

ZONING REFERRAL FORM

FOR: NOTIFICATION OF REFERRALS BY ZONING COMMISSIONS	
Please fill in, save a copy for your records and send with appropriate attachments by certified mail or electronically to: zoningref@crcog.org	
FROM: <input type="checkbox"/> Zoning Commission <input checked="" type="checkbox"/> Planning and Zoning Commission <input type="checkbox"/> City or Town Council (acting as Zoning Commission)	Municipality:
TO: Capitol Region Council of Governments Policy Development & Planning Department 241 Main Street Hartford, CT 06106	Date of Referral:
<i>Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed zoning amendment is referred to the Capitol Region Council of Governments for comment:</i>	
NATURE OF PROPOSED CHANGE:	
<input type="checkbox"/> Adoption of amendment of ZONING MAP for any area within 500 feet of another Capitol Region Municipality. Attach map showing proposed change.	<input checked="" type="checkbox"/> Adoption or amendment of ZONING REGULATIONS applying to any zone within 500 feet of another Capitol Region Municipality. Attach copy of proposed change in regulations.
THE CHANGE WAS REQUESTED BY: <input type="checkbox"/> Municipal Agency: <input checked="" type="checkbox"/> Petition	
DATE PUBLIC HEARING IS SCHEDULED FOR:	
MATERIAL SUBMITTED HEREWITH:	
<input checked="" type="checkbox"/> Regulation Changes	<input type="checkbox"/> Map of Change
<input type="checkbox"/> Public Notice	<input checked="" type="checkbox"/> Supporting Statements
<input type="checkbox"/> Other (Specify):	
HAS THIS REFERRAL BEEN SUBMITTED PREVIOUSLY TO CRCOG? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. IF YES, ON WHAT DATE:	
(FOR USE BY CRCOG)	Name:
Date Received:	Title:
Sent certified/e-mail?	Address:
File Number	Phone:
	Email:

BY LAW, THE ZONING COMMISSION SHALL GIVE WRITTEN NOTICE OF ITS PROPOSAL TO THE REGIONAL COUNCIL OF GOVERNMENTS **NOT LATER THAN THIRTY DAYS** BEFORE THE PUBLIC HEARING TO BE HELD IN RELATION TO THE SUBJECT SUBDIVISION.
NOTICE SHALL BE MADE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR BY EMAIL TO zoningref@crcog.org.

CRCOG-2017



September 5, 2019

Capitol Region Council of Governments
Policy Development & Planning Department
241 Main St.
Hartford, CT 06106
zoningref@crcog.org

Re: Application # PZC-19-016
Application for Text Amendment
East Hampton Zoning Regulation Section 8.4.I – Bed & Breakfast

Greetings,

The East Hampton Planning and Zoning Commission has received an application for a Zoning Regulation Text Amendment which would impact areas that are less than 500 feet from the Towns of Glastonbury and Marlborough within the CRCOG Region.

The intent of the Text Amendment is to allow for Bed and Breakfast establishments (a use already allowed through a Special Permit in all residential zones) to conduct special events for guests not staying within the B&B itself. This would allow for owner operators to apply for a Special Permit to allow outdoor events for up to thirty (30) guests up to eighteen (18) times per year.

The application is included with this letter.

A Public Hearing on this matter has been scheduled for Wednesday October 2, 2019.

Thank you for your consideration of this matter.

Jeremy DeCarli
Planning & Zoning Official

TOWN OF EAST HAMPTON

**Planning and Zoning Commission
1-860-267-9601**

Date 8/5/19
PZC -19-016

Fee Paid \$360.⁰⁰
Check # 356
Rec. By CC

LOCATION 26 Barton Hill Road MAP 02A BLK 47 LOT 40

PROJECT NAME Bed & Breakfast Text Change ZONE _____

APPLICANT Dean Brown PHONE 860-398-0177
ADDRESS 26 Barton Hill Road Fax _____

CONTACT PERSON Mark K. Branse PHONE 860-241-4088

OWNER Dean Brown PHONE 860-398-0177
ADDRESS 26 Barton Hill Road Fax _____

SURVEYOR/ENGINEER _____ PHONE _____
ADDRESS _____ Fax _____

ATTORNEY Attorney Mark K. Branse PHONE 860-241-4088
ADDRESS Halloran & Sage, LLC, 225 Asylum Street, Hartford, CT 06103 Fax 860-548-0006

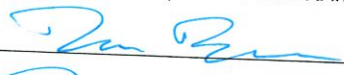
APPLICATION TYPE (application must be completed in FULL in order to be accepted)


- ___ 1. SUBDIVISION /RESUBDIVISION /CONSERVATION SUBDIVISION NO. OF LOTS _____
- ___ 3. SITE PLAN _____ MODIFICATION _____ Residential _____ Commercial _____
- ___ 4. SPECIAL PERMIT---SECTION _____ OF THE ZONING REGS. FOR _____
- ___ 5. ZONE CHANGE---FROM _____ TO _____
- 6. AMENDMENT TO ZONING REGULATIONS (Section 8.4, I. Add item #19 (B & B))
- ___ 7. LAKE POCOTOPAUG PROTECTION AREA _____
- ___ 8. ACTIVE ADULT NO OF UNITS _____
- ___ 7. OTHER (DESCRIBE) _____

APPLICATION REQUIREMENTS: This application and 10 sets of plans shall be submitted to the Planning Office and shall be received by the Commission at the next regularly scheduled meeting. (see meeting schedule for deadline dates)

A complete application shall consist of an application, fees, maps /plans(A-2 survey) ,engineers report including drainage calculations and watershed calculations(pre and post), bond estimates, hydrology report, environmental studies, waiver requests and traffic study where applicable

Preliminary discussions are highly recommended for subdivisions 5 lots & over and for larger Special Permit Applications
Abutters notice receipts (green cards) must be handed in to the Planning Office prior to the meeting

APPLICANTS SIGNATURE  DATE 8-5-19

OWNER'S SIGNATURE  DATE 8-5-19

The owner and applicant hereby grant the East Hampton Planning and Zoning Commission and/or it's agents permission to enter upon the property to which the application is requested for the purpose of inspection and enforcement of the Zoning Regulations and Subdivision Regulations of the Town of East Hampton.

Proposed Amendment to Section 8.4.1 to add a new subsection 19 (in red):

I. Bed & Breakfast.

This Section of the regulations is intended to allow for the offering of overnight accommodations and breakfast to travelers for a fee in residential areas where a home has structural and/or site characteristics which lend themselves to a Bed and Breakfast - type setting. It is not the intent of these regulations to allow Bed and Breakfast establishments in conventional residential developments settings in town. It is the intent of this Section to insure that Bed and Breakfast operations do not infringe upon the privacy, peace and tranquility of surrounding residents nor decrease the aesthetic or real value of surrounding properties. Bed and Breakfast operations as defined in these regulations may be permitted in Residential Zones as a Special Permit, under Section 9.2 of these regulations provided that in addition to these regulations the following requirements must be met. The applicant shall provide written confirmation from the Health Official, Building Official and Fire Marshall that all requirements of the applicable Health, Building and Fire Codes, as they apply the Bed and Breakfasts, can be met.

1. Maximum length of stay per guest is 14 days
2. Bed and Breakfasts must be owner – operated and be the principle residence of the owner. The applicant must be the owner at the time of the application.
3. The Bed and Breakfast shall be an accessory use of an owner occupied residence and include of all requirements of the zoning regulations
4. The Bed and Breakfast establishments shall be contained within the existing footprint of the residence
5. No more than 50% of the floor area of the residence shall be used for guest sleeping accommodations. This provision shall not apply to outbuildings used as part of the bed and breakfast establishment, however, under no circumstances shall an outbuilding contain more guestrooms than the owner occupied principal residence
6. No building addition or free standing building shall be constructed in order to accommodate or otherwise make room for the bed and breakfast establishment, except for additions for structures required under local or State Health and Safety codes. An existing outbuilding may accommodate rooms, but shall not be added on to or enlarged, provided it conforms to the minimum yard requirements of the respective zone.
7. Exterior alterations may be made to existing buildings or structures in order to preserve a valuable historic property, promote adaptive reuse of buildings, or comply with local State health and safety code requirements. However, in all cases,

such alterations must be considered minimal exterior modifications of the building or structure which are compatible with the character of the area, ensure the residential character of the buildings, and preserve the existing features of the building.

8. Additions to the residence for primary use of the residence are allowed provided they are not an expansion of the Bed and Breakfast establishment
9. No more than 3 guest rooms rated for double occupancy are permitted in a structure which the owner is a resident
10. There shall be a maximum of two (2) guests per room (18 or older)
11. Complete bathrooms shall be provided at a rate of one per two guest rooms
12. Access to each guest room shall be via a main entrance or foyer within the residence. No guest room shall have a separate exterior access except as may be required by fire or building code or where an outbuilding is to be used. The Commission may grant a waiver for an additional access/s by a $\frac{3}{4}$ vote of the entire membership
13. The owner of the Bed and Breakfast Establishment shall make the Guest Book available to the Town, which shall record the lengths of stay, at the request of the Zoning Officer within 10 days of written receipt for same
14. The lot shall be of adequate size and shape to provide one parking spot for each guest room, employee and property owner screened from public view and preferably located to the rear of the residence where possible.
15. The Commission may require fencing, earth berms, evergreen vegetation or other buffers to reduce visual conflicts with neighbors
16. No guest, employee or owner parking shall be located on the street
17. Bed and Breakfast establishments shall be permitted no more than one suitable free standing sign to identify the property, provided the area of the sign does not exceed 6sq feet as measured on one side, which shall contain no lighting with the exception of indirect lighting which shall be specifically reviewed and subject to approval as part of the Special Permit review for its consistency and compatibility with the area in which the Bed and Breakfast is located (revision effective July 8, 2006).

18. A waiver for the number of guest rooms may be allowed with a $\frac{3}{4}$ vote of all of the members of the Commission members, where the Commission determines that the structure and size of property will not impact abutting property owners.

19. The Commission may allow, by Special Permit, events to be held at a Bed and Breakfast, such as meetings, classes, luncheons, wine tasting, weddings and other private parties, in according with the following specifications, and as further limited by the Commission based on the criteria of these regulations and the character of the site and the neighborhood:

- a. Indoor events restricted to the occupants of the Bed & and Breakfast in accordance with the Building and Fire Codes, as amended; no more than two times per week; no single event to commence before 8 o'clock in the morning nor to end later than 11 pm on Friday or Saturday and 9 pm on all other evenings; and no more than one indoor event per day.
- b. Outdoor events not to exceed 30 persons, no more than one time per week and no more than eighteen (18) times per year, no single event to commence before noon nor to end later than 11 pm on Friday or Saturday and 9 pm on Sunday. Outdoor events shall only be allowed on Friday, Saturday, or Sunday. Setup for events may commence no earlier than one hour prior to the start of the event and shall be completed no more than one hour after the end of the event. Outdoor events shall not utilize any indoor space or facilities unless permitted by applicable building and fire codes.
- c. Outdoor events may have amplified sound provided that such amplified sound terminate no later than 10 pm on Friday or Saturday and 8 pm on Sunday.
- d. Prior to any indoor or outdoor event, the owner shall provide written notice (including by email) to the Zoning Enforcement Officer of such event including the date and nature of the event, the number of persons attending, whether there will be amplified sound, and the hours during which the event will occur and amplified sound will commence and terminate.
- e. Parking shall be provided in accordance with Section 7.1 of these Regulations.

RATIONALE FOR ZONING AMENDMENT**DEAN BROWN, APPLICAN (BEVIN HOUSE BED & BREAKFAST)****Submitted by Mark Branse, Applicant's Representative**

Most towns, including East Hampton, allow Bed & Breakfast uses in residential zones. The purpose is to provide incentives for people to restore and maintain historic or iconic homes that define the character of a community but that, due to their size, age, condition, and lack of modern insulation and HVAC systems are too expensive to own and use as a single family dwelling. Too often, these magnificent homes are demolished and their lots subdivided because no one wants to tackle the challenges of such buildings. East Hampton had the foresight to adopt Section 8.4 allowing Bed & Breakfast uses and that has allowed the Bevin House—a designated Historic Landmark in East Hampton—to be beautifully restored by its owner, Dean Brown. Mr. Brown spent a year and half completing the restoration that was begun by the prior owner, and has furnished the House with period antiques and restored it to its former glory.

As the Bevin House began operation, Mr. Brown was asked to host events. Initially, Mr. Brown was asked to host fundraising events for local non-profit organizations which he was happy to do. Unfortunately, we have determined that under the Connecticut Building and Fire Codes, Bed & Breakfast uses can have no more than eight rooms (which is what the Bevin House has) and that *no one can occupy the house unless they are guests, the resident owner(s), or employees*. Therefore, no more than sixteen (16) people (guests) plus owner occupants and employees are allowed to be inside a Bed & Breakfast at any given time—even briefly. We have investigated and determined that this is not some arbitrary rule by East Hampton's Fire and Building officials but is found directly in the applicable Codes and applies State-wide. Therefore, Mr. Brown reluctantly stopped offering to host fundraisers for local non-profit groups.

However, outdoor events would not violate Building or Fire Codes as long as those in attendance did not enter the Bevin House building. Portable toilets would be required so that outdoor guests would not have to use the rest rooms of the Bevin House.

Mr. Brown filed an application with this Commission on February 1, 2018 to amend the Zoning Regulations to allow events at Bed & Breakfast uses. This amendment was not prepared by an attorney and did not recognize that Building and Fire Codes prohibited indoor events for non-occupants of the Bed & Breakfast. Letters from the Fire Marshal and Building Official addressing *indoor* events created confusion about the proposed *outdoor* events. Further, the text was lacking in detail and protections that should have been included, and it proposed events for up to sixty (60) people—more than the Bevin House site could actually have supported. This Commission denied that application on July 11, 2018. Mr. Brown retained Attorney Michael F. Dowley to file an appeal of this denial but, during the pendency of the appeal, Mr. Dowley died suddenly. Mr. Brown turned to me for assistance.

I did not feel that the pending appeal was worth either the Town's costs or Mr. Brown's. By agreement with the Town Attorney, we have stayed the appeal while we try to resolve the underlying issues by filing a new text amendment application. This amendment allows *outdoor* events at a Bed & Breakfast by Special Permit under very strict conditions, including:

- The new text expressly prohibits indoor use of the building by outdoor event guests unless and until the applicable codes allow it, which at this time, they don't. Indoor events can only be for guests of the facility.
- It sets strict caps on the number, frequency, hours, and size of events: No more than two (2) indoor events per week, no more than one per day, and no earlier than 8 am nor later than 11 pm on Friday and Saturday or 9 pm on weekdays (so basically either a luncheon event or a cocktail/dinner event for those staying at the Bevin House). Outdoor events are limited to 30 persons, maximum, no more than eighteen (18) events per year nor more than one per week, starting no earlier than noon nor ending later than 11 pm on Friday or Saturday or 9 pm on Sunday (plus maximum one hour setup and take-down), with no outdoor events Monday through Thursday.
- Amplified sound is allowed only until 10 pm on Friday and Saturday and 8 pm on Sunday.
- All of the above are *maximums*, with the text allowing the Commission to reduce any of these parameters depending on the location of the Bed & Breakfast and the character of the neighborhood where it is located.
- The text contains a requirement for prior notice of events to the Zoning Enforcement Officer so that he can keep track of the annual and weekly caps on the number of events, and can monitor the hours if necessary.

These changes should give the Commission the confidence to amend the regulations to allow limited events at Bed & Breakfasts. Nearly all Bed & Breakfast uses host events of some kind, and this amendment would allow the Bevin House to compete in that market. Adopting this amendment would not require the Commission to approve any particular Special Permit application for events. The size and frequency of the proposed events would have no impact on established restaurant or banquet facilities, which cater to much larger groups and can't rely on tents for year-round events in our New England weather. This would be a seasonal use to supplement the services that a Bed & Breakfast can offer to the public and its patrons.

We hope that the Commission will approve this amendment so that the Bevin House and other Bed & Breakfast uses remain viable and have the income to support the maintenance of a very large and ornate building.
