGS § 8-2 to adopt or amend regulations to allow ADUs as of right on the same lot as single-family homes unless they follow the bill's opt-out process; specifies that these units will not count toward a municipality's base housing stock calculation for purposes of the Affordable Housing Land Use Appeals Procedure (CGS § 8-30g); modifies the definition of ADU for purposes of the appeals procedure; specifies the addition of an ADU on a lot does not make the sewerage system a "community sewerage system"

[§ 2 — APPLICATION AND TECHNICAL CONSULTANT FEES](#)

Limits municipal authority to charge disproportionality higher land use application fees for larger residential projects; authorizes municipalities to charge technical consultant fees

[§§ 3 & 4 — CGS § 8-2: REORGANIZATION AND MINOR CHANGES](#)

Reorganizes the Zoning Enabling Act (CGS § 8-2, which applies to municipalities exercising zoning powers under the statutes) and makes minor, technical, and conforming changes

[§ 4 — CGS § 8-2: REQUIRED GOALS AND CONSIDERATIONS](#)

Eliminates a requirement that zoning regulations be (1) designed to prevent overcrowding and undue population concentration and (2) made with reasonable consideration as to the "character" of a district; requires regulations provide for varied housing opportunities and affirmatively further the purposes of the federal Fair Housing Act; requires regulations to be designed to protect historic, tribal, cultural, and environmental resources

[§§ 4 & 5 — CGS § 8-2: PROHIBITED PROVISIONS](#)

Prohibits regulations from (1) prohibiting cottage food operations in a residential zone or (2) establishing minimum floor area requirements for buildings; limits local authority to (1) require the provision of parking spaces or (2) place a cap on the number of dwellings in multifamily, middle, or mixed-use developments

[§ 4 — CGS § 8-2: OPTIONS FOR PROMOTING CONSERVATION](#)

Expands the energy conservation tools and renewable energy types a municipality can require or promote

Prohibits regulations from imposing on mobile manufactured homes and associated lots conditions that are substantially different from those imposed on other residential developments

§ 8 — ZONING ENFORCEMENT OFFICER CERTIFICATION

Beginning January 1, 2023, requires all appointed ZEOs to obtain and maintain certification from the state's professional ZEO association

§ 9 — BIENNIAL TRAINING FOR CERTAIN LAND USE OFFICIALS

Requires local planning and zoning officials to complete at least four hours of training biennially

§ 11 — WATER POLLUTION CONTROL PLANS

Allows WPCAs to add information about sewer system capacity for certain areas to municipal water pollution control plans

§ 12 — AFFORDABLE HOUSING PLANNING REQUIREMENT

Specifies that municipalities must prepare and adopt their first plans by June 1, 2022; requires plans to be submitted to OPM

§ 13 — COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE

Establishes a commission within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure

BACKGROUND

Information on the Affordable Housing Land Use Appeals Procedure and related bills

*House Amendment "A" strikes the underlying bill and replaces it with some provisions that are similar to those in the original bill, with regard to certain changes to the Zoning Enabling Act and affordable housing planning requirement; makes other changes to the Zoning Enabling Act that were not in the underlying bill; and adds the provisions related to accessory apartments, technical consultant fees, zoning enforcement officer certification, biennial training for certain land use officials, water pollution control plans, and the Commission on Connecticut's Development and Future.

§§ 1, 6, 7 & 10 — AS OF RIGHT ACCESSORY APARTMENTS

Requires municipalities that zone under CGS § 8-2 to adopt or amend regulations to allow ADUs as of right on the same lot as single-family homes unless they follow the bill's opt-out process; specifies that these units will not count toward a municipality's base housing stock calculation for purposes of the Affordable Housing Land Use Appeals Procedure (CGS § 8-30g); modifies the definition of ADU for purposes of the appeals

procedure; specifies the addition of an ADU on a lot does not make the sewerage system a "community sewerage system"

Definitions

Under the bill, an "accessory apartment" (also referred to as an accessory dwelling unit or "ADU") means a separate dwelling unit that (1) is located on the same lot as a principal dwelling unit of greater square footage; (2) has cooking facilities; and (3) complies with or is otherwise exempt from any applicable building code, fire code, and health and safety regulations.

The bill specifies that "as of right" means able to be approved without requiring a public hearing; a variance, special permit, or special exception; or other discretionary zoning action, other than a determination that a site plan conforms with applicable zoning regulations.

Regulation Adoption Requirement

The bill requires municipalities that exercise powers under CGS § 8-2 (the Zoning Enabling Act) to adopt regulations (1) allowing one ADU as of right on each lot that contains a single-family dwelling and (2) designating other areas where ADUs are allowed. But bill also creates an opt-out process, as described below.

The bill specifies that municipalities cannot require as of right ADUs sharing a lot with a single-family home to be preserved for lower-income families.

If a municipality does not opt-out, the bill requires it to amend or adopt ADU zoning regulations by January 1, 2023, and specifies that those that do not must review ADU permit applications in accordance with the bill's regulation requirements until the regulations are amended or adopted. A municipality may not use or impose additional standards beyond those set forth in the bill. The bill deems noncompliant regulations to be null and void.

Opt-Out Process

Until January 1, 2023, the bill allows municipalities, by a two-thirds

vote of their zoning commission or combined planning and zoning commission, to opt out of the bill's as of right ADU provisions. To do so, the municipality's zoning or combined planning and zoning commission must:

1. first hold a public hearing on the proposed opt-out, subject to the standard notice and timeframes for such hearings;
2. affirmatively decide to opt out within the statutory time limit (generally within 65 days of the hearing's completion);
3. state in the record the reasons for its decision; and
4. publish notice of the decision within 15 days in a newspaper that has substantial circulation in the municipality.

The bill requires the opt-out to be confirmed by a two-thirds vote of the municipal legislative body (or if it is a town meeting, the board of selectmen).

As of Right Permitting

The bill requires regulations to establish an as of right permit application and review process for ADUs. The process must require the zoning or planning and zoning commission to decide within 65 days after application unless an applicant approves an extension or extensions of up to 65 days total or withdraws the application.

Under the bill, municipalities cannot condition ADU approval on the correction of a nonconforming use, structure, or lot or require fire sprinklers unless they are also required in the principal dwelling or by the fire code.

Regulation Contents

Under the bill, the ADU zoning regulations must:

1. allow attached and detached ADUs and ADUs contained within the principal dwelling unit;

2. set a maximum net floor area for ADUs that is the lesser of (a) at least 30% of the principal dwelling's net floor area or (b) 1,000 square feet (but regulations may allow a larger net floor area for ADUs);
3. require setbacks, lot size, and building frontage less than or equal to that which is required for the principal dwelling;
4. require lot coverage greater than or equal to that which is required for the principal dwelling; and
5. provide for height, landscaping, and architectural design standards that do not exceed standards applied to single-family dwellings in the municipality.

Regulations cannot require:

1. a passageway between the ADU and principal dwelling;
2. an exterior door for an ADU, except as required by the applicable building or fire code;
3. more than one parking space for the ADU or fees in lieu of parking;
4. a familial, marital, or employment relationship between the principal dwelling unit's occupants and the ADU's occupants;
5. a minimum age for ADU occupants;
6. separate billing of utilities otherwise connected to, or used by, the principal dwelling unit; or
7. periodic ADU permit renewal.

The bill further specifies that it does not supersede applicable building code requirements or other requirements where a well or private sewerage system is being used, so long as approval for any such accessory apartment shall not be unreasonably withheld.

Additionally, the bill prohibits municipalities, special districts, and sewer or water authorities from (1) considering an ADU to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling on the same lot or (2) requiring the installation of a new or separate utility connection directly to an ADU or imposing a related connection fee or capacity charge.

Under current law, a community sewer system is generally a sewer system service for at least two residences in separate structures that is not connected to a municipal sewer system. The bill specifies that a “community sewerage system” does not include a system serving only a principal dwelling and ADU located on the same lot.

The bill does not prevent municipalities from prohibiting or limiting the use of ADUs for short-term rentals or vacation stays.

Housing Stock Calculation Under CGS § 8-30g

By law, the Department of Housing (DOH) must promulgate annually a list identifying the housing stock in each municipality that qualifies as affordable housing under the Affordable Housing Land Use Appeals Procedure (see BACKGROUND). The list, based on Census data, provides this information as a percentage of the total housing stock in the municipality (CGS §§ 8-30g(k) & 8-37qqq(a)(2)(D)). The bill specifies that ADUs built or permitted after January 1, 2022, but are not subject to deed restrictions that qualify them as affordable housing, will not increase a municipality’s base (market-rate) housing stock calculation. Thus, as of right ADUs will not increase the amount of affordable housing that a municipality must have to obtain or maintain an exemption or moratorium from the procedure. (Presumably, municipalities will provide DOH with information on ADUs to be excluded from the base housing stock calculation.)

The bill also aligns the definition of “accessory apartment” under the appeals procedure with bill’s definition of ADU.

EFFECTIVE DATE: January 1, 2022 for the main ADU provisions (§ 6) and October 1, 2021, for the conforming changes (§§ 1, 7 & 10).

§ 2 — APPLICATION AND TECHNICAL CONSULTANT FEES

Limits municipal authority to charge disproportionality higher land use application fees for larger residential projects; authorizes municipalities to charge technical consultant fees

Current law allows municipalities to set by ordinance reasonable fees for processing applications submitted to the planning, zoning, or planning and zoning commission; the zoning board of appeals; or inland wetlands commission. The bill prohibits adopting a fee schedule that imposes higher fees on developments built following an appeal brought under the Affordable Housing Land Use Appeals Procedure (CGS § 8-30g). It also prohibits using a fee schedule charging more because a residential building has more than four units, including higher fees per unit, per square footage, or per unit of construction cost.

The bill additionally allows municipalities to adopt regulations establishing reasonable technical consultant fees for applications made to the abovementioned boards and commissions. The fees must be used to pay consultants who have expertise in land use to review particular technical aspects of an application (e.g., traffic or stormwater) for the benefit of the commission or board.

The fees must be accounted for separately and may only be used for technical review costs. The fees cannot be used to pay a consultant who is a salaried employee of the municipality, commission, or board. Leftover amounts, including any interest accrued, must be returned to the applicant within 45 days after the review is complete.

EFFECTIVE DATE: October 1, 2021

§§ 3 & 4 — CGS § 8-2: REORGANIZATION AND MINOR CHANGES

Reorganizes the Zoning Enabling Act (CGS § 8-2, which applies to municipalities exercising zoning powers under the statutes) and makes minor, technical, and conforming changes

The bill makes various minor, technical, and conforming changes to the Zoning Enabling Act, which applies to municipalities that exercise

zoning powers under the statutes (as opposed to a special act).

Among these, the bill specifies that when a municipality is contiguous to, or on a navigable waterway that drains to, Long Island Sound, its regulations must consider a proposed development's environmental impact on Long Island Sound's "coastal resources" (as defined in the Coastal Management Act), rather than impacts on Long Island Sound generally. By law, "coastal resources" means coastal waters and their natural resources, related marine and wildlife habitat, and adjacent shorelands (CGS § 22a-93).

The bill specifically authorizes municipalities to use a vehicle's miles traveled and vehicle trips generated standard instead of, or in addition to, a "level of service" traffic calculation when assessing (1) a proposed development's anticipated traffic impact and (2) potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks, or bus shelters (including off-site).

The bill specifies that regulations may provide for floating zones, overlay zones, and planned development districts. (Connecticut courts have held that CGS § 8-2 implicitly grants municipalities the power to use these techniques.)

The bill also makes technical and conforming changes to the temporary health care structure law (§ 3).

EFFECTIVE DATE: October 1, 2021

§ 4 — CGS § 8-2: REQUIRED GOALS AND CONSIDERATIONS

Eliminates a requirement that zoning regulations be (1) designed to prevent overcrowding and undue population concentration and (2) made with reasonable consideration as to the "character" of a district; requires regulations provide for varied housing opportunities and affirmatively further the purposes of the federal Fair Housing Act; requires regulations to be designed to protect historic, tribal, cultural, and environmental resources

Required Goals

The bill eliminates the requirement that zoning regulations be designed to prevent the overcrowding of land and avoid undue

concentration of population.

The bill requires that regulations be designed to do the following:

1. protect the state's historic, tribal, cultural, and environmental resources;
2. consider the impact of permitted land uses on contiguous municipalities and the planning region;
3. address significant disparities in housing needs and access to educational, occupational, and other opportunities;
4. affirmatively further the purposes of the federal Fair Housing Act; and
5. promote efficient review of proposals and applications.

Consideration of Character

Current law requires that zoning regulations be made with (1) reasonable consideration as to the character of the district and its peculiar suitability for particular uses and (2) a view toward conserving the buildings' value and encouraging the most appropriate use of land throughout a municipality. The bill instead requires that regulations be drafted with reasonable consideration as to the physical site characteristics of the district with a view toward encouraging the most appropriate use of land throughout a municipality.

The bill also specifies that regulations cannot be applied to deny a land use application (including site plans, special permits or exceptions, or other zoning approval) based upon:

1. a district's character unless the character is expressly articulated in regulations with clear and explicit physical standards for site work and structures or
2. the immutable characteristics, source of income, or income level of an applicant or end user (other than age or disability, in the

case of age-restricted or disability-restricted housing).

Providing Housing Opportunities

In addition to the housing-related provisions above, the bill requires zoning regulations to provide for, rather than encourage, the development of housing opportunities for all residents of the municipality and local planning region, including opportunities for multifamily dwellings, consistent with soil types, terrain, and infrastructure capacity.

The bill requires zoning regulations to expressly allow, rather than encourage, housing that meets the needs identified in the state's Consolidated Plan for Housing and Community Development and Plan of Conservation and Development.

EFFECTIVE DATE: October 1, 2021

§§ 4 & 5 — CGS § 8-2: PROHIBITED PROVISIONS

Prohibits regulations from (1) prohibiting cottage food operations in a residential zone or (2) establishing minimum floor area requirements for buildings; limits local authority to (1) require the provision of parking spaces or (2) place a cap on the number of dwellings in multifamily, middle, or mixed-use developments

The bill prohibits zoning regulations from:

1. prohibiting cottage food operations (i.e., operations in which food products are prepared in a private residential dwelling's home kitchen and for sale directly to the consumer) in a residential zone;
2. establishing minimum floor area requirements for buildings that are greater than those required under applicable building, housing, or other code; or
3. placing a fixed numerical or percentage cap on the number of dwelling units permitted in multifamily housing over four units, middle housing, or mixed-use developments.

Under the bill, "middle housing" refers to duplexes, triplexes,

quadplexes, cottage clusters, and townhouses. A “cottage cluster” is a grouping of at least four detached housing units or live work units, per acre, that are located around a common open area. (The bill does not define live work unit.) A “mixed-use development” is a development containing residential and nonresidential uses in a single building. A “townhouse” is a residential building constructed in a grouping of three or more attached units, each of which shares at least one common wall with an adjacent unit and has exterior walls on at least two sides.

The bill also prohibits regulations from requiring more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms unless the municipality opts out.

The bill allows municipalities, by a two-thirds vote of their zoning commission or combined planning and zoning commission, to opt out of the bill's parking provision. To do so, the municipality's zoning or combined planning and zoning commission must:

1. first hold a public hearing on the proposed opt-out, subject to the standard notice and timeframes for such hearings;
2. affirmatively decide to opt out within the statutory time limit (generally within 65 days of the hearing's completion);
3. state in the record the reasons for its decision; and
4. publish notice of the decision within 15 days in a newspaper that has substantial circulation in the municipality.

The bill requires the opt-out to be confirmed by a two-thirds vote of the municipal legislative body (or, if it is a town meeting, the board of selectmen).

EFFECTIVE DATE: October 1, 2021

§ 4 — CGS § 8-2: OPTIONS FOR PROMOTING CONSERVATION

Expands the energy conservation tools and renewable energy types a municipality can require or promote

Current law allows zoning regulations to encourage the use of certain energy conservation tools, including solar. The bill instead allows the regulations to require or promote these and expands them to include distributed generation or freestanding wind and combined heat and power.

The bill also expands the conservation tools that municipalities can incentivize developers' use of to include any solar and other renewable forms of energy; combined heat and power; water conservation, including demand offsets; and other energy conservation techniques.

EFFECTIVE DATE: October 1, 2021

Prohibits regulations from imposing on mobile manufactured homes and associated lots conditions that are substantially different from those imposed on other residential developments

The bill prohibits zoning regulations adopted pursuant to CGS § 8-2 from imposing on manufactured homes, including mobile homes, built to federal standards and with a narrowest dimension of 22 feet or more, and associated lots and parks, conditions that are substantially different from those imposed on (1) single-family dwellings and associated lots; (2) multifamily dwellings; or (3) lots with multifamily dwellings, cluster developments, or planned unit developments.

Under current law, manufactured homes and lots cannot be treated substantially differently from single-family dwellings and lots with single-family dwellings. Additionally, manufactured home developments cannot be treated substantially differently from multifamily dwellings or lots with multifamily dwellings, cluster developments, or planned unit developments. The bill removes references to manufactured home developments.

EFFECTIVE DATE: October 1, 2021

§ 8 — ZONING ENFORCEMENT OFFICER CERTIFICATION

Beginning January 1, 2023, requires all appointed ZEOs to obtain and maintain certification from the state's professional ZEO association

Beginning January 1, 2023, and annually thereafter, the bill requires zoning enforcement officers (ZEOs) to obtain certification from the Connecticut Association of ZEOs. The requirement applies to existing employees and to newly appointed ZEOs working in municipalities that exercise zoning authority under the statutes. The bill requires ZEOs to maintain certification for the duration of their employment as ZEOs. (It appears that the bill authorizes un-certified ZEOs to be appointed, but it requires them to obtain certification as soon as practicable. In practice, the Connecticut Association of ZEOs requires an individual to have at least two years' experience before it grants certification, among other requirements.)

By law, each municipality decides how its zoning regulations are enforced. In practice, the zoning or combined planning and zoning commission may reserve the enforcement power to itself, or it may be delegated to a ZEO. ZEOs may be responsible for (1) investigating zoning violations and issuing cease and desist orders and (2) reviewing and providing an advisory opinion on applications for special permits, site plans, subdivisions, and variances.

EFFECTIVE DATE: October 1, 2021

§ 9 — BIENNIAL TRAINING FOR CERTAIN LAND USE OFFICIALS

Requires local planning and zoning officials to complete at least four hours of training biennially

Beginning January 1, 2023, the bill requires each member of a local planning commission, zoning commission, planning and zoning commission, or zoning board of appeals, to complete at least four hours of training biennially.

Members serving on a board or commission as of January 1, 2023, must complete their initial training by January 1, 2024. Members not serving on January 1, 2023, must complete the training within one year after being elected or appointed to the board or commission.

The initial and subsequent training must include at least one hour on affordable and fair housing. Training may also cover:

1. process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act;
2. the interpretation of site plans, surveys, maps, and architectural conventions; and
3. the impact of zoning on the environment, agriculture, and historic resources.

By January 1, 2022, the bill requires the Office of Policy and Management secretary to establish guidelines for the training in collaboration with land use training providers, including the Connecticut Association of Zoning Enforcement Officials, the Connecticut Conference of Municipalities, the Connecticut Chapter of the American Planning Association, the Land Use Academy at UConn's Center for Land Use Education and Research, the Connecticut Bar Association, regional councils of governments, and other nonprofit or educational institutions that provide land use training. If the secretary fails to establish the guidelines, then land use training providers may create and administer appropriate training.

The bill requires each board or commission, starting by March 1, 2024, to annually submit to its municipal legislative body (or board of selectmen, if a town meeting) a statement affirming its members' compliance with the bill's training requirement.

EFFECTIVE DATE: Upon passage

§ 11 — WATER POLLUTION CONTROL PLANS

Allows WPCAs to add information about sewer system capacity for certain areas to municipal water pollution control plans

The bill allows municipal water pollution control authorities (WPCAs) to delineate in the water pollution control plans they create

the specific capacity allocations to serve developable areas for residential or mixed-use buildings with at least four dwelling units.

By law, these plans delineate areas such as those (1) served by the municipal sewerage system, (2) where sewerage facilities are planned, and (3) where sewers should be avoided. The plans also describe municipal programs to avoid pollution problems and manage subsurface sewage disposal.

EFFECTIVE DATE: October 1, 2021

§ 12 — AFFORDABLE HOUSING PLANNING REQUIREMENT

Specifies that municipalities must prepare and adopt their first plans by June 1, 2022; requires plans to be submitted to OPM

Existing law requires every municipality, at least once every five years, to prepare or amend and adopt an affordable housing plan specifying how the municipality will increase the number of affordable housing developments in its jurisdiction. The bill specifies that municipalities must prepare and adopt their first plans by June 1, 2022. The bill also requires municipalities to post their draft plan or updates online, even if they do not hold a public hearing on the draft plan or updates. It eliminates a requirement that the draft plan or amendment be filed with the town clerk.

The bill requires municipalities to submit their plans to OPM for posting on its website. Under current law, if a municipality does not comply with plan amendment deadlines, it must submit a letter to the housing commissioner explaining why. The bill instead requires them to submit the letter to OPM and, in providing this explanation, specify a date by which the plan will be amended.

The bill also authorizes municipalities to submit their affordable housing plans as part of their local plan of conservation and development (POCD). Those doing so may submit their affordable housing plan early in order to coincide with a POCD submission, so long as their next submission is five years later. (POCDs are due only every 10 years.)

EFFECTIVE DATE: Upon passage

§ 13 — COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE

Establishes a commission within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure

The bill establishes a Commission on Connecticut's Development and Future within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure.

The bill specifies the commission may accept administrative support and technical and research assistance from outside organizations and employees of the Joint Committee on Legislative Management. The co-chairpersons may establish working groups consisting of commission members and nonmembers and may designate a chairperson of each working group.

Membership

The commission consists of the following members:

1. two appointed by the House speaker, one who is a legislator and one who is a representative of a municipal advocacy organization;
2. two appointed by the Senate president pro tempore, one who is a legislator and one who has expertise in state or local planning;
3. two appointed by the House majority leader, one who has expertise in state affordable housing policy and one who represents a town with a population over 30,000 but less than 75,000;
4. two appointed by the Senate majority leader, one who has expertise in zoning policy and one with expertise in community development policy;
5. two appointed by the House minority leader, one who has expertise in environmental policy and one who represents a municipal advocacy organization;

6. two appointed by the Senate minority leader, one who represents the Connecticut Association of Councils of Governments and one with expertise in homebuilding;
7. two appointed by the governor, one who is an attorney with expertise in planning and zoning and one who has expertise in fair housing;
8. the chairs and ranking members of the Planning and Development, Environment, Housing, and Transportation committees;
9. the administrative services, economic and community development, energy and environmental protection, housing, and transportation commissioners, or their designees; and
10. the OPM secretary.

The House speaker and Senate president pro tempore cannot appoint as their legislative appointees a chair or ranking member of the Planning and Development, Environment, Housing, or Transportation committee. The bill requires appointing authorities, in cooperation with one another, to make a good faith effort to ensure that, to the extent possible, the commission's membership closely reflects Connecticut's gender and racial diversity.

Members serve without compensation, except for necessary expenses incurred in the performance of their duties. Appointing authorities must fill any vacancy.

The House speaker and Senate president pro tempore must jointly select one of their legislative appointments to serve as one of the chairpersons. The OPM secretary serves as the other chairperson. The chairpersons are responsible for scheduling the first commission meeting.

Responsibilities

By January 1, 2022, and again by January 1, 2023, the commission must submit a report to the planning and development, environment, housing, and transportation committees and to the OPM secretary regarding:

1. recommendations for statutory changes concerning the process for developing, adopting, and implementing the state plan of conservation and development and state's consolidated plan for housing and community development;
2. recommendations for guidelines and incentives for compliance with the law's (a) affordable housing planning requirement (see above, § 11) and (b) requirement under the Zoning Enabling Act that zoning regulations provide opportunities for developing varied housing opportunities, promote housing choice and economic diversity in housing, and expressly allow for housing to be developed that meets the needs identified in the state's consolidated plan for housing and community development and plan of conservation and development;
3. recommendations as to how such compliance should be determined, as well as the form and manner in which evidence of such compliance should be demonstrated;
4. (a) existing categories of discharge that constitute alternative on-site sewage treatment systems, subsurface community sewerage systems, and decentralized systems; (b) current administrative jurisdiction to issue or deny permits and approvals for such systems (with reference to daily capacities of such systems); and (c) the potential impacts of increasing the daily capacities of such systems, including changes in administrative jurisdiction over such systems and the timeframe for adopting regulations to implement these changes; and
5. development of (a) model design guidelines for both buildings and context-appropriate streets that municipalities may adopt, in whole or in part, as part of their zoning or subdivision

regulations as described below and (b) and implementation by the regional councils of governments of an education and training program for delivering the model design guidelines.

Under the bill, the report on model design guidelines must provide guidelines that:

1. identify common architectural and site design features of building types used throughout Connecticut;
2. create a catalogue of common building types, particularly those typically associated with housing;
3. establish reasonable and cost-effective design review standards for approval of common building types, accounting for topography, geology, climate change, and infrastructure capacity;
4. establish procedures for expediting the approval of buildings or streets that satisfy these design review standards, whether for zoning or subdivision regulations; and
5. create a design manual for context-appropriate streets that complements common building types.

The bill specifies that the provision requiring the commission to provide recommendations for ensuring compliance with the state's affordable housing planning requirement should not be construed to change municipalities' obligation to adopt or amend their plans on-time.

If the commission is unable to meet the first reporting deadline (January 1, 2022), the co-chairpersons must request an extension from the House speaker and Senate president pro tempore and shall submit an interim report. The commission terminates when it submits its final report, or January 1, 2023, whichever is later.

EFFECTIVE DATE: Upon passage

BACKGROUND

Information on the Affordable Housing Land Use Appeals Procedure and related bills

Affordable Housing Land Use Appeals Procedure (CGS § 8-30g)

The procedure requires municipal planning and zoning agencies (“municipalities”) to defend their decisions to reject affordable housing development applications or approve them with costly conditions. In traditional land use appeals, the developer must convince the court that the municipality acted illegally, arbitrarily, or abused its discretion. The procedure instead places the burden of proof on municipalities.

With limited exceptions, developers can use the appeals procedure to contest a municipality’s decision on an affordable housing development application submitted to a municipality if (1) fewer than 10% of the municipality’s housing units are affordable, based on certain statutory criteria, and (2) the municipality has not qualified for a moratorium (i.e., a temporary suspension of procedure following a relatively rapid increase in affordable housing stock).

By law, DOH annually publishes a list of housing stock in each municipality that qualifies as affordable housing.

Related Bills

sSB 87 (File 181), favorably reported by the Housing Committee, makes many of the same technical changes to the Zoning Enabling Act and also prohibits regulations from (1) treating licensed group child care homes located in a residence differently than single or multifamily properties and (2) requiring a special permit or exception to operate either a family or group child care home located in a residence within a residential zone.

sSB 961 (File 558), favorably reported by the Planning and Development Committee, shifts, from DEEP to DPH, regulatory authority over (1) alternative on-site sewage treatment systems with daily capacities of between 5,000 and 7,500 gallons and (2) small community sewage systems with daily capacities of up to 10,000 gallons.

sSB 1024 (File 560), favorably reported by the Planning and Development Committee, makes many of the same changes to the Zoning Enabling Act, but it makes other changes as well (e.g., allowing for the amortization of nonconforming uses).

sSB 1026 (File 561), favorably reported by the Planning and Development Committee, requires each member of a local planning commission, zoning commission, planning and zoning commission, or zoning board of appeals to complete at least five hours of training within one year after being elected or appointed to the board or commission.

sHB 6570 (File 414), favorably reported by the Transportation Committee, similarly requires municipalities to adopt their first affordable housing plan by July 1, 2022, but also requires their plans to identify all parcels in the municipality that are state- or municipally-owned and are located within a half-mile radius of a passenger rail or bus rapid transit station.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 17 Nay 9 (03/31/2021)

Attachment D

Below is a Bill Analysis which was compiled by Ben Lovejoy, an intern at the RiverCOG, who has been tracking the legislative session. After reading through the bill and reviewing the East Hampton Zoning Regulations, I have added my initial thoughts and reactions in **bold blue** below. The current session ends June 9 and it seems likely that this bill, or some version of it will be passed and made into law.

6107 AN ACT CONCERNING THE REORGANIZATION OF THE ZONING ENABLING ACT AND THE PROMOTION OF MUNICIPAL COMPLIANCE

Costs Associated with Application Review – Towns may charge for technical review of applications for developments. The additional charges must be used for consultants and other experts and will be returned if not completely used. Cannot adopt a fee structure that is greater for mixed use and middle housing developments. - **Town of East Hampton currently uses a reimbursement model. We let the developer know ahead of time that the application will be subject to third-party review, we obtain a quote from the third-party reviewer, and seek those funds from the developer to cover the cost. No change for East Hampton.**

Regulation Changes (CGS 8-2)

Zoning Regulation Requirement Changes – (Additions)

- Must protect cultural historic, tribal and environmental assets - **Current zoning regulations encourage such protection, a minor word change will bring the regulations into compliance.**
- No more requirements to prevent “overcrowding” in regulations - **The word *overcrowding* is only used in two places within the text of the regulation and can be removed without significant impact to development patterns.**
- Zoning regs must consider impact on neighboring municipalities and region as a whole - **Current regulations and statute require reviews by neighboring municipalities and the COG for applications within 500 feet of the border. No changes are immediately needed.**
- Must promote Fair Housing Act - **This can easily be added to the purpose section of the Zoning Regulation. This codifies an existing law into zoning regulations.**
- Shall be made with consideration to the comprehensive plan of conservation and development (getting clarification on which plan of conservation and development, state/regional/local) - **No change needed.**
- Address the housing disparity and access to educational, occupational and other opportunities - **This needs further review. How the zoning regulations would address this is a bit of a mystery to me, but some of the requirements within the bill get at this. This may be a case of adding incentives into the HOD, MUDD or other parts of the regulation.**
- Removes requirement to consider “character” and replaces with ***Physical Site Characteristics*** also removes that regulations must “conserve the value of buildings” and changes to encouraging the appropriate land use of the municipality - **Some editing of the regulations will address this without much of a substantive change to the current document. The word needs to be replaced or better defined using specific metrics. Character is and has always been subjective and is very rarely used as a reason for approval or denial of a proposal. Health codes, and other zoning regulations are more often the reason for approval or denial.**
- Removes “encourages” and replaces with ***Provides for*** opportunities for the development of housing – based on state plan of conservation and development. - **My primary concern here is**

that the State POCD is currently outdated, written for 2013 – 2018. 2018 – 2023 Plan has been in draft form since 2019. Generally speaking, the State POCD and the East Hampton POCD are consistent with regard to suggested location for housing and conservation.

- Must protect existing drinking water assets - **There are provisions in the current regulation to deal with these assets, such as aquifer protection zones.**
- Must consider the Long Island Sound Blue Plan (if applicable) - **Regulations are written with protections for Salmon River and Connecticut River. We'll need to explore the blue plan, but my sense is that this can be accomplished fairly easily.**
- Allows for the promotion the use of distributed energy and energy efficiency as well as allows for providing incentives for developers to use Solar, water conservation efforts and building efficiency in both cluster and single family developments - **Commission would need to evaluate and determine what incentives could be offered and make changes to several sections of the regulation.**
- Allows for Floating and Planned Development districts - **We already have floating and Planned Development Districts such as VHO, MUDD, HOD. This change simply codifies past case law.**
- Can use miles traveled and vehicle trips generated standard when doing traffic impact studies. Allows for mitigation strategies that encourage bike ped travel - **This is an optional provision, no impact.**

Regulations Shall NOT

- Prohibit family childcare or group childcare in residential districts - **This prohibition already exists.**
- Have excessive regulation requirements on Mobile Homes or Mobile Home Parks that would not be required of Single family homes. **This is not a substantial change from existing law, but I'll need to review our regulations further with regard to this provision. Some changes may be required.**
- Prohibit the continuance of non-conforming use or require special permits for continuance - **No Change necessary.**
- Prohibit cottage food in residential districts - **CHD and DPH handles this. We do not prohibit, in fact we have several in town.**
- Cap multifamily, 4 units or more developments and middle housing - **The primary change needed in our current regulation would be to remove the density limitation of 5 units per acre within the HOD regulation. Typically the market will drive this anyway. Other minor changes may be needed in the Village Center Zone and when it comes to duplexes. Additional review is required but I don't see this as being a major concern.**
- Deny plans on "character" grounds, must now use "physical site characteristics" standard - **Again, this will require a minor tweak in the language**

Parking Requirement Restrictions - *Explicitly allow municipality to opt-out of these minimum parking requirement changes. Requires that the municipality have a public hearing, 2/3rds vote to opt out and explicitly state reasons for requiring more than the 1 parking for studio and 2 parking for 2br and larger.*

- *New Language* - Municipalities shall not require more than one parking spot for studio and 1br apartments and require more than 2 parking spots for 2br and greater

The current regulation requires two spaces for one and two-family residences and 1 space per dwelling unit in a multi-family residence. This is not an unreasonable change and could be easily accommodated.

Accessory Apartments Language - *Explicitly allows for municipalities to opt-out of the requirements to allow ADUs. Must have a public hearing, must be by 2/3rds majority vote and must explicitly state reasoning for denying these provisions.*

New ADU Requirements if Municipality chooses not to opt-out

- Must be as a right development on single family lots
- Can be attached or detached
- Set a max floor size of not less than 30% of principal residence or 1000sqft whichever is smaller. Municipality can set standards greater than this if desired
- Standard set backs apply
- Match design of primary residence
- Cannot require a Door unless fire code dictates
- No requirements for a passthrough from primary residence
- Cannot require more than 1 parking space for Accessory Dwelling
- Cannot require that occupant is familiar, blood, or marriage related to primary resident
- Cannot place minimum age requirement on occupant
- Cannot prohibit use for temporary housing (Airbnb) or vacation use
- As a right permit approval process applies
- Cannot require fire suppression (sprinklers) in accessory dwelling if this standard does not apply to primary residence
- Cannot treat ADU as a new residence for the purposes of charging for tap in to water and sewer

East Hampton Zoning Regulations currently allow ADU's in the R-1, R-3, and R-4 zones as either attached or detached with a Special permit. After having read through the proposed legislation, it is my feeling that the regulations as written could easily be modified to accommodate the new statutory language. Other requirements and prohibitions are mostly accommodated in the existing regulation. Substantial changes needed would include:

- Remove the minimum size requirement (200 square feet)
- Increase the maximum size requirement to 1000 square feet (currently set at 900 s.f.),
- ADU would need to move from Special permit uses to As-of-Right Uses (Staff Approval)
- Needs to be added to the R-2 zone (It is currently not allowed in the R-2 zone).
- Removal of increased lot size requirements for ADUs
- Remove some language regarding the design of the ADU

If the Commission feels as though this is not acceptable, there is an opt-out option after holding a Public Hearing and the existing regulation could continue to be used.

Zoning Enforcement Officer – Beginning 1/1/23 Official must be certified by the CT Association of Zoning Enforcement Officials - *I feel that this is a common sense requirement, I have been certified since 2018.*

Training Requirements – Starting 1/1/23 all MPC, Zoning Commission, and Zoning Board of Appeals members must all complete 4 hours of training provided by the state by 1/1/2024 or within one year of their appointment - **This is a common sense requirement and should not be difficult to accomplish for the members. The text states that after 2024, members will be required to receive 4 hours of training every other year. CT Bar Association offers a day long course every other year for members. Attending this session alone would fulfill the requirement.**

Water Control Plans – Must now identify and delineate areas where mixed use/middle housing development will impact water use

Affordable Housing Plans

- Now are required to be Adopted by June 1, 2022 and updated every 5 years after
- Need to be submitted to OPM once adopted and will posted on their website for download
- If a Plan of Conservation and Development (PCD) is also required by that date, municipalities may roll affordable housing plan into the PCD so that only one plan is adopted
- Draft of the Affordable Housing Plan MUST be posted online for viewing before adoption

Affordable Housing Plan is already a requirement and East Hampton will likely roll the AHP into the POCD update in 2026 or continue to work with the RiverCOG (if an option). The current AHP is under development by the RiverCOG and will have an East Hampton specific chapter to meet the requirement.

Overall, I do not see this bill as having a major impact on East Hampton. Many of these changes are simply codifying existing case law. Our current regulations along with the proposed bill would continue to focus development on areas where sewers and other infrastructure is in place. The market will continue to be the dominant force when it comes to development. The goal here is to encourage smaller developments in locations where it makes sense. Nothing in this bill would create a massive influx of large scale development nor force East Hampton to allow something it hasn't in the past. In general, this allows a developer to construct a project which he/she believes will be marketable and financially feasible in a sensible location and removes some of the roadblocks commonly encountered. More often than not, the capacity of the land will dictate what is realistic (soil types, topography, wetlands, etc.). The two main changes (parking and ADU) allow for an opt-out provision of the Town doesn't agree with the requirements.