

MEMORANDUM

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TOWN MANAGER

TO: Richard Johnson, Town Manager

FROM: Shipman & Goodwin LLP, Matt Ranelli and Lilia Hrekul

DATE: March 5, 2021

RE: Questions Regarding Establishing a Village District Under General Statutes § 8-2j in Glastonbury

You posed four questions regarding establishing a village district pursuant to General Statutes §8-2j as follows:

1. Is action to establish a Village District approved like other amendments to the Building Zone Regulations? For Glastonbury, by the Town Council as Zoning Authority per relevant sections of the Town Charter and with a report and recommendation by the Town Plan and Zoning Commission (TP&Z).

ANSWER: Yes. General Statutes §8-2j provides that "[t]he zoning commission of each municipality may establish village districts as part of the zoning regulations adopted under section 8-2 or under any special act." The statutes further provide that Village Districts "shall be located in areas of distinctive character, landscape or historic value that are specifically identified in the plan of conservation and development of the municipality."

The intent of Village District regulations are to "encourage the conversion, conservation and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of the district." To achieve this goal, the statutes authorize the adoption of zoning regulations to protect the distinctive architecture, structures, landscape and historic structures located in the Village District area.

As noted in your question above, in Glastonbury, the authority to adopt and amend the zoning regulations is vested in Town Council after report and recommendations from the TP&Z. See, § 16 of Glastonbury Regulations (the Town Council has the "power to enact, amend or repeal any Building-Zoning Regulation," with the recommendation from the Town Plan and Zoning Commission).

2. Subject to your response to the preceding question, what is the process to enact the Village District Zone and what is the role of the Council and TP&Z?

ANSWER: As noted above, under the statutes a Village District is adopted as part of the zoning regulations. Therefore, in Glastonbury, the process should follow the same process used for other zoning regulations, namely the Town Council votes to adopt the Village District by text and map amendment after report and recommendations from the TP&Z. The process should

otherwise follow all the same requirements for notice to affected landowners and abutters and public hearing.

3. Section 8-2j references various actions by the "Commission". For Glastonbury, how is Commission defined for the Village District Zone? Is this a special permit process through the TP&Z or is "Commission" defined as the Zoning Authority? Can responsibility for final approval be determined when drafting and approving the Village District Zone?

ANSWER: General Statutes §8-2j references actions by the "commission" because typically towns under the enabling act vest both the legislative and administrative powers in a single zoning commission. See, §§8-2 and 8-3 of the General Statutes. However, in Glastonbury and a few other towns, the authority is split between two bodies (e.g., town council and zoning commission). Section 8-2j does not make this distinction; however this lack of distinction is also apparent in other sections of the zoning enabling act as well. In Glastonbury, the determination of which actions authorized under § 8-2j fall to which body depends on the nature of the action. In short, instances in which the "commission" is authorized to establish the Village District regulations and the elements, criteria and standards in the regulation (e.g., §8-2j(a) and (b)), that authority is vested in the Town Council. In instances in which the "commission" is authorized to review an application, seek recommendations regarding an application or grants or denies an application (e.g., §8-2j(d)-(g)), the authority is vested in the TP&Z - just as is the case in other sections of the zoning regulations.

4. The purpose, intent and requirements of the Village District appear well defined by Section 8-2j. Are there other important factors to consider when enacting a Village District? If so, a brief description will be appreciated along with any other information you feel helpful to the discussion.

ANSWER: The main factors that led to the enactment of § 8-2j are the main factors to consider when enacting a Village District regulation as well as the local knowledge of the area and of the town's goals. Towns have long had the authority to adopt historic districts which has some of the same goals such as preservation of local town character, historic buildings, and architectural review and to encourage economic development. However, establishing a historic district is a more detailed process, which requires a study or survey of its historic nature and a supermajority vote by property owners in the proposed district. By comparison, a Village District can be adopted more quickly and the local authority can tailor and set out the standards and characteristics it is seeking to preserve and encourage. Conversely, some owners in the area to be designated could perceive some of the requirements as limiting their options with respect to future development.

Unlike Historic Districts, which are controlled by the Historic District Commission, Village Districts are regulated by the zoning authority which may have some perceived benefits from a zoning stand point. Also, it is recommended that a Village District generally should not be established where a historic district already exists to avoid any encroachments, overlaps, and conflict between regulations or, if the authority choose to establish both, then it should take great care to avoid conflicting requirements.