

# SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

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TO: Franklin Planning & Zoning Commission  
FROM: Carly Holzschuh, AICP, Town Planner/WEO/SCCOG  
CC: Charles Grant, First Selectman  
Ron Chalecki, ZEO  
Sherry Pollard, Land Use Administrator  
DATE: June 10, 2021  
RE: Passage of HB 6107

The Senate has passed HB 6107, **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**, which if signed by Governor Lamont will have a meaningful impact on municipal zoning and municipal obligations to enable housing that meets the needs of Connecticut residents. The bill implements changes that impact several different facets of housing production as well as making technical changes to address shortcomings of the existing zoning enabling statutes.

The following analysis of changes is taken from the Connecticut Chapter of the American Planning Association, with additional notes on how changes would impact the Town of Franklin.

[Text of bill.](#) [OLR Analysis.](#) [Additional bill information.](#)

**Accessory Dwelling Units:** Directs that by January 1, 2023, zoning must allow one Accessory Dwelling Unit (ADU) alongside or within a single-family house, according to existing lot coverage and setback rules for single-family homes, without the need for a public hearing or special permit. Municipalities may opt out of this requirement through a two-step process requiring action by the Zoning Commission and Legislative Body (for municipalities where Town Meeting is the legislative body, the Board of Selectmen is authorized to approve the opt-out). ADUs created after January 1, 2022 will not make it harder for municipalities to reach the 8-30g 10% affordable threshold, as they will not count toward the "total housing units" denominator of that calculation. This provision will expand opportunities for lower-cost small unit housing across Connecticut, and give flexibility to homeowners with special housing needs or who could benefit from additional rental income. Makes clear that detached accessory dwelling units, if connected to the primary dwelling's septic system, do not create a "community wastewater system" for regulatory purposes.

**Impact to Franklin:** Franklin currently does not permit ADUs, except for Temporary Health Care Structures (Section 9.28). The May draft of the Affordable Housing Plan recommends "Consider allowing Accessory Apartments to provide small-scale rental opportunities". I would recommend changing the wording to be in compliance to "Allow one Accessory Dwelling Unit (ADU) alongside or within a single-family house, according to existing lot coverage and setback rules for single-family homes, without the need for a public hearing or special permit."

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**Fair Fees for Multifamily and Affordable Housing Reviews:** Directs that application review fees for applications for multifamily housing and/or 8-30g housing must not be disproportionately high compared to fees charged for applications for single-family housing. Municipalities are authorized to enact regulations permitting fees to cover the cost of necessary technical consultants.

**Impact to Franklin:** Our fees are currently based on number of pages in the submitted site plan, not based on the use – no projected impact.

**Strengthens Obligation to Zone to Enable Housing Opportunities:** Requires zoning to provide for opportunities for housing, including multifamily housing, and to allow for housing that meets the needs outlined in the State Plan of Conservation and Development and Consolidated Plan for Housing and Community Development. Previous language required that zoning merely "encourage" and "promote" such housing.

**Impact to Franklin:** Our current regulations allow for:

- (Section 10.16) "Elderly Housing" of not less than 20 dwelling units, of not more than 4 dwelling units per building, on a minimum lot of 120,000 square feet. Minimum dwelling unit area of 500 square feet, plus 150 additional square feet per bedroom. Special exception.
- (Section 10.18) "Age Restricted Housing" of maximum density of 4 dwelling units per acre, maximum of 4 dwelling units per building, minimum lot size of 150 acres. Minimum habitable floor area of 1,060 square feet. Special exception.
- (Section 5A and 10.14) "Planned Recreational Development District" "Golf Course Community" allows one or two residential uses per building. Special exception.
- (Section 9.11) "Conversion of Residences" allows a single-family unit to be converted to a two-family unit under certain conditions. Each dwelling shall contain a minimum of 500 square feet plus 150 additional square feet per bedroom. Special exception.

I would still recommend that we look at any possible new multifamily regulations in areas with appropriate infrastructure as part of a comprehensive assessment of our zoning regulations during our POCD update process. Our next POCD is due in June of 2023, giving the PZC two years to prepare.

**Required/Allowed Goals and Considerations:** Updates the language of zoning enabling statute 8-2 to remove language allowing zoning to be used to "prevent the overcrowding of land and avoid undue concentration of population;" and requires that regulations be designed to protect historic, tribal, cultural, and environmental resources; consider impacts to adjacent municipalities; address disparities in housing needs and access to opportunities including employment and education; promote efficient application review; and affirmatively further the purposes of the Federal Fair Housing Act. Affirmatively furthering fair housing generally refers to proactive actions to reduce barriers to fair housing. Any consideration of "character" must be to character defined with clear and explicit physical standards. Zoning may not be used to deny applications on the basis of the income level or source of income of an applicant or end user.

**Impact to Franklin:** Section 1.3: Strike 1.3.5 and 1.3.6, add new language as above.

**Evaluation of Traffic Impacts:** Allows municipalities to measure traffic impacts by estimates of vehicle miles traveled (VMT) or vehicle trips generated by the proposed development, instead of or in addition to the standard "Level of Service" process, which can discourage new construction in urban areas and result

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in continued widening of roadways at a cost to conditions for pedestrians and transit users. The bill allows consideration of traffic mitigation strategies such as reducing the amount of required parking, or incorporating infrastructure for bicyclists, pedestrians, and transit riders.

**Impact to Franklin:** We currently regulate traffic congestion, but do not specify what methods the engineer use to determine congestion – no projected impact.

**Zoning Provisions Not Allowed:** Zoning must not prohibit "Cottage Food" activities in residential zones (i.e, small-scale home-based food production), must not place a numerical or percentage cap on the total number of multifamily homes in a district, and must not establish minimum unit sizes that are larger than minimum unit size established by Building Code.

**Impacts to Franklin:**

- Already allow for farming and forestry activities and home occupations in residential zones – no projected impact.
- Our regulations currently only allow multifamily development in PRDD, Elderly Housing, or Age-Restricted Housing. Our regulations have maximum density per acre stipulations, but not a cap on total number of units within the district – no projected impact.
- Our regulations stipulate a minimum unit size for Elderly Housing, Age Restricted Housing, and Conversion of Residences. I would recommend that we strike references to minimum floor area, and the underlying State Building Code will govern minimum dwelling unit size.

**Reduced Parking Requirements:** Directs that by default, required parking for housing shall not exceed 1 space per studio or 1-bedroom unit, or 2 spaces for larger housing units. Municipalities may opt out of this requirement through a two-step process as described above.

**Impact to Franklin:** Our current regulation under 9.15.1 is “Residential – 2 spaces per dwelling unit.” Proposed change would be: “Residential – 1 space per studio or 1-bedroom dwelling unit, 2 spaces per 2+ bedroom dwelling unit.”

**Explicit Authorities for Overlay Zones, Floating Zones, and Planned Development Districts, and Energy Conservation:** Explicitly allows zoning to adopt regulations for overlay zones, floating zones, and planned development districts (which were not explicitly allowed in existing statute). Adds additional clean energy or conservation measures to items that zoning can encourage, and authorizes that zoning may require these measures.

**Impact to Franklin:** We have the PRDD as a floating zone already, and it is now explicitly allowed in state statutes – no projected impact.

**Mobile Homes:** The bill prohibits zoning regulations 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.

**Impact to Franklin:** We currently define “Mobile home” as a structure that does not meet State Building Codes for manufactured housing, or is less than 22 feet wide. As the underlying criteria are the same, I

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would recommend changing our term to “Non-compliant manufactured mobile home” or otherwise differentiate between compliant and non-compliant structures to be consistent with the State definition.

**Certification of Zoning Enforcement Officers:** Requires that Zoning Enforcement Officers be certified by the CT Association of Zoning Enforcement Officials (CAZEO) as of January 1, 2023.

**Impact to Franklin:** Our Zoning Enforcement Officer will be required to be CAZEO certified (currently a voluntary membership). Annual membership cost is currently \$50 a year.

**Training for Planning and Zoning Commissioners:** Requires P&Z Commissioners complete four hours of training every two years, to include one hour of training on fair and affordable housing. Other topics of training may also cover: process and procedures; the Freedom of Information Act; interpretation of site plans; and the impact of zoning on the environment, agriculture, and historic resources. Commissioners must satisfy the initial training requirement by January 1, 2024 and within one year of election/appointment thereafter. OPM will establish guidelines for this training in collaboration with providers including CCAPA and UConn CLEAR. There is a tracking and reporting requirement, but the bill does not provide for any penalties for noncompliance.

**Impact to Franklin:** While SCCOG has been offering the UConn CLEAR training sessions free to all land use commissions (except during 2020), these trainings have always been voluntary. PZC members would now be required to attend, although there are no penalties for noncompliance.

**Affordable Housing Plans:** States that municipalities must adopt Affordable Housing Plans by June 1, 2022, and every five years thereafter. This reiterates the Affordable Housing Plan requirement and schedule for adoption established in 2017. It also explicitly allows Affordable Housing Plans to be updated concurrently with the Plan of Conservation & Development (for one of the two five-year periods within the 10-year POCD cycle).

**Impact to Franklin:** We are already close to adopting our first Affordable Housing Plan under the existing statute.

**Commission on Connecticut's Housing Development and Future:** Establishes a temporary commission to evaluate policies related to land use, conservation, housing affordability, and infrastructure. The Commission will submit two reports in 2022 and 2023 making recommendations for changes to zoning enabling statutes, to the process for adopting and implementation of State plans, and for guidance and incentives for municipal compliance with Affordable Housing Plan requirements and obligations to enable opportunities for housing, as well as measurement of compliance. The Commission will also make recommendations on sewage treatment regulations affecting housing, as well as model design guidelines and associated education and training on the guidelines.

**Impact to Franklin:** No immediate impact, but more state-level recommendations may be coming in the next few years.

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